

INDEPENDENT ENVIRONMENTAL AUDIT

**Tahmoor Coal Pty Limited
October 2017 - October 2020**

Prepared for:

Tahmoor Coal Pty Ltd
PO Box 100
Tahmoor NSW 2573

SLR Ref: 675.30010-R01
Version No: -v1.0
January 2021

SLR 

PREPARED BY

SLR Consulting Australia Pty Ltd
ABN 29 001 584 612
10 Kings Road
New Lambton NSW 2305 Australia
(PO Box 447 New Lambton NSW 2305)
T: +61 2 4037 3200
E: newcastleau@slrconsulting.com www.slrconsulting.com

BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Tahmoor Coal Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
675.30010-R01-v1.0	11 January 2021	Megan Crowhurst / Nathan Archer	Nathan Archer	Nathan Archer

CONTENTS

1	INTRODUCTION	1
1.1	Background	1
1.2	Audit Requirements	1
1.3	Audit Scope	2
1.4	Audit Period	2
1.5	Audit Submission	2
1.6	Audit Team Selection and Endorsement	4
1.7	Key Site Contacts	4
1.8	Consultation	4
1.8.1	Summary of Consultation	4
2	AUDIT METHODOLOGY	7
2.1	Audit Scope Development	7
2.2	Methodology	7
2.2.1	Introductory and Close Out Meetings	7
2.2.2	Site Inspection and Interviews	8
2.2.3	Document Review	8
3	DOCUMENTS REVIEWED AND REFERENCED.....	10
4	ASSESSMENT OF COMPLIANCE.....	11
5	APPROVALS AND DOCUMENTATION ASSESSED	12
5.1	Previous Audit Recommendations	12
5.2	Project Approvals.....	12
5.3	Environmental Assessment – Statement of Commitments.....	14
5.4	Management Plans and Programs.....	14
5.5	Environment Protection Licence.....	16
5.6	Mining Leases	17
5.6.1	Resources Regulator Consultation	17
5.7	Water Licences.....	20
5.8	Complaints	20
5.9	Incident and Non-Compliance Management.....	20
6	ENVIRONMENTAL PERFORMANCE – SPECIALIST ASSESSMENTS	22
6.1	Subsidence	22
6.2	Surface Water	23
6.2.1	Discharge of Clay Material at Tahmoor Colliery on 17 April 2020.....	24

CONTENTS

6.3	Groundwater.....	25
7	AUDIT FINDINGS.....	26
7.1	Summary of Assessment of Compliance.....	26
7.2	Summary of Non-Compliances	26
8	RECOMMENDATIONS AND OPPORTUNITIES FOR IMPROVEMENT	46
9	CONCLUSION.....	48

DOCUMENT REFERENCES

TABLES

Table 1	Audit Team	4
Table 2	Site Contact Details	4
Table 3	Consultation Summary	5
Table 4	Meeting Attendees.....	8
Table 5	Compliance Assessment Criteria	11
Table 6	Risk Levels for Non Compliance	11
Table 7	Management Plans and Programs	15
Table 8	Resources Regulator Comments	17
Table 9	Summary Table of Compliance	26
Table 10	Summary of Non-Compliances.....	27
Table 11	Audit Recommendations.....	46

FIGURES

Figure 1	Development Consent Approval Areas	3
----------	--	---

APPENDICES

Appendix A	DPIE Appointment of Experts Letter
Appendix B	Resources Regulator Consultation Response
Appendix C	Compliance Spreadsheet
Appendix D	Site Photos
Appendix E	Audit Certification Form

1 Introduction

1.1 Background

Tahmoor Coal Mine (Tahmoor Mine) is an underground coal mine located approximately 80 kilometres (km) south-west of Sydney between the towns of Tahmoor and Bargo, New South Wales (NSW). Tahmoor Mine produces up to three million tonnes of Run of Mine (ROM) coal per annum from the Bulli Coal Seam. Tahmoor Mine produces a primary hard coking coal product and a secondary higher ash coking coal product that are used predominantly for coke manufacture for steel production. Product coal is transported via rail to Port Kembla and Newcastle for Australian domestic customers and export customers.

Tahmoor Mine has been operated by Tahmoor Coal Pty Ltd (Tahmoor Coal) since the mine commenced in 1979 using bord and pillar mining methods, and via longwall mining methods since 1987. Tahmoor Coal is a subsidiary within the SIMEC Mining Division (SIMEC) of the GFG Alliance (GFG).

Tahmoor Coal has previously mined 32 longwalls to the north and west of the Tahmoor Mine's current pit top location. Tahmoor Coal is currently mining Longwall West 1 in accordance with Development Consents and Extraction Plan Approval.

The operations at Tahmoor Coal are generally undertaken under three approvals – Development Consent (DC) 1975, Development Application (DA) 57/93 and DA 67/98.

1.2 Audit Requirements

The Independent Environmental Audit (audit) has been prepared in accordance with Schedule 2, Condition 50 and 51 of DA 67/98. The audit covers the Tahmoor Coal operations shown in **Figure 1**.

50. By 30 September 2011 and every 3 years following, the Applicants shall commission and pay the full cost of an Independent Environmental Audit of the Tahmoor Mine. This audit must:

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

(b) include consultation with the relevant agencies;

(c) assess the environmental performance of the Tahmoor Mine and assess whether it is complying with the requirements in all relevant development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);

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

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

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

51. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, the Applicant must submit a copy of the audit report to the 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 Secretary.

1.3 Audit Scope

The scope of the audit is to assess compliance with the following key approvals and documentation:

- Development Approvals – DC 1975, DA 57/93 and DA 67/98 (including management plans);
- Statement of Commitments for Redbank Tunnel Subsidence Management Project – DA 67/98;
- Environment Protection Licence (EPL) – EPL 1389;
- Mining Leases (ML) – ML 1308, ML 1376, ML 1539 and ML 1642;
- Consolidated Coal Leases (CCL) – CCL 716 and CCL 747;
- Water licence – WAL 36442;
- Mining Operations Plan (MOP); and
- Extraction Plan Approvals and Subsidence Management Plan Approvals.

The physical boundaries of the audit are defined by the Development Consent Approval Areas and are shown in **Figure 1**.

1.4 Audit Period

This audit covers the period from 13 October 2017 to 15 October 2020 (hereafter referred to as the “Audit Period”). This is the date of the previous audit site visit, until the final day of the 2020 audit site inspection.

1.5 Audit Submission

In accordance with Schedule 2, Condition 50 and 51 of DA 67/98, this audit report and response to submissions must be submitted to the Secretary within three months of commencing the Audit.

The audit was commenced with the opening meeting on 13 October 2020; as such, submission of this audit report and the response to submissions is required by 13 January 2021.

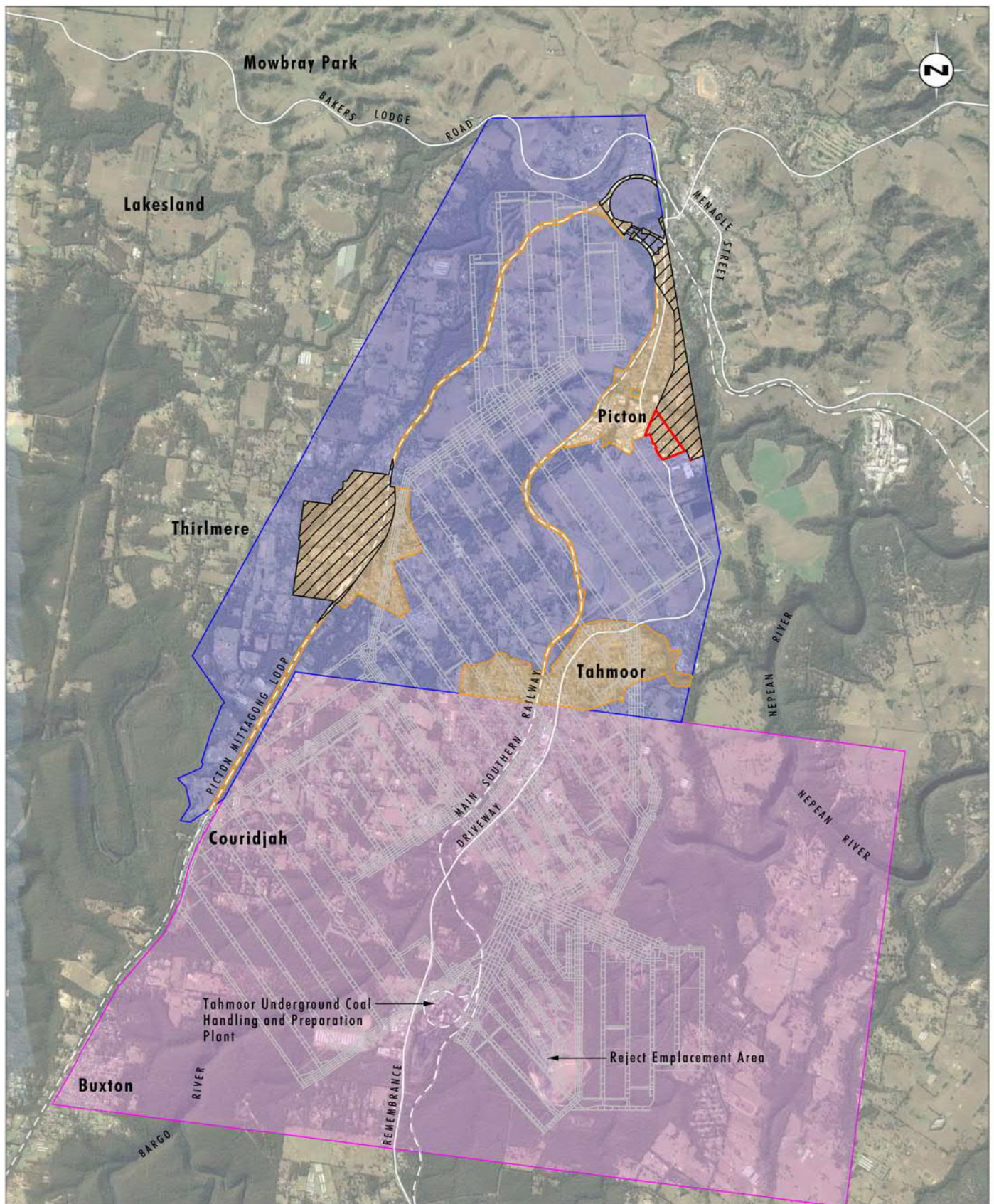


Image Source: Google Earth (CNES/Airbus May 2016)
 Data Source: Tahmoor Underground (2017),
 NSW Department of Industry (2017)

0 1.0 2.0 3.0 km
 1:60 000

Legend

- Proposed Modification Area
- DA 1975 Consent Area (CCL 716)
- DA 57/93 Consent Area (ML 1376)
- DA 67/98 Consent Area (ML 1539)
- Area where subsidence is not permitted to occur

1.6 Audit Team Selection and Endorsement

The audit team presented in **Table 1** was endorsed by DPIE on 4 August 2020 as per the Appointment of Experts letter, attached as **Appendix A**.

Table 1 Audit Team

Name	Qualifications	Company	Position	Audit Role
Nathan Archer	BSc. MEnvMgt. Certified Exemplar Global Lead Auditor (#133601)	SLR	Principal Environmental Scientist	Lead Environmental Auditor Present at site for 3 days
Megan Crowhurst	BDevS. GradDipUrbRegPlan.	SLR	Senior Project Consultant	Assistant Auditor Present at site for 3 days
Duncan Barnes	BEnvEng. CPESC.	SLR	Principal Project Consultant	Water Specialist Desktop assistance and data review
Katarina David	BSc. MSciHydroGwMgt. PhDHydro.	Self-employed	Principal Consulting Hydrogeologist	Groundwater Specialist Desktop assistance and data review
Steve Ditton	BEng (Civil/Hons).	DgS	Principal Engineer and Director	Subsidence Specialist Desktop assistance and data review

The audit team are independent of Tahmoor Coal as defined under Section 3.3 of the NSW Government's (2015) *Independent Audit Guideline*.

1.7 Key Site Contacts

Contact details for key personnel at Tahmoor Coal involved in the audit are provided in **Table 2**.

Table 2 Site Contact Details

Contact	Role	Details
Zina Ainsworth	Environment and Community Manager	Ph: (02) 4640 0100 E: Zina.Ainsworth@simecgfg.com
Alex Parro	Environmental Specialist	Ph: (02) 4640 0018 E: Alex.Parro@simecgfg.com
April Hudson	Approval Specialist	Ph: (02) 4640 0022 E: April.Hudson@simecgfg.com

1.8 Consultation

1.8.1 Summary of Consultation

In accordance with the Audit Guidelines, the following consultation was undertaken, prior to the site visit component of the audit. Consultation letters were sent to the key stakeholders identified in **Table 3** on 19 August 2020, with feedback and comment on any key issues to be addressed within the agreed scope of the audit. Responses, where received, are detailed in **Table 3**.

Table 3 Consultation Summary

Regulatory Authority	Contact Details	Comment from Stakeholder	Audit Response
Department of Planning, Infrastructure and Environment (DPIE)	Georgia Dragicevic Senior Compliance Officer (02) 4247 1852 georgia.dragicevic@planning.nsw.gov.au	Response received on 20 August 2020. <i>“Thank you for consulting the Department. Please pay special attention to subsidence related impacts, including but not limited to surface and groundwater, and adaptive management. Also please consider the surface and groundwater quality and any incidents, including the management of those incidents.”</i>	The assessment of compliance is included in Appendix C with a summary of findings included in Section 7 . - Incidents during the audit period are summarised in Appendix C and Section 5.9 .
Department of Regional NSW – Resources Regulator	Jenny Ehmsen Principal Compliance Auditor 1300 814 609 Greg Kininmonth Manager Environmental Operations (Southern) (02) 4276 7428 Greg.kininmonth@planning.nsw.gov.au	Response received on 15 September 2020 and is attached as Appendix B .	Assessment of the requirements of the Resources Regulator response is addressed in Section 5.6.1 .
Environment Protection Authority (EPA)	Andrew Couldridge Head Regional Operations Unit (02) 6773 7000 andrew.couldridge@epa.nsw.gov.au	No response received	-
Natural Resources Access Regulator	Ellie Randall Water Regulation (East) (02) 4275 9308 ellie.randall@nrar.nsw.gov.au	Response received on 19 August 2020. NRAR would like to see the following items reviewed in the audit: - Review of the development consent and compare to relevant management plans (Water/Groundwater Management Plans); - Review of Annual Reviews/Annual Return; - Review of Water Access Licenses, Entitlements and compare to use; and - Review of any incidents and reporting (i.e. was NRAR notified).	The assessment of compliance is included in Appendix C with a summary of findings included in Section 7 . - Review and adequacy of management plans is summarised in Section 5.4 . - Annual Reviews/Annual Returns have been reviewed and assessed against the relevant conditions in Appendix C . - Review of Water Access Licences (WALs) is provided in Section 5.7 . - Incidents during the audit period are summarised in Appendix C and Section 5.9 . Based on correspondence and notifications provided for notification of the PIRMP in April 2017 it does not appear that NRAR were notified. It has been recommended to include NRAR as a notifiable agency in the PIRMP.
Crown Lands	Dan Cross Crown Lands dan.cross@crowland.nsw.gov.au	No response received	-

Regulatory Authority	Contact Details	Comment from Stakeholder	Audit Response
Wollondilly Shire Council	Kerry Whitehead Manager Works Kerry.whitehead@wollondilly.nsw.gov.au	No response received	-
Community Consultative Committee (CCC) Chairperson	Michael Muston Muston & Associates qem@1earth.net	Response received on 14 September 2020. No specific issues have been raised although I assume that your audit will cover the relevant environmental performance of the mine operations and reporting.	Noted

2 Audit Methodology

The Independent Environmental Audit was undertaken on site by Nathan Archer (Lead Auditor) and Megan Crowhurst (Assistant Auditor) of SLR, with the site component completed on 13, 14 and 15 October 2020. SLR also used Duncan Branes (Water Specialist), Katarina David (Groundwater Specialist) and Steve Ditton (Subsidence Specialist) to provide specialist input into the audit.

Information was provided by Tahmoor Coal prior to the audit, during the audit and following the audit. SLR also sourced a large amount of information from the Tahmoor Coal website.

2.1 Audit Scope Development

The Compliance Spreadsheet is attached as **Appendix C**.

2.2 Methodology

The methodology for the audit consisted of the following key steps:

- Introductory and close out meetings;
- Reviewing key documents provided by Tahmoor Coal prior to the audit;
- Consultation with relevant government agencies as per the audit requirements prior to the site component;
- Preparation of draft Audit Protocol's provided to Tahmoor Coal prior to the site audit;
- Site component of the audit from 13 to 15 October 2020, including inspections and discussions with key Tahmoor Coal personnel;
- Review of additional relevant documentation obtained while on site during the inspection or provided by Tahmoor Coal after the site inspection; and
- Client review and comment on the draft audit report.

The audit has been completed as per the *Independent Audit Guidelines* (DPIE, 2015).

The audit team assessed the approvals and documentation outlined in **Section 5**.

Photographs taken during the site inspections are included in **Appendix C**. A large amount of evidence was viewed and collected as part of the audit, including monitoring records, reports, and correspondence. While this key evidence has been referenced in **Section 3**, it has not been attached to this audit report.

2.2.1 Introductory and Close Out Meetings

An opening meeting was undertaken at the commencement of the site component of the audit. The opening meeting provided the opportunity to outline the audit process and review the schedule and introduce key personnel responsible for environmental management at the site. A further meeting was held at the end of the site visit to discuss initial observations, additional information requests and remaining audit requirements. The attendees of each meeting are listed in **Table 4**.

Table 4 Meeting Attendees

Personnel	Role	Comment
Nathan Archer	SLR – Lead Auditor	Present at both meetings
Megan Crowhurst	SLR – Assistant Auditor	Present at both meetings
Steve Ditton	DgS – Subsidence Specialist	Present at opening meeting
Peter Vale	Tahmoor Coal – GM	Present at both meetings
Zina Ainsworth	Tahmoor Coal – E & C Manager	Present at both meetings
Dave Talbert	Tahmoor Coal – Project Manager	Present at both meetings
Alex Parro	Tahmoor Coal – Environmental Consultant	Present at both meetings
April Hudson	Tahmoor Coal – Approval Specialist	Present at both meetings
Andrew Stuart	Tahmoor Coal – Project Manager Environment Project Specialist	Present at both meetings
Amanda Francis	Tahmoor Coal – Community Liaison Specialist	Present at both meetings
Natalie Brumby	Tahmoor Coal – Environmental Graduate	Present at both meetings

2.2.2 Site Inspection and Interviews

Site inspections were undertaken between 13 and 15 October 2020 including inspections and interviews with key Tahmoor Coal personnel. Site inspections were undertaken Nathan Archer (Lead Auditor) and Megan Crowhurst (Assistant Auditor).

The site inspections included inspections of the following areas:

- CHPP and Pit Top;
- Workshop and stores;
- Water management system including Licenced Discharge Point to Tea Tree Creek;
- Ventilation shaft 2;
- Reject Emplacement Area (REA), rehabilitation areas and topsoil stockpile area; and
- Redbank and Myrtle Creek Subsidence Remediation Areas.

Steve Ditton (subsidence specialist) attended the site inspection on the first day of the audit (13 October 2020) and undertook a subsidence specific inspection.

Information obtained during the interviews conducted, whilst on site at the facility, were directly recorded as evidence. The auditor also used the interviews as an opportunity to gain an appreciation of the extent to which the measures in place to manage environmental impacts from site operations were understood and implemented.

Photographs taken during the site inspections are included in **Appendix D**.

2.2.3 Document Review

Information was provided by Tahmoor Coal prior to the audit, during the audit and following the audit. SLR also sourced a large amount of information from the Tahmoor Coal website:

www.simec.com/mining/tahmoor-coal-pty-ltd/

A large amount of evidence was viewed and collected as part of the audit, including monitoring records, reports and correspondence. While this key evidence has been referenced in **Section 3**, it has not been attached to this audit report.

3 Documents Reviewed and Referenced

Key documentation reviewed as part of the audit includes:

- Development Application – DA 67/98;
- Development Application – DA 57/93;
- Development Consent – DC 1975;
- Environment Protection Licence – EPL 1389;
- Water Access Licence – WAL 36442;
- Mining Lease – ML 1308;
- Mining Lease – ML 1376;
- Mining Lease – ML 1539;
- Mining Lease – ML 1642;
- Consolidated Coal Lease – CCL 716;
- Consolidated Coal Lease – CCL 747;
- Statement of Commitments for Redbank Tunnel Subsidence Management Project (attached to DA 67/98);
- Previous Independent Environmental Audit – SLR (October 2017);
- Environmental Management Plans required under the approvals;
- Subsidence Management Plans and Extraction Plans;
- Mining Operations Plans;
- Annual Returns – across the audit period;
- Community Consultative Committee Meeting Minutes – across the audit period;
- Key consultation with government – including consultation and approval letters;
- Complaints Register; and
- Environmental monitoring reports and data – air, noise and water.

4 Assessment of Compliance

In accordance with the Independent Audit Guidelines (DPIE, 2015), the terms used in the audit to describe the level of compliance of the site with the relevant approval documentation are outlined in **Table 5** and **Table 6**.

Table 5 Compliance Assessment Criteria

Assessment	Criteria
Compliant	Where the auditor has collected sufficient verifiable evidence 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.
Not verified	Where the auditor has not been able to collect sufficient verifiable evidence 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. In the absence of sufficient verification the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.
Non-compliant	Where the auditor has collected sufficient verifiable evidence 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.
Administrative non-compliance	A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g. report submitted but not on the due date, failed monitor or late monitoring session). This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval).
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.
Observation	Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
Note	A statement or fact, where no assessment of compliance is required.

Table 6 Risk Levels for Non Compliance

Risk Level	Colour Coded	Description
High		Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence.
Medium		Non-compliance with: Potential for serious environmental consequences, but is unlikely to occur; or Potential for moderate environmental consequences, but is likely to occur.
Low		Non-compliance with: Potential for moderate environmental consequences, but is unlikely to occur; or Potential for low environmental consequences, but is likely to occur
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).

5 Approvals and Documentation Assessed

5.1 Previous Audit Recommendations

The audit for Tahmoor Coal was led by SLR during October 2017. The audit identified that the site had good level of compliance with approvals, EPL and mining lease conditions.

There was a total of 13 recommendations identified by SLR. The 2019 Annual Review reported that six are ongoing, two are currently being implemented and five are complete.

5.2 Project Approvals

Appendix C lists the conditions imposed by the Development Applications (DA) and Development Consent (DC) and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances and recommendations are summarised in **Section 7** and **Section 8**.

Tahmoor Coal operates under one DC and two DA Approvals:

- DC 1975 covering CCL 716 and the surface facilities and Coking Coal Operations mine;
- DA 57/93 dated 7 September 1994 covering ML 1376 and Coking Coal Operations mine areas; and
- DA 67/98 dated 25 February 2016 covering ML 1539 and Coking Coal Operations mine areas.

DA 67/98 has been modified four times:

- Mod 1 (26 November 2006) – covering changes to mine plan, the number of structures permitted to be subject to subsidence impacts and conditions of consent controlling heritage impact assessment;
- Mod 2 (8 April 2012) – covering the Redbank tunnel Deviation;
- Mod 3 (25 November 2012) – Redbank tunnel subdivision, lot consolidation and land ownership transfer; and
- Mod 4 (15 October 2018) – to permit low levels of subsidence within an area where subsidence was previously not approved.

The approvals include specific reference to each of the conditions within the following key areas of the consent:

DC 1975

Covers a series of environmental aspects for the Bargo area, including:

- Fencing;
- Noise;
- Traffic;
- Water management;
- Dust; and
- Bushfire management.

DA 57/93

Annexure A:

- General Conditions;
- Bridge Street Site Construction;
- Bridge Street Site Operation;
- Roadworks;
- Reject Emplacement;
- Subsidence; and
- Acoustics.

DA 67/98

Schedule 2:

- General Conditions;
- Limit of approval;
- Statutory requirements;
- Environmental Management;
- Subsidence predictions;
- Subsidence monitoring;
- Water Quality;
- Notifications and pre-mining structural inspections;
- Management, compensation and acquisition;
- Heritage;
- Noise;
- Air Quality and Greenhouse Gases;
- Environmental Strategies, Plans, Programs and Reporting;
- Community Consultative Committee;
- Independent Environmental Audit; and
- Access to information.

5.3 Environmental Assessment – Statement of Commitments

Appendix C lists the conditions imposed by the Statement of Commitments for Redbank Tunnel Subsidence Management Project (DA 67/98) and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances relating to the EA Statement of Commitments are outlined in **Section 7**.

Key aspects for the Statement of Commitments include:

- Biodiversity;
- Construction Planning;
- Visual Amenity;
- Traffic;
- Noise and Vibration;
- Traffic;
- Noise and Vibration;
- Aboriginal Heritage;
- Non-Aboriginal Heritage;
- Air Quality;
- Contamination;
- Surface water;
- Greenhouse Gas Emissions; and
- Waste Management.

5.4 Management Plans and Programs

The management plans and programs required by the approvals as listed in **Table 7** were assessed as part of this audit. Assessment of the management plans has considered both the preparation of the documents in accordance with requirements and the effective implementation of the documented management and mitigation strategies.

Other management plans have been developed for the site to meet internal requirements. Internal management plans were reviewed for context; however, compliance was not assessed.

Table 7 Management Plans and Programs

Management Plan	Development Approval / Development Consent	Comment
<i>Noise Management Plan</i>	DA 67/98 Condition 33	<p>The current Noise Management Plan (NMP) is dated June 2020. The original NMP was submitted to DPIE on 26 October 2012.</p> <p>The preparation of the NMP generally meets the requirements of the NMP condition (Condition 33); however, it is noted that a number of the requirements of the overarching management plan condition (condition 44) have not been included in the NMP including:</p> <ul style="list-style-type: none"> - a table of statutory requirements and where they have been addressed in the plan; - inclusion of the noise TARP in the NMP; - a protocol for managing noise incidents, non-compliances and exceedances of criteria. <p>Noise has generally been effectively managed at site. Based on the annual reviews for the audit period, all monitoring results met the relevant noise assessment goals stipulated by DA 57/93. It is noted that DA 67/98 does not list noise criteria.</p> <p>Eight (8) noise complaints were received during the audit period. Non-compliances and recommendations relating to the preparation and implementation of the NMP, are presented in Appendix C and summarised in Section 7 and Section 8.</p>
<i>Air Quality and Greenhouse Gas Management Plan</i>	DA 67/98 Condition 39	<p>The current <i>Air Quality and Greenhouse Gas Management Plan</i> (AQGHGMP) is dated June 2020.</p> <p>The preparation of the AQGHGMP meets the requirements of the relevant conditions. In general, the air quality management of the site was noted to be effective with minimal dust issues observed and the AQGHGMP has generally been effectively implemented.</p> <p>Based on the information reviewed, the site was compliant for dust levels during the audit period except for one monitoring level for the High Volume Air Sampler (HVAS) exceeded the criteria during Q1 2019 which was not attributed to the mine.</p> <p>Based on the site inspection some areas of improvement were noted with regard to improving ground cover at the REA rehabilitation and seeding topsoil stockpiles.</p> <p>Non-compliances and recommendations relating to the preparation and implementation of the AQGHGMP, are presented in Appendix C and summarised in Section 7 and Section 8.</p>
<i>Extraction Plan including: Subsidence Monitoring Program; Built Features Management Plan(s); Water Management Plan; Biodiversity Management Plan; and TARP.</i>	DA 67/98 Condition 13H	<p>LW W1 and LWW2 extraction plan was the first prepared under this MOD 4 condition. The Extraction Plan was submitted in July 2019 and approved 8 November 2019. LW W1 and W2 replaced LW33 and LW34 respectively. The preparation of the Extraction Plan has generally met the requirements of the relevant conditions. All relevant subplans have been prepared.</p> <p>Based on the information presented, the Extraction Plan has generally been effectively implemented. Some improvements regarding water monitoring and reporting have been identified.</p> <p>Non-compliances and recommendations relating to the preparation and implementation of the AQGHGMP, are presented in Appendix C and summarised in Section 7 and Section 8.</p>

Management Plan	Development Approval / Development Consent	Comment
<p><i>Reject Emplacement Area Management Plan;</i> <i>Rehabilitation and Topsoil Management Procedure;</i> and <i>Soil and Water Management Plan</i></p>	<p>DA 57/93 Condition 41, 46 and 47</p>	<p>The original Site Management Plan (Reject Emplacement Area Management, Rehabilitation and Water monitoring Plan dated January 1995) was sent to Council and EPA on 19 January 1995.</p> <p>The latest version of the <i>Reject Emplacement Area Management Plan</i> is dated 1 October 2020 and includes the <i>Rehabilitation and Topsoil Management Procedure</i> and the <i>Soil and Water Management Plan</i> as appendices.</p> <p>The REA Management Plan states that “<i>Tahmoor Coal submitted the REA Management Plan to Council in January 1995. This has been audited and determined to meet this criteria. Currently the Rehabilitation and Topsoil Management Procedure (Appendix C) and the Soil and Water Management Plan (Appendix E) address these conditions. This document is the latest review of the REA Management Plan.</i>”</p> <p>Based on review of the latest version of the REA Management Plan (and associated appendices) against the 1995 approved version, it is considered that some of the information required to address this condition has been removed. However, it is noted that that due to the age of this consent some of these requirements may be no longer relevant and may have been closed out due to works undertaken to improve stormwater management under previous PRPs. The requirements of this condition have been generally met however, recommendations for improvement have been provided.</p> <p>In particular it is noted that the required detail regarding REA surface water management specifications are not included within the Management Plans.</p> <p>The implementation of the management plans was assessed during the site inspection with some non-compliances and recommendations identified. It is noted that Tahmoor Coal has received notices from Resources Regulator with regard to stabilisation of drainage lines within the REA; the required stabilisation works were viewed and appeared to be stable and effective.</p> <p>Non-compliances and recommendations relating to the preparation and implementation of the REA management plans, are presented in Appendix C and summarised in Section 7 and Section 8.</p>

5.5 Environment Protection Licence

Appendix C lists the conditions imposed by EPL 1389 and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances and recommendations relating to the EPL are outlined in **Section 7** and **Section 8**. The EPL includes specific reference to each of the following aspects:

- Administrative Conditions;
- Discharges to Air and Water and Applications to Land;
- Limits Conditions;
- Operating Conditions;
- Monitoring and Recording Conditions;

- Reporting Conditions;
- General Conditions; and
- Pollution Studies and Reduction Programs.

5.6 Mining Leases

Tahmoor Coal holds a number of mining leases which were assessed as part of the audit. These include:

- Mining Lease – ML 1308;
- Mining Lease – ML 1376;
- Mining Lease – ML 1539;
- Mining Lease – ML 1642;
- Consolidated Coal Lease – CCL 716; and
- Consolidated Coal Lease – CCL 747.

Appendix C lists the conditions imposed by the relevant mining leases and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances and recommendations are outlined in **Section 7** and **Section 8**.

5.6.1 Resources Regulator Consultation

As outlined in **Section 1.8**, the Resources Regulator raised a number of rehabilitation specific areas to be considered and assessed during this audit. **Table 8** outlines the key issues raised by the Resources Regulator for address in this audit.

Table 8 Resources Regulator Comments

Resources Regulator Comment	Audit Response
Review relevant mining leases and exploration licences as agreed with Resources Regulator.	This audit has addressed all relevant mining title covering the Tahmoor Mine as listed in the Resources Regulator correspondence (Appendix B). The mining leases addressed are listed in Section 5.6 .
Undertake an assessment of compliance against the conditions of title related to environmental management.	The assessment of compliance is included in Appendix C with a summary of findings included in Section 7 .
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 site has operated in accordance with three (3) approved MOPs during the audit period: <ul style="list-style-type: none"> - MOP 2012 to 2019 (Amendment G) - MOP 2010-2020 - MOP 2020 - 2024. The latest MOP was approved by the Resources Regulator on 30 September 2020. No conditions were specified in the MOP approval.

Resources Regulator Comment	Audit Response
<p>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:</p> <p>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).</p>	<p>The MOP has been prepared in accordance with the EGS3 MOP Guideline and meeting the requirements for the preparation of a MOP under the relevant mining lease conditions. It is noted that the project approvals do not specify a post mining land use for the site. Operations specified in the MOP are consistent with the approvals.</p> <p>The only area of the site available for progressive rehabilitation is the REA. Rehabilitation areas of the REA are generally consistent with the MOP plans. Issues have been identified with the establishment of rehabilitation. Recommendations have been made in this regard as summarised in Section 8.</p>
<p>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.</p>	<p>Rehabilitation objectives and completion criteria presented in the MOP have been prepared with reference to relevant regulatory requirements and development consent / mining lease conditions as they relate to rehabilitation and closure.</p>
<p>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.</p>	<p>Rehabilitation monitoring report have been viewed for the audit period along with the Annual Reviews which summarise the rehabilitation monitoring results.</p> <p>Section 18 of the Annual Reviews summarise rehabilitation performance during the year. The Annual Reviews do not review progress against the completion criteria presented in the MOP, however, they do include a summary of performance against rehabilitation TARPs.</p>
<p>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.</p>	<p>The Annual Reviews provide a summary of the results of the previous year’s rehabilitation monitoring and includes proposed actions to address any recommendations arising from the monitoring reports. Rehabilitation maintenance activities undertaken in the reporting period are also detailed in the Annual Reviews. The Annual Reviews also report on rehabilitation TARPs and implemented actions.</p>
<p>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.</p>	<p>Based on the site inspection and documentation viewed during the audit, operations have been undertaken in accordance with the MOP during the audit period.</p>
<p>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.</p>	<p>Based on site inspections, rehabilitation is generally consistent with that presented in the MOP plans. It is noted that the project approvals do not specify a post mining land use for the site.</p> <p>Issues have been identified with the success of recent rehabilitation/revegetation. Recommendation have been provided.</p>

Resources Regulator Comment	Audit Response
<p>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.</p>	<p>Based on site inspection, the rehabilitation areas are generally stable, however the eastern slopes of the REA have poor vegetation take off and minimal groundcover which requires additional rehabilitation work. Climatic conditions in the area over the audit period have not been favourable for rehabilitation. Recommendations for improvements have been made.</p> <p>It was observed that the topsoil stockpile area has no vegetation cover and were either not seeded since the works to reduce stockpile heights or seeding had failed. There is evidence of some erosion in topsoil stockpiles as a result.</p> <p>In addition, based on site communications it is understood that there is likely to be there a deficit of topsoil material for rehabilitation but there is not currently an accurate inventory of soil resources for rehabilitation. It has been recommended to use survey data to determine soil resource available for rehabilitation and prepare a topsoil inventory.</p>
<p>Review the progress of actions committed to by Tahmoor Mine in relation to the previous audit findings For Condition 41&46 of DA 57/93 Recommendation (REC 4) for the Reject Emplacement Area. Noting that some of these commitments may be impacted as Tahmoor has plans to increase the overall height of the Emplacement area and re disturb areas previously under rehabilitation.</p>	<p>Site inspections confirmed that in general all the recommendations of REC 4 of the 2017 audit had been implemented for the REA. With the exception of one topsoil stockpile, all had been reduced in height to < 3m. The topsoil stockpile area has no vegetation cover and does not appear to have been seeded since the works to reduce stockpile heights. Cover crop seeding has been recommended.</p> <p>Further works have been undertaken on the REA rehabilitation; however, it is still evident that recent vegetation establishment on the eastern slopes is poor. Further recommendations have been made.</p>
<p>Review general compliance with Subsidence Management Plans as works are currently underway to remediate Myrtle and Redbank creeks.</p>	<p>Implementation of the SMPs and EPs for the audit period have been assessed by the endorsed subsidence specialist. Generally, the SMPs and EPs have been implemented as required.</p> <p>CMAPs for Myrtle and Redbank Creeks (post LW25 to 32 impacts) have been prepared and are being implemented. Stage 1 PUR Grouting Works on Myrtle Creek were completed in Feb 2020 to restore Pool 23 ponding to pre-mining levels. A proposal was submitted to DRG in May 2020 for approval to trial cementitious grouting at Pool 20, with a further 5 pools to be remediated if the procedure is effective. PUR grouting of Pool 26 on Redbank Creek commenced in July 2020 with three more pools proposed to be completed by October 2020 (Pools 27 - 29). Results indicate significant pond level recovery after grouting.</p>
<p>In addition to the above, the audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.</p>	<p>The rock armoured contour drains installed following Resources Regulator directions were observed to be stable and working effectively.</p> <p>While recent vegetation establishment on the REA has not been successful, likely primarily due to unfavourable climatic conditions, it is noted that older rehabilitation areas on the REA have been very well established.</p> <p>The preparation and implementation of the CMAPs is considered a good outcome since the previous audit.</p>

5.7 Water Licences

Tahmoor Coal has one Water Access Licence (WAL) – WAL 36442. The WAL allows Tahmoor Coal to extract 1,642 ML from the Sydney Basin Nepean groundwater source.

Review of the 2017, 2018 and 2019 Annual Reviews confirms that water take was within the licence entitlements for the audit period. However, the following observations are made with regard the water take reporting in the Annual Reviews:

- The Annual Reviews present the historic annual water take since 2015, meeting the requirements of providing long term trend data;
- The 2019 Annual Review does not present the water take for the January 2019 – December 2019 period, the latest reported data is to December 2018; and
- The historic water take in the 2019 Annual Review is not consistent with that previously reported in the 2017 and 2018 Annual Reviews with no commentary on the disparities provided. For example, the 2017 and 2018 Annual Reviews report a water take of 1552.8 ML for January 2017 to December 2017; however, the 2019 Annual Review reports 1222.69 ML for the same period.

5.8 Complaints

Complaints are outlined within the Annual Reviews, with the documents providing a breakdown of the complaints across a one-year period. The site receives most complaints relating to air quality and noise. The following outlines the number of complaints reported during the audit period:

- 2017 – three (3) complaints all relating to noise;
- 2018 – four (4) complaints relating to air quality, noise and odour;
- 2019 – 11 complaints relating to noise, odour, property, visual and traffic; and
- 2020 (year to date) – seven (7) complaints relating to noise, vibration and bushfire risk.

Follow up actions are detailed in the complaints log.

5.9 Incident and Non-Compliance Management

Incidents and non-compliances are outlined in the Annual Reviews and Annual Return documents. Incidents and/or non-compliances generally relate to subsidence, equipment, waste and spills. The number of incident and/or non-compliances reported during the applicable year:

- 2017 – 13 incidents:
 - six (6) related to subsidence;
 - six (6) related to spills; and
 - one (1) related to a tree fall;
- 2018 – 12 incidents:
 - 11 related to subsidence; and
 - one (1) related to malfunctioning monitoring equipment; and
- 2019 – 19 incidents:

- 13 related to subsidence;
 - two (2) related to malfunctioning water management equipment;
 - one (1) related to incorrect disposal of waste; and
 - three (3) related to spills.
- 2020 (year to date) – two incidents including:
 - A clay discharge into the Bargo River (via the Tea Tree Hollow LDP) which occurred on 17 April 2020 for which the EPA issued a *Penalty Notice* on 8 September 2020.

Incident investigations and reporting were completed with evidence provided to the audit team. Additional detail with regard to the 2020 Penalty Notice are provided in **Section 6.2.1**. Associated non-compliances and recommendations are outlined in **Section 7** and **Section 8**.

As reported in the Annual Reviews, during the audit period, additional notices were issued to Tahmoor Coal with regard to:

- An *Official Caution* regarding a non-compliance due the 2018 AEMR being submitted on the 30 March 2018 instead of the 1 March 2018. Since then the AEMR due date has been approved by the Resources Regulator to be changed to the 31 March each year to be in line with the Annual Review due date;
- An *Enforceable Undertaking* issued on 22 May 2018 for the non-compliance from the 2017 inspection of the REA Drains. Works on the drains has since been completed and the Enforceable Undertaking is now in the process of being closed out;
- A *Notice* (Notice 2) was issued on 4 May 2018 with regards to rehabilitation of Redbank and Myrtle Creek. The Notice directed Tahmoor Coal to take steps to conserve the environment, protect it from harm as a result of activities under the mining leases to prevent, control or mitigate any such harm. Corrective Action Management Plans (CMAPs) have been prepared for Redbank and Myrtle Creeks and are being implemented; and
- An additional notice was issued in 2019 requiring an update of the Redbank Creek CMAP. Tahmoor Coal made the required changes and the CMAP has since been approved by the Resources Regulator.

6 Environmental Performance – Specialist Assessments

As required by Schedule 2, Condition 50 and 51 of DA 67/98 and as directed by the DPIE, the audit team include experts in the fields of subsidence, surface water, groundwater, noise and air quality.

The specialists listed in **Table 1** were endorsed by the DPIE on 4 August 2020. The specialists provided inputs and advice with regard to the relevant aspects of the compliance tables in **Appendix C** with recommendations being made as required. A summary of the key findings of specialist assessments is provided as follows.

6.1 Subsidence

DgS reviewed subsidence impacts for this audit. The scope included a site meeting, inspection and a review of documentation.

Since the last audit period the old SMP/EMP system under DRG has been replaced by the Extraction Plan system administered by DPIE. LW31 and 32 impacts were managed with SMPs whereas LW W1 and W2 (formerly LW33 and 34 under the original DA 67/98) were managed by an Extraction Plan. The mine was granted approval to modify LW33 to 37 in the consent (Mod 4) by re-orientating the longwalls to avoid undermining and potentially impacting third order streams or higher. It is understood the modification was triggered by the impacts to Myrtle and Redbank Creeks by LW25 to 32 and is an example of effective adaptive management required by the consent.

Overall, the transition has been relatively smooth with all built features, European and Aboriginal Heritage sites and natural features now managed under seven distinct management plans (MPs) as required by the Extraction Plan. The MPs provide the subsidence effect predictions, monitoring programs and TARPs for the features, including Corrective Management Action Plan, Adaptive Management, Contingency Plan and Offset Management triggers for the monitoring and impact outcomes after longwall extraction.

Six monthly reports, End of Panel and Annual Reports continue to provide a review of the measured/observed subsidence effects and associated impacts. These reports and regular consultation with stakeholders and the community (including meetings, e-mails, phone-calls, newsletters and a complaint register) are all considered to be functioning effectively.

It is noted that positive responses have been observed and reported on by the mine after the completion of Stage 1 of the CMAPs for the impacted Myrtle and Redbank Creeks. The rapid recovery of dried-up pools to near pre-mining levels after PUR grout curtain wall injection is to be commended.

There were no non-compliances in regard to subsidence management detected for the audit period; however, observations are made regarding the assessment of mine subsidence impact on the following features:

1. New Houses at Stonequarry Estate, Picton - although the LWW1 & 2 Structures Management Plan (sub-plan of the Extraction Plan) provides a reasonably detailed assessment of the expected impacts on existing development and likely to satisfy Condition 6 of DA 67/98 (Mod 4):

The Applicant must not:

(ii) cause moderate, severe or very severe structural damage to houses, sheds or pools within the DA area in excess of the percentages of such structures shown in the relevant column of Figure 3 without obtaining either an approval under Part 4 of the Act or a modification of consent under Part 4 of the Act.

There does not appear to be any commentary given for constraints on new residential development.

Based on the requirement that the mine must not exceed the current rate of Category 2 (AS2870 - 2011) impacts to houses, it is apparent that SA NSW have approved large new masonry houses above LW W1 and W2 in the Stonequarry Estate.

It is the subsidence specialist's opinion that there is an apparent lack of articulation evident in the solid masonry walls with lengths between 20 m and 40 m that have been built. Tolerable curvatures for Rendered and Solid Masonry Walls between 20 m and 40 m long are estimated to be in the order of 0.05 km^{-1} to 0.1 km^{-1} for Slight or Category 1 damage (see **ACARP, 2009** ref: *ACARP Report C12015 - The prediction of mining induced movements in building structures and the development of improved methods of subsidence impact assessment*. MSEC, 2009). The concern is that most of the new structures of this type will probably be significantly impacted by the predicted curvatures (i.e. Class 2 or higher damage category), unless the structures were designed to tolerate higher curvatures of course.

Due to the recent amendment to the 1961 Mine Subsidence Compensation Act in 2017, all claims and compensation for impacts after 1 January 2018 will be directed by SA NSW to the operating mine responsible. It would therefore be in the best interests of the mine to ensure all development that is approved by SA NSW is compatible with the predicted subsidence effects at Tahmoor.

6.2 Surface Water

The water management system for Tahmoor Coal is outlined within the *Soil and Water Management Plan*. Water monitoring at the mine includes monitoring licensed discharge and overflow points. Water quality is monitored on a monthly basis, including at the sites only licenced discharge point 1 (LDP1). Discharge volume is also monitored at this point. Key water mitigation measures are outlined within the *Soil and Water Management Plan*, including erosion and sediment control. A Trigger Action Response Plan (TARP) has also been developed for surface water management.

Key Findings from the SLR audit include:

- A Penalty Notice was issued with regard to a surface water discharge on 17 April 2020 (refer **Section 6.2.1** below) which exceeded the EPL limits for Total Suspended Solids (TSS) and Turbidity;
- Actions have been implemented to mitigate the potential for reoccurrence of this incident (refer **Section 6.2.1**);
- Based on water quality monitoring results and results reported in 2017, 2018 and 2019 Annual Reviews there were no other exceedances of EPL water quality concentration limits during the audit period;
- Discharge volumes from the site remained within EPL limits during the audit period;
- During the site inspection it was observed that works have been undertaken to clean out the water management system between M4 and LDP1. It is noted that there is no further water management at the site prior to discharge through LDP1. The clean out works have left exposed, unvegetated embankments which may be a risk of erosion and sedimentation, and sediment laden discharge through LDP1. Recommendations have been made with regard to the installation of temporary erosion and sediment control measures to prevent any erosion prior to revegetation of the area;
- Some erosion was evident in the batters adjacent to LDP1, with temporary hay bale repairs in place. Repair is recommended;

- As reported in the 2019 Annual Review, the Water Treatment Plant was not constructed and commissioned by the due date of 30 November 2018. Based on site correspondence and the audit opening meeting discussions and presentation, it is understood that the Water Treatment Plant tender is complete and there is a proposal for the construction of a pilot plant prior to installation. The pilot plant is expected to be operational by end 2021. There has been ongoing consultation with the EPA in this regard; and
- On 22 May 2018, Tahmoor Coal was issued an *Enforceable Undertaking* relating to inadequate construction of drains at the Rejects Emplacement Area (REA) causing erosion to occur at the site. Works to repair the drains has been undertaken in the audit period and the newly constructed rock armoured contour drains were viewed during the site inspection. The drains appeared to be stable and working with no evidence of erosion or failure. One area of erosion was noted in a contour bank where no armouring had been undertaken and additional work is recommended to include rock armour consistent with the other areas.

Non-compliances and recommendations regarding surface water management are presented in **Appendix C** and summarised in **Section 7** and **Section 8**.

6.2.1 Discharge of Clay Material at Tahmoor Colliery on 17 April 2020

On 17 April 2020, the EPA issued a *Show Cause Notice* for an alleged clay discharge into the Bargo River (via the Tea Tree Hollow LDP).

In response, Tahmoor Coal prepared an incident report which found the following:

"The event was the discharge of water from Licence Discharge Point 1 (LDP1) above the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389.

The event was caused by the Coal Handling Preparation Plant (CHPP) being unable to manage the material being brought to the surface as expected. As a result, the tailings thickeners were overflowing turbid water to the internal dams and water was discharged from LDP1 with concentrations exceeding the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. Tahmoor Coal is unable to determine the exact timeframes of the event, however it began sometime after the 15 April 2020 and finished on the 19 April 2020.

Tahmoor Coal implemented immediate actions to mitigate the event including:

- turbidity monitoring;
- ceasing CHPP operations;
- pumping water from the discharge pond to other dams; and
- ceasing pumping from the underground.

Monitoring undertaken during the discharge identified that water was discharged with a turbidity and total suspended solids of 488 NTU and 418 mg/L respectively. This was in exceedance of the EPL criteria of 150 NTU and 30 mg/L.

Monitoring showed that water quality in Tea Tree Hollow returned to compliant levels on 20 April 2020. In addition, as reported in the incident report, additional actions have been implemented to prevent the re-occurrence, including real time turbidity monitoring (monitor sighted during site inspection), development of a TARP for turbidity levels and review of flocculant products.

On 8 September 2020, Tahmoor Coal were issued with a Penalty Notice from the EPA with regard to this incident. It is noted that in the Penalty notice, the EPA acknowledged the following:

- While the incident had the potential to impact the environment it did not present actual impacts;
- Tahmoor Coal took prompt action to reduce the impacts to the environment following notification; and
- additional actions implemented since the incident including real time turbidity monitors are considered to reduce the possibility of the incident repeating.

Based on the above, non-compliances with the EPL conditions were identified in the surface water component of the audit. However, it is acknowledged that appropriate actions have been implemented to mitigate the potential for reoccurrence of this incident.

6.3 Groundwater

SLR engaged Katarina David to provide specialist input to the groundwater aspects of the audit. The groundwater specialist assessed groundwater relevant conditions presented in **Appendix C**. The groundwater assessment reviewed the *Water Management Plan* prepared under the Extraction Plans for the site, relevant groundwater monitoring and reporting documents, and the Annual Reviews. As identified in **Appendix C**, a number of administrative non-compliances have been identified with regard to the reporting of groundwater monitoring data.

Recommendations have been made to improve reporting and the identification of impacts in the future.

Non-compliances and recommendations regarding groundwater management are presented in **Appendix C** and summarised in **Section 7** and **Section 8**.

7 Audit Findings

7.1 Summary of Assessment of Compliance

Appendix C presents the detailed Assessment of Compliance against the conditions of the key approvals and licences applicable to the Tahmoor Mine.

Table 9 presents a summary of the findings of this audit.

Table 9 Summary Table of Compliance

Compliance Status	Number of conditions	Percentage of total conditions	Percentage of assessed conditions
Compliant	188	44%	84%
Not verified	9	2%	4%
Non-Compliant (Low Risk)	4	1%	2%
Non-Compliant (Medium Risk)	6	1%	3%
Non-Compliant (High Risk)	0	0%	0%
Administrative Non-Compliance	17	4%	8%
Not Triggered	180	42%	-
Note	25	6%	-
Total conditions	429	-	-
Total assessed conditions (excluding not triggered and notes)	224	52%	-

Overall, 429 conditions were identified, 180 (42%) were not triggered during the audit period, and 25 (6%) were a note for information. Of the remaining 224 audited conditions 188 (44%) were compliant, 6 (3%) were non-complaint (medium risk), 4 (2%) were non-complaint (low risk) and 17 (8%) were administrative non-compliances. No high-risk non-compliances were identified. The non-compliances are listed in **Section 7.2**.

7.2 Summary of Non-Compliances

Table 10 outlines the summary of non-compliances relating to the statutory conditions for Tahmoor Coal.

Table 10 Summary of Non-Compliances

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
DA 67/98					
NC1	12	<p>For longwalls up to and including Longwall 32, the Applicant must undertake a detailed and ongoing monitoring program of subsidence resulting from mining to the satisfaction of the Secretary and in consultation with DRG and Council from the date of commencement (Condition 5) and for a period of at least three years after the completion of mining, or other such period as determined by the Secretary in consultation with DRG and Council. Monitoring must include the following:</p> <ul style="list-style-type: none"> (i) impacts on dams that may be affected by subsidence occurring in the DA area; (ii) a survey of the stream channel system; (iii) monitoring of groundwater levels and quality; (iv) monitoring of remedial measures; (v) a comparison of predicted impacts with actual impacts, including mapping of subsidence profiles in residential areas and of anomalous events; (vi) strains and impacts in the vicinity of the Nepean Fault Zone; and (vii) the angle of draw. <p>The Applicant must include information on monitoring conducted and the interpreted results in the Annual Review (Condition 45).</p>	Administrative non-compliance	<p>Groundwater Specialist Assessment Admin NC identified as follows: Annual review for Tahmoor Coal for 2017, 2018, 2019 and 2020 reported groundwater levels or quality. While comparison of water levels was provided with the groundwater modelled predictions in the EA no comparison was provided the of predicted (EA) impacts related to water quality to actual impacts , as recommended by the independent audit 2017. Lab groundwater quality data in 2018 and 2019 report are discussed in terms of pH and EC only. End of Panel subsidence monitoring report for LW31 (2019) does not present the water quality data for any of the parameters apart from EC and pH. Subsidence monitoring program for 2019 reports that groundwater monitoring includes ground levels and quality but no data is presented or discussed. (the report indicates that reader needs to refer to Water management plan). Six monthly subsidence impact report (May 2020) provides the summary of groundwater levels and quality but no appendix was sighted to verify the reported data. Annual report (2020) (which contains End of Panel report, 2020) does not provide the groundwater quality monitoring results, with the exception of pH and EC. No other parameters are discussed or presented in tables. No information on water levels or water quality in private bores is discussed in 2020 annual report. There is no information in any of the annual reports on the groundwater data management and validation. Groundwater data interpretation was provided in 2017, 2018 and 2019 and 2020 report.</p>	<p>NC REC: Groundwater quality data need to be presented in the form of tables which list all monitored parameters and graphs to show the changes in water quality.</p>

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC2	13H(c)	c. Water Management Plan which has been prepared in consultation with EPA, DoI, Resources Regulator and WaterNSW, which provides for the management of potential impacts and environmental consequences of the proposed underground workings on watercourses and aquifers, including: 	Administrative non-compliance	<p>Admin NC: No water quality data or trends are presented in the end of panel reporting in 2020 apart from pH and EC. This is the requirement of the WMP (2020). No information on water quality in private bores is presented or discussed.</p> <p>Admin NC: It is a requirement (DPIE, 2020) of the WMP (2020) approval that vibrating wire piezometer be installed, no evidence was sighted to confirm if this was completed. Stream water quality was exceeded for 2020 as per TARP set in WMP (2020), however no action following the incident was sighted.</p> <p>Admin NC: Stream water quality triggers were exceeded in 2017 and 2018 as set in the Groundwater management plan (2015), however no action was sighted following these exceedance reporting and no adaptive management measures were reported in the next reporting period. TARPS for WMP (2015) were not sighted as they are not attached to the report.</p>	<p>NC REC: It is recommended that:</p> <ul style="list-style-type: none"> - groundwater quality data is reported fully ie all parameters that are sampled and analysed need to be reported along with trends in time. - any non-compliance and exceedance of triggers should be followed up and documented along with management measures reported as per TARP in WMP, 2015 and WMP, 2020 - while no auditing is required for groundwater resources in WMP (2020), the auditing in line with LW W1-W2 Extraction Plan should be undertaken to ensure that the water quality of the creeks does not further deteriorate.
NC3	40	Within 2 weeks of obtaining monitoring results showing an exceedance of the relevant criteria in Tables 1-3, the Applicant must notify the affected landowner and tenants in writing of the exceedance, and provide monitoring results to each of these parties until the Tahmoor Mine is complying with the relevant criteria again.	Administrative non-compliance	Based on the information provided, landowners were not notified of the exceedance of the air quality criteria in Q1 2019. It is noted that the 2019 Annual Review states that the exceedance was not attributed to Tahmoor Mine operations.	NC REC: Provide notifications to relevant landowners of any monitored exceedances. If investigations have shown that it is not attributable to Tahmoor Mine operations, provide evidence.
NC4	44	"The Applicant must ensure that the management plans required under conditions of consent for the Tahmoor Mine are prepared in accordance with any relevant guidelines, and include:	Administrative non-compliance	<p>Preparation:</p> <p>a) - Some baseline data included in the NMP and the AQGHGMP. Its noted that the Annual Review provides an update on baseline data. The NMP states that ""It was not until the 2012 Development Consent 2 Modification of 67/98 that it was a requirement for baseline data to be included in the Noise Management Plan. Due to the number of years that Tahmoor Mine had been operating, minimal data is available". Since the original NMP was prepared under this consent there has now been 8 years of baseline data.</p>	<p>NC REC: Review the AQGHGMP and NMP required by this consent. The management plans should be updated to:</p> <ul style="list-style-type: none"> - list all relevant statutory conditions (including consents and EPL) along with where they are addressed in the report, including this Management Plans condition 44.

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				<p>b) Admin NC - NMP missing NMP statutory requirements and NMP, AQMP and AQGHGMP missing MP statutory requirement.</p> <p>e) Admin NC. The implementation of the noise TARP was viewed and discussed on site however, the Surface Noise TARP is not included in the NMP. The Air Quality TARP is appended to AQGHGMP;</p> <p>Admin NC - The NMP doesn't include a protocol for incidents, non-compliances and exceedances of criteria.</p> <p>Observation - It is noted that the above admin non-compliances were also identified in the 2017 IEA. Review of the management plans indicate that not all of the previous recommendations were implemented. Since the previous audit there has been a change in the ownership and management of the Tahmoor mine.</p>	<ul style="list-style-type: none"> - a review of baseline data since the commencement of monitoring under this consent - include the real time monitoring TARPs within the management plans and not as separate procedures - include protocols for incident and complaints management and notifications
NCS	46	<p>Within 3 months of:</p> <p>(a) the submission of an Annual Review under Condition 45;</p> <p>(b) the submission of an incident report under Condition 48;</p> <p>(c) the submission of an audit under Condition 50; and</p> <p>(d) any modification to the conditions of this consent (unless the conditions require otherwise), the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Tahmoor Mine.</p>	Administrative non-compliance	<p>Evidence in the change management is included in the relevant section of the management plans detailing updates following the previous IEA and annual reviews. Change management evidences that the plans are reviewed at least annually in June following submission of the Annual Review.</p> <p>However, it is noted that the recommendations with regard to the NMP from the previous IEA do not appear to have been addressed.</p>	<p>NC REC: Review the AQGHGMP and NMP required by this consent. The management plans should be updated to:</p> <ul style="list-style-type: none"> - list all relevant statutory conditions (including consents and EPL) along with where they are addressed in the report, including this Management Plans condition 44. - a review of baseline data since the commencement of monitoring under this consent - include the real time monitoring TARPs within the management plans and not as separate procedures - include protocols for incident and complaints management and notifications

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC6	48	The Applicant must notify the Secretary and any other relevant agencies of any incident that has caused, or has the potential to cause, significant risk of material harm to the environment, at the earliest opportunity. For any other incident associated with the Tahmoor Mine, the Applicant must notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	Administrative non-compliance	<p>Incidents outlined in 2017, 2018 and 2019 Annual Review. In 2020, incident included PIN for clay discharge to Bargo river exceeding NTU and TSS limits on 17 April 2020.</p> <p>Incidents have been reported in accordance with the documented notification requirements. However, the PIRMP does not list DPIE as an agency to be notified. Therefore no notifications were made in accordance with this condition.</p>	NC REC: Update PIRMP notification procedure to include DPIE and NRAR. Review any additional agencies which may require notification of incidents.
NC7	51	Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, the Applicant must submit a copy of the audit report to the 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 Secretary.	Administrative non-compliance	The 2017 audit report was dated 12 June 2018 and the site visit was undertaken on 9-11 October 2017. Submission was not within 3 months of the audit commencement. No evidence has been provided as to an approved extension date. No further recommendations	No further recommendation
DA 57/93					
NC8	41	<p>Submission of an integrated site management plan for the refuse emplacement within 4 months of the date of consent detailing:</p> <ul style="list-style-type: none"> * Design criteria such as storm intensity, time of concentration, co-efficient of runoff calculated peak discharges, the catchment area and a nominated storm return period. * Dimensions such as batter grades, outlet and pipe sizes, wall heights, wall thickness, freeboard and slope grades for all sediment traps, settling ponds, fill trenches and diversion banks. 	Non-compliant (Low Risk)	<p>Preparation</p> <p>Based on review of the latest version of the REA Management Plan (and associated appendices) against the 1995 approved version, it is considered that some of the information required to address this condition has been removed. However, it is noted that that due to the age of this consent some of these requirements may be no longer relevant and may have been close out due to works undertaken to improve stormwater management under previous PRPs. The requirements of this condition have been generally met however, recommendations for improvement are included.</p> <p>Admin Non-compliant due to lack of detailed REA surface water management drawings within the Management Plans.</p>	NC REC: Include additional detail in Table 1 of the REA Management Plan to address where each specific requirement of the plan has been addressed, and if not provide justification.

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>* Information in relation to the outletting of both clean and dirty water into Teatree Hollow Creek, including information on outlet size and placement and pipe- sizes and placement. Provision shall be made for treatment of dirty water to be outlet into Teatree Hollow Creek.</p> <p>* The upgrading of the haul road from the nune site, including information on drainage upgrading and no tree destruction in the area of Teatree Hollow Creek . (This area is Protected Land and the Department of conservation and Land Management must be consulted before any tree destruction occurs).</p> <p>* The length of time that the topsoil is to be stockpiled, and what cover crops will be used to decrease erosion of these stockpiles.</p> <p>* Maintenance of erosion control structures and drainage systems.</p>		<p>Implementation:</p> <p>Non-compliant due to the lack of vegetation cover on topsoil stockpile areas.</p>	<p>NC REC: Include detailed design drawings of the REA and stormwater management system within the management plan. The site water management plan for example does not show the water management at the eastern side of the REA.</p> <p>NC REC: Complete cover crop seeding of topsoil stockpile areas.</p> <p>NC REC: Reduce topsoil stockpile height to <3m and ensure stockpiles resulting from future disturbance be a maximum of be 3m high and be seeded with a temporary vegetation cover.</p> <p>NC REC: Ensure future contour drains and other water management structures at the Reject Emplacement Area are constructed in accordance with approved designs and complete erosion repairs/rock lining of existing contour drain.</p>
NC9	46	<p>Within 4 months of the date of this consent, a detailed refuse emplacement site rehabilitation and revegetation plan of management is to be submitted to council for approval. This is to include all existing works and embankments and proposed extensions and details are to include :</p> <p>(a) Topsoil depths and material to be placed upon the refuse and method of retention. (b) List of proposed species and planting densities. (c) Identification of each stage and species area. (d) A report describing the method of preparation of</p>	Non-compliant (Low Risk)	<p>Preparation</p> <p>The requirements of these conditions are generally met in the Rehabilitation and Topsoil Management Procedure and the MOP. It is noted that this condition is not referred to in the regulatory requirements section of the MOP.</p> <p>Implementation:</p> <p>One area of erosion was noted in a contour bank where no armouring had been undertaken and additional work is recommended to include rock armour consistent with the other areas.</p>	<p>Improvement REC: Include reference to the requirements of Condition 46 of DA 57/93 into future iterations of the MOP and include a table to show where these conditions have been addressed.</p>

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>planting beds including planting methods, fertilising, mulching, staking etc and an outline of the provision to be made to maintenance. The rehabilitation plan is to give regard to species types indigenous to the native area.</p> <p>(e) Details of final finished levels relative to depth of refuse and the stated EIS objective of an average of 12 m depth of emplaced refuse.</p>		<p>Elsewhere the rehabilitation is generally stable, however the eastern slopes of the REA have poor vegetation take off and minimal groundcover which requires additional rehabilitation work. The groundcover in the older rehabilitation areas is better than the new areas. Climatic conditions in the area over the past couple of years have not been favourable for rehabilitation. Recommendations for improvements have been made.</p> <p>Topsoil stockpiles at the REA have been reduced in height since the previous audit, however, one remains which appears to be higher than 3m (general guideline).</p> <p>The topsoil stockpile area has no vegetation cover and does not appear to have been seeded since the works to reduce stockpile heights. There is evidence of some erosion in topsoil stockpiles as a result.</p> <p>Non-compliant due to implementation and the lack of vegetation cover on topsoil stockpile areas.</p>	<p>Improvement REC: Develop a formalised Rehabilitation Quality Assurance Process throughout the life of rehabilitation to include verification of activities and procedures and tracking of key data at each phase of rehabilitation (ie topsoil depth, amelioration, seed mix, weather conditions). It is recommended that GIS may be incorporated into the QA process to track phases of rehabilitation. This will assist in identifying differences in rehabilitation and determining factors for success and failure.</p> <p>Improvement REC: prepare a topsoil inventory to understand volumes of material available for rehabilitation.</p> <p>Improvement REC: consider climatic conditions in rehabilitation timings and planning and utilise water carts or similar to assist in watering in of tubestock in dry conditions.</p>
DC 1975					
Nil Non-Compliances					
Statement of Commitments					
Nil Non-Compliances					
EPL 1389					
NC10	A3	A3.1 Works and activities must be carried out in accordance with the with the proposal contained in the licence application, except as expressly provided by a condition of this licence.	Non-compliant (Low Risk)	<p>Activities have been undertaken generally in accordance with this EPL with the exception of the non-compliances identified below.</p> <p>The EPL was varied on 13 August 2018. The variation application</p>	<p>NC REC: Continue investigations to commission the water treatment plant in consultation with the EPA.</p>

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<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 b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>		<p>included the request an extension to the due date for Pollution Reduction Program 22 - Mine Water Treatment Plant (Stage 2) following an incident that occurred during commissioning which caused damage to the water treatment plant.</p> <p>As reported in the 2019 Annual Review, the WTP was not commissioned prior to the varied due date of 30 November 2018. It is noted that the most recent version of EPL1389, dated 2/12/2020 (outside of the audit period), updated the due date of WTP operation pilot plant to October 2021 and final plant Sept 2022.</p>	
NC11	L1	<p>Pollution of Waters - L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p>	<p>Non-compliant (Medium Risk)</p>	<p>On 17 April 2020 Tahmoor Coal was issued a Show Cause Notice for an alleged clay discharge into the Bargo River (via the Tea Tree Hollow LDP). In response, Tahmoor Coal prepared an incident report which found the following: <i>"The event was the discharge of water from Licence Discharge Point 1 (LDP1) above the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. The event was caused by the Coal Handling Preparation Plant (CHPP) being unable to manage the material being brought to the surface as expected. As a result, the tailings thickeners were overflowing turbid water to the internal dams and water was discharged from LDP1 with concentrations exceeding the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. Tahmoor Coal is unable to determine the exact timeframes of the event, however it began sometime after the 15 April 2020 and finished on the 19 April 2020. "</i></p> <p>Tahmoor Coal implemented immediate actions to mitigate the event including: - turbidity monitoring, - ceasing CHPP operations - pumping - ceasing pumping from the underground. Monitoring showed that water quality in Tea Tree Hollow</p>	<p>NC REC: Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels. Report the status of the follow up actions in the next annual review.</p> <p>Improvement REC: Install temporary erosion and sediment controls at the drain between M4 and LDP1 until vegetation establishment is complete.</p> <p>Improvement REC: Complete repairs to erosion and sediment controls and eroded batter adjacent to LDP1.</p>

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				<p>returned to compliant levels on 20 April 2020.</p> <p>In addition as reported in the incident report, additional actions have been implemented to prevent the re-occurrence, including real time turbidity monitoring (monitor sighted during site inspection), development of a TARP for turbidity levels and review of flocculant products.</p> <p>On 8 September 2020 Tahmoor Coal was issued with a Penalty Notice for the clay discharge into Tea Tree Hollow. EPA acknowledged that the implemented actions are considered to reduce the possibility of the incident repeating.</p>	
				<p>Observation</p> <p>During the site inspection it was noted that works have been undertaken to clean out the water management system between M4 and LDP1. It is noted that there is no further water management at the site prior to discharge through LDP1. The clean out works have left exposed, unvegetated embankments which may be a risk of erosion and sedimentation, and sediment laden discharge through LDP1. Recommend the installation of temporary ESC measures to prevent any erosion prior to revegetation of the area.</p> <p>Any works undertaken in the vicinity of the drain between M4 and LDP1 must have appropriate erosion and sediment controls in place to ensure no discharge of pollutants or sediment laden water without treatment through the water management system.</p> <p>Some erosion was evident in the batters adjacent to LDP1, with temporary haybale repairs in place.</p>	
NC12	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	Non-compliant (Medium Risk)	See L2.4 for details regarding compliance against criteria.	

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation																																																						
		at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.																																																									
NC13	L2.4	<p>L2.4 Water and/or Land Concentration Limits</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Arsenic</td> <td>micrograms per litre</td> <td></td> <td></td> <td></td> <td>200</td> </tr> <tr> <td>Electrical conductivity</td> <td>microsiemens per centimetre</td> <td></td> <td></td> <td></td> <td>2600</td> </tr> <tr> <td>Nickel</td> <td>micrograms per litre</td> <td></td> <td></td> <td></td> <td>200</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>10</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5-8.0</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>30</td> </tr> <tr> <td>Turbidity</td> <td>nephelometric turbidity units</td> <td></td> <td></td> <td></td> <td>150</td> </tr> <tr> <td>Zinc</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>300</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Arsenic	micrograms per litre				200	Electrical conductivity	microsiemens per centimetre				2600	Nickel	micrograms per litre				200	Oil and Grease	milligrams per litre				10	pH	pH				6.5-8.0	Total suspended solids	milligrams per litre				30	Turbidity	nephelometric turbidity units				150	Zinc	milligrams per litre				300	Non-compliant (Medium Risk)	<p>* Based on results reported in 2017, 2018 and 2019 Annual reviews there were no exceedances of the water quality concentration limits.</p> <p>* Limits are provided in the monitoring data table</p> <p>* Monitoring outlined in the Annual Review and Annual Return.</p> <p>PIN for clay discharge to Bargo river exceeding NTU and TSS limits</p> <p>As per the incident detailed in condition L1: Condition L2 of the licence contains 100 percentile concentration limits for pollutants in the discharge of water from point 1. The condition provides that turbidity and total suspended solids must not be discharged at levels higher than 150 NTU and 30 mg/L respectively. During the 17 April 2020 incident, Tahmoor Coal caused or permitted water having turbidity and total suspended solids of 488 NTU and 418 mg/L respectively to pass through point 1. It is noted that all other monitored conditions during the incident were within specified criteria.</p>	NC REC: Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels.
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																																																						
Arsenic	micrograms per litre				200																																																						
Electrical conductivity	microsiemens per centimetre				2600																																																						
Nickel	micrograms per litre				200																																																						
Oil and Grease	milligrams per litre				10																																																						
pH	pH				6.5-8.0																																																						
Total suspended solids	milligrams per litre				30																																																						
Turbidity	nephelometric turbidity units				150																																																						
Zinc	milligrams per litre				300																																																						
NC14	M6	<p>M6.1 For each discharge point or utilisation area specified below, the licensee must monitor:</p> <p>a) the volume of liquids discharged to water or applied to the area;</p> <p>b) the mass of solids applied to the area;</p> <p>c) the mass of pollutants emitted to the air;</p> <p>at the frequency and using the method and units of measure, specified below.</p>	Non-compliant (Low Risk)	2019 Annual Review reports that bushfire in December 2019 destroyed equipment therefore continuous monitoring of water discharge from LDP1 not undertaken between 20 and 23 December 2019. Equipment was repaired.	No further recommendations																																																						

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation						
		<p>POINT 1</p> <table border="1"> <thead> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Continuous</td> <td>kilolitres per day</td> <td>Level sensor and continuous logger</td> </tr> </tbody> </table>	Frequency	Unit of Measure	Sampling Method	Continuous	kilolitres per day	Level sensor and continuous logger			
Frequency	Unit of Measure	Sampling Method									
Continuous	kilolitres per day	Level sensor and continuous logger									
NC15	R1.7	<p>"R1.7 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <p>a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder."</p>	Administrative non-compliance	* 2018 & 2019 Annual Returns are signed. 2017 Annual Return is unsigned.	No further recommendations						
NC16	R2.2	<p>"R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.</p> <p>Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act."</p>	Administrative non-compliance	<p>Incidents outlined in 2017, 2018 and 2019 Annual Review. In 2020, incident included PIN for clay discharge to Bargo river exceeding NTU and TSS limits on 17 April 2020.</p> <p>The PIRMP was activated and incidents have been reported in accordance with the documented notification requirements in the PIRMP. However, the PIRMP does not list DPIE as an agency to be notified. Therefore, not notifications have been made in accordance with this condition, condition 48 of DA 67 98 requires DPIE be notified of any incident that has caused or has potential to cause impacts to the environment.</p> <p>As per consultation NRAR requested confirmation of whether NRAR was notified of incidents. Based on the notifications provided for this incident, NRAR were not notified."</p>	NC REC: Update PIRMP notification procedure to include DPIE and NRAR. Review any additional agencies which may require notification of incidents.						
NC17	U1	U1.1 The Licensee must install a water treatment plant to reduce the concentrations of arsenic, nickel and zinc in mine water released from Licensed Discharge Point 1.	Non-compliant (Medium Risk)	As reported in the 2019 Annual Review, the Water Treatment Plant was not constructed and commissioned by the due date of 30 November 2018. Based on site correspondence and the audit opening meeting discussions and presentation, it is understood that the RO plant tender is complete and there is a proposal for the construction of a pilot plant prior to installation. The pilot plant is expected to be operational by end 2021. There has been ongoing consultation with the EPA in this regard.	NC REC: Continue investigations to commission the water treatment plant in consultation with the EPA.						

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>The treatment process must reduce concentrations of arsenic, nickel and zinc to levels below the default 95%ile trigger values for protection of aquatic ecosystems specified in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000) in the Bargo River downstream of the confluence with Tea Tree Hollow.</p> <p>In the period between the issuing of this Pollution Reduction Program and the completion of the treatment plant, Tahmoor's discharge from Licensed Discharge Point 1 will be subject to interim discharge limits as described in Section L3 of this licence.</p> <p>Beginning on 31 March 2013, the Licensee must submit quarterly reports to the EPA outlining the progress towards installing the treatment plant.</p> <p>By the due date the Licensee must submit a report confirming the installation and commissioning of the plant. The report must contain a summary of water quality achieved by the treatment process and demonstrate that ANZECC 2000 trigger values are achieved in the Bargo River.</p> <p>Due Date: 30 November 2018</p>		<p>It is noted that the most recent version of EPL1389, dated 2/12/2020 (outside of the audit period), updated the due date of WTP operation pilot plant to October 2021 and final plant Sept 2022.</p>	
ML 1308 and ML 1376					
NC18	3(f)	<p>"(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <p>(i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</p>	Administrative non-compliance	<p>"Section 18 of the Annual Reviews summarise rehabilitation performance during the year. The Annual Reviews do not review progress against the completion criteria presented in the MOP, however, they do include a summary of performance against rehabilitation TARPs.</p>	<p>Improvement REC: Include comparison with completion criteria in the Annual Reviews and rehabilitation reports. Review and implement Resources Regulator rehabilitation reform reporting requirements as required.</p>

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>(ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</p> <p>(iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment.</p> <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report."</p>		<p>It is noted that the Resources Regulator Rehabilitation Reforms are slated for legislation in 2021. It is recommended to review the rehabilitation reporting requirements from this and incorporate as required.</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor Coal applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018."</p>	
NC19	4	<p>"(a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p> <p>(b) The Compliance Report must include:</p> <p>(i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;</p> <p>(ii) particulars of any non-compliance with any such conditions or provisions,</p> <p>(iii) the reasons for any such non-compliance;</p> <p>(iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p> <p>(c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p> <p>(d) In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>(i) must accompany any application to renew this mining lease under the Act;</p>	Administrative non-compliance	<p>"The Annual Reviews meet this requirement, reporting on identified compliance with the Mining Lease during the Annual Review periods, and any particulars.</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor Coal applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018."</p>	No further recommendations

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		(ii) must accompany any application to transfer this mining lease under the Act; and (iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act. (e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister. (f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease."			
ML 1539					
NC20	3	"(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area. and	Administrative non-compliance	"The Annual Reviews have been prepared to satisfy this condition. 2017 Annual Submitted 29 March 2018 2018 Annual Review submitted 31 March 2019 2019 Annual Review submitted 31 March 2020 Evidence of submissions sighted (a) Admin NC: The Annual Reviews do not provide comparisons to the forecast rehabilitation or disturbance rates in the MOP for the year. (b) Statement of compliance against development consent requirements and conditions is included in the Annual Reviews. (c) and (d) Summary of all applicable licences and approvals included in Annual Reviews. (e) Not applicable. No environmental variations. (f) Annual Reviews provide brief status update regarding progress to rehabilitation objective.	Improvement REC: Include comparison with completion criteria in the Annual Reviews and rehabilitation reports. Review and implement Resources Regulator rehabilitation reform reporting requirements as required.

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		(f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies."		An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor Coal applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018."	
ML 1642					
NC21	4	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	Administrative non-compliance	2017 AEMR not submitted prior to 1 March 2018 2018 and 2019 AEMR submitted by required date An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor Coal applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.	No further recommendations
NC22	18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Non-compliant (Medium Risk)	"This ML includes Pit top and REA surface mining lease. As per EPL audit conditions: On 17 April 2017 Tahmoor Coal was issued a Show Cause Notice for an alleged clay discharge into the Bargo River (via the Tea Tree Hollow LDP). In response, Tahmoor Coal prepared an incident report which found the following: ""The event was the discharge of water from Licence Discharge Point 1 (LDP1) above the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389.	NC REC: Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels. Report the status of the follow up actions in the next annual review.

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				<p>The event was caused by the Coal Handling Preparation Plant (CHPP) being unable to manage the material being brought to the surface as expected. As a result, the tailings thickeners were overflowing turbid water to the internal dams and water was discharged from LDP1 with concentrations exceeding the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. Tahmoor Coal is unable to determine the exact timeframes of the event, however it began sometime after the 15 April 2020 and finished on the 19 April 2020. "</p> <p>Tahmoor Coal implemented immediate actions to mitigate the event including:</p> <ul style="list-style-type: none"> - turbidity monitoring, - ceasing CHPP operations - pumping - ceasing pumping from the underground. <p>Monitoring showed that water quality in Tea Tree Hollow returned to compliant levels on 20 April 2020.</p> <p>In addition as reported in the incident report, additional actions have been implemented to prevent the re-occurrence, including real time turbidity monitoring (monitor sighted during site inspection), development of a TARP for turbidity levels and review of flocculant products.</p> <p>On 8 September 2020 Tahmoor Coal was issued with a Penalty Notice for the clay discharge into Tea Tree Hollow. EPA acknowledged that the implemented actions are considered to reduce the possibility of the incident repeating."</p>	
CCL 716					
NC23	3	Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.	Administrative non-compliance	"2017 AEMR not submitted prior to 1 March 2018 2018 and 2019 AEMR submitted by required date	No further recommendations

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>2 The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:-</p> <ul style="list-style-type: none"> (a)the accepted Mining Operations Plan; (b)development consent requirements and conditions; (c)Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d)any other statutory environmental requirements; (e)details of any variations to environmental approvals applicable to the lease area. and (f)where relevant, progress towards final rehabilitation objectives. <p>3 After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>4 The lease holder shall , as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies."</p>		<p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor Coal applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018."</p>	

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC24	25	<p>The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.</p>	<p>Non-compliant (Medium Risk)</p>	<p>This ML includes Pit top and REA surface mining lease. As per EPL audit conditions:</p> <p>On 17 April 2017 Tahmoor Coal was issued a Show Cause Notice for an alleged clay discharge into the Bargo River (via the Tea Tree Hollow LDP). In response, Tahmoor Coal prepared an incident report which found the following:</p> <p>""The event was the discharge of water from Licence Discharge Point 1 (LDP1) above the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389.</p> <p>The event was caused by the Coal Handling Preparation Plant (CHPP) being unable to manage the material being brought to the surface as expected. As a result, the tailings thickeners were overflowing turbid water to the internal dams and water was discharged from LDP1 with concentrations exceeding the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. Tahmoor Coal is unable to determine the exact timeframes of the event, however it began sometime after the 15 April 2020 and finished on the 19 April 2020. "</p> <p>Tahmoor Coal implemented immediate actions to mitigate the event including:</p> <ul style="list-style-type: none"> - turbidity monitoring, - ceasing CHPP operations - pumping - ceasing pumping from the underground. <p>Monitoring showed that water quality in Tea Tree Hollow returned to compliant levels on 20 April 2020.</p> <p>In addition as reported in the incident report, additional actions have been implemented to prevent the re-occurrence, including real time turbidity monitoring (monitor sighted during site inspection), development of a TARP for turbidity levels and review of flocculant products.</p>	<p>NC REC: Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels. Report the status of the follow up actions in the next annual review.</p>

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
				On 8 September 2020 Tahmoor Coal was issued with a Penalty Notice for the clay discharge into Tea Tree Hollow. EPA acknowledged that the implemented actions are considered to reduce the possibility of the incident repeating.	
CCL 747					
NC25	3	<p>"(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.</p> <p>(2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:</p> <p>(a) the accepted Mining Operations Plan;</p> <p>(b) development consent requirements and conditions;</p> <p>(c) Department of Environment and Conservation and Department of Infrastructure, Planning and Natural Resources licences and approvals;</p> <p>(d) any other statutory environmental requirements;</p> <p>(e) details of any variations to environmental approvals applicable to the lease area; and</p> <p>(f) where relevant, progress towards final rehabilitation objectives.</p>	Administrative non-compliance	<p>2017 AEMR not submitted prior to 1 March 2018</p> <p>2018 and 2019 AEMR submitted by required date</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor Coal applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	No further recommendations

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
		<p>(3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>(4) The lease holder shall, as and when directed by the Minister, co- operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies and the local council."</p>			
SMP LW31					
Nil Non-Compliances					
SMP LW 32					
Nil Non-Compliances					
EP LW W1 and LW W2					
Nil Non-Compliances					

8 Recommendations and Opportunities for Improvement

Table 11 consolidates all the recommended actions of this audit as listed in **Section 7** and **Appendix C**. Where required, audit recommendations have been included to address identified non-compliances. In addition, some recommendations have been included as potential areas for systems and compliance improvement. Recommendations specifically to address non-compliances are identified as *NC RECs* while opportunities for improvement are identified as *Improvement RECs*.

These recommendations may be used to prepare the response to recommendations and audit action plan.

Table 11 Audit Recommendations

Rec #.	Aspect	Recommendation
Non-compliance recommendations		
NC REC 1	Groundwater	Groundwater quality data need to be presented in the form of tables which list all monitored parameters and graphs to show the changes in water quality.
NC REC 2	Groundwater	It is recommended that: - groundwater quality data is reported fully ie all parameters that are sampled and analysed need to be reported along with trends in time. - any non-compliance and exceedance of triggers should be followed up and documented along with management measures reported as per TARP in WMP, 2015 and WMP, 2019 - while no auditing is required for groundwater resources in WMP (2019), the auditing in line with LW W1-W2 Extraction Plan should be undertaken to ensure that the water quality of the creeks does not further deteriorate.
NC REC 3	Notifications	Provide notifications to relevant landowners of any monitored exceedances. If investigations have shown that it is not attributable to Tahmoor Coal operations, provide evidence to the landowner.
NC REC 4	Management Plans	Review the AQGHGMP and NMP required by this consent. The management plans should be updated to: - list all relevant statutory conditions (including consents and EPL) along with where they are addressed in the report, including this Management Plans condition 44. - a review of baseline data since the commencement of monitoring under this consent - include the real time monitoring TARPs within the management plans and not as separate procedures - include protocols for incident and complaints management and notifications
NC REC 5	Notifications	Update PIRMP notification procedure to include DPIE and NRAR. Review any additional agencies which may require notification of incidents.
NC REC 6	REA Management Plan	Include additional detail in Table 1 of the REA Management Plan to address where each specific requirement of the plan has been addressed, and if not provide justification.
NC REC 7	REA Management Plan	Include detailed design drawings of the REA and stormwater management system within the management plan. The site water management plan for example does not show the water management at the eastern side of the REA.
NC REC 8	Topsoil / rehabilitation	Complete cover crop seeding of topsoil stockpile areas.
NC REC 9	Topsoil / rehabilitation	Reduce topsoil stockpile height to <3m and ensure stockpiles resulting from future disturbance be a maximum of be 3m high and be seeded with a temporary vegetation cover.
NC REC 10	Rehabilitation	Ensure future contour drains and other water management structures at the Reject Emplacement Area are constructed in accordance with approved designs and complete erosion repairs/rock lining of existing contour drain.
NC REC 11	Water Treatment Plant	Continue investigations to commission the water treatment plant in consultation with the EPA.

Rec #.	Aspect	Recommendation
NC REC 12	Water / incident management	Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels. Report the status of the follow up actions in the next annual review.
Improvement Recommendations		
Improvement REC 1	Reporting	Include reference to the requirements of Condition 46 of DA 57/93 into future iterations of the MOP and include a table to show where these conditions have been addressed.
Improvement REC 2	Rehabilitation	Develop a formalised Rehabilitation Quality Assurance Process throughout the life of rehabilitation to include verification of activities and procedures and tracking of key data at each phase of rehabilitation (ie topsoil depth, amelioration, seed mix, weather conditions). It is recommended that GIS may be incorporated into the QA process to track phases of rehabilitation. This will assist in identifying differences in rehabilitation and determining factors for success and failure.
Improvement REC 3	Rehabilitation	Prepare a topsoil inventory to understand volumes of material available for rehabilitation.
Improvement REC 4	Rehabilitation	Consider climatic conditions in rehabilitation timings and planning and utilise water carts or similar to assist in watering in of tubestock in dry conditions."
Improvement REC 5	Erosion / water management	Install temporary erosion and sediment controls at the drain between M4 and LDP1 until vegetation establishment is complete.
Improvement REC 6	Erosion / water management	Complete repairs to erosion and sediment controls and eroded batter adjacent to LDP1.
Improvement REC 7	Reporting	Include comparison with completion criteria in the Annual Reviews and rehabilitation reports. Review and implement Resources Regulator rehabilitation reform reporting requirements as required.
Improvement REC 8	Incident reporting	All exceedances should be documented in the incidents/compliance register along with any investigations. The incidents register should include note of whether or not the incident is "notifiable" and document notification if it has occurred.
Improvement REC 9	Reporting	Include reporting on GHG in the annual reviews.
Improvement REC 10	ML 1376	Undertake further consultation with RR regarding status of mining lease application and obtain confirmation of expected date of approval.
Improvement REC 11	Hydrocarbons	Clean up hydrocarbon staining around diesel storage and associated workshops
Improvement REC 12	Reporting	Include table showing actual daily results in discharge volumes against the approved volumes in Annual Review (as a table) as per the Annual Return (ie min, max and average). Reporting of volume should be in the same units as the limit (KL) rather than ML. Also recommended to update discharge figure in the Annual Reviews to show the discharge limit of 15500 KL/day.
Improvement REC 13	Weed management	Some evidence of weeds was noted around the pit top, ventilation shaft and in rehabilitation areas. Additional weed management recommended.
Improvement REC 14	Safety	Vegetation has been cleared to facilitate rehabilitation works at Myrtle Creek in accordance with the CMAP. It is recommended to install safety bunting at the top of the creek embankment until vegetation is re-established.
Improvement REC 15	Water take	Review water take reported in 2017-2019 Annual Reviews. Provide justification for inconsistencies in the reported numbers.
Improvement REC 16	Subsidence	Due to the recent amendment to the 1961 Mine Subsidence Compensation Act in 2017, all claims and compensation for impacts after 1 January 2018 will be directed by SA NSW to the operating mine responsible. It would therefore be in the best interests of the mine to ensure all development that is approved by SA NSW is compatible with the predicted subsidence effects at Tahmoor.

9 Conclusion

This Independent Environmental Audit has been prepared for the Tahmoor Coal Mine to meet the requirements of relevant conditions of the Schedule 2, Condition 50 and 51 of DA 67/98.

The audit has been completed in accordance with the *Independent Audit Guideline* (DPIE, 2015) and has assessed compliance with:

- Development Approvals – DC 1975, DA 57/93 and DA 67/98 (including management plans);
- Statement of Commitments for Redbank Tunnel Subsidence Management Project – DA 67/98;
- Environment Protection Licence (EPL) – EPL 1389;
- Mining Leases (ML) – ML 1308, ML 1376, ML 1539 and ML 1642;
- Consolidated Coal Leases (CCL) – CCL 716 and CCL 747;
- Water licence – WAL 36442;
- Mining Operations Plan (MOP); and
- Extraction Plan Approvals and Subsidence Management Plan Approvals.

The site component of the audit was undertaken between 13 and 15 October 2020, with SLR being supplied additional documentation and information as requested following the site inspection.

Overall, 429 conditions were identified, 180 (42%) were not triggered during the audit period, and 25 (6%) were a note for information. Of the remaining 224 audited conditions 188 (44%) were compliant, 6 (3%) were non-complaint (medium risk), 4 (2%) were non-complaint (low risk) and 17 (8%) were administrative non-compliances. No high-risk non-compliances were identified. SLR has provided recommendations to address identified non-compliances and to improve environmental performance.

During the site inspection it was evident that the site was generally being managed with a commitment to minimise the impact on the environment and surrounding residents. Evidence of consultation and compliance with agency requirements has been evidenced through the preparation and implementation of the CMAPs for Redbank and Myrtle Creeks and incident investigations and subsequent improvements following the April 2020 discharge event.

The following areas of good performance were noted during the audit:

- Tahmoor Coal staff were well prepared for the audit and were readily available to assist prior to, during and post audit;
- Tahmoor Coal has a large environmental team with a commitment to improvements;
- No excessive dust or noise emissions were noted during the site inspection;
- Generally good housekeeping and hydrocarbon management with hydrocarbons stored in appropriately bunded areas with spill kits in appropriate locations;
- Appropriate waste management was observed around the pit top with bins labelled and waste appropriately segregated;
- Evidence of the implementation of the water management system and improvements in response to the April 2020 discharge event;

- Established rehabilitation is of a good standard with there being diversity of target species identified through the site inspection and rehabilitation monitoring;
- Rock armoured drains installed at the REA in response to Resources Regulator direction appear successful and stable;
- Mulching has been undertaken around the perimeter of the pit top to improve groundcover following the 2020 bushfires;
- General preparation and implementation of the Extraction Plans, including consultation with regulators and the community, is of a high standard;
- The implementation of the CMAPs and remediation trials along the Redbank and Myrtle Creeks is a good outcome since the previous audit; and
- Based on information provided the site has a good relationship with the community. Evidence through community notifications, complaints management and the Community Consultative Committee. It is also that in late 2018 Tahmoor mine was on reduced operations due to investigations and repairs of the Shaft 3 winder. During this time, rather than standing down staff, Tahmoor Coal utilised the workforce to assist with community projects

The following general areas of improvement were noted during the audit:

- The recent rehabilitation at the REA has not been successful with poor vegetation establishment. Several recommendations have been suggested to improve rehabilitation outcomes;
- Large unvegetated areas are evident at the topsoil stockpile area with no cover crops. Revegetation is required;
- Additional notifications have been recommended during the activation of the PIRMP;
- Works have been undertaken to clean out the drain between dam M4 and LDP1. The clean out works have left exposed, unvegetated embankments which may be a risk of erosion and sedimentation, and sediment laden discharge through LDP1. The installation of temporary erosion and sediment control measures has been recommended to prevent any erosion prior to revegetation of the area;
- Minor hydrocarbon staining noted in the diesel storage area. Clean up is recommended.
- Some erosion was evident in the batters adjacent to LDP1, with temporary haybale repairs in place. Repairs are recommended;
- Continued works are required to commission the Water Treatment Plant in accordance with EPL requirements; and
- Some reporting improvements have been recommended.

Recommended actions for improvements have been included in **Table 14**.

APPENDIX A

DPIE Appointment of Experts Letter



Ms Zina Ainsworth
Manager Environment and Community
Tahmoor Coking Coal Operations
SIMEC Mining
PO Box 120
TAHMOOR NSW 2537

04/08/2020

Dear Ms Ainsworth

**Tahmoor Coal Mine (DA 67/98)
Independent Environmental Audit 2020**

I refer to your letter of 23 July 2020 seeking approval of the updated audit team for the upcoming Independent Environmental Audit of Tahmoor Coal Mine (the development), in accordance with Schedule 2, Condition 50 of development consent DA 67/98, as modified (the consent).

Having considered the qualifications and experience of the proposed audit team, the Secretary endorses the appointment of:

- Mr Nathan Archer, Lead Auditor;
- Ms Megan Crowhurst, Assistant Auditor;
- Mr Duncan Barnes, Water Specialist;
- Mr Steve Ditton, Subsidence Specialist; and
- Ms Katarina David, Groundwater Specialist,

to undertake the audit in accordance with Schedule 2, Condition 50 of the consent. This approval is conditional on the audit team being independent of the development.

The audit is to be conducted in accordance with AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing and you may wish to consider the Independent Audit Guideline dated October 2015. A copy of this guideline can be located at <http://planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy>.

The audit report is to include the following:

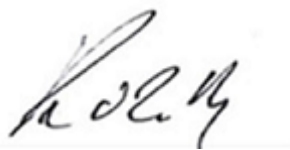
1. consultation with the relevant agencies;
2. a compliance table indicating the compliance status of each condition of approval and any relevant EPL;
3. not use the term “partial compliance”;
4. recommend actions in response to non-compliances;
5. review the adequacy of plans and programs required under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

Within three months of commencing this audit, Tahmoor is to submit a copy of the audit report to the Secretary and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report and a timetable to implement the recommendations.

Prior to submitting the audit report to the Secretary, it is recommended that Tahmoor review the report to ensure it complies with the relevant consent condition.

Should you have any enquiries in relation to this matter, please contact Georgia Dragicevic, Senior Compliance Officer, on (02) 4247 1852 or by email to Georgia.Dragicevic@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. O'Reilly', enclosed in a thin black rectangular border.

Katrina O'Reilly
Team Leader - Compliance
Compliance

As nominee of the Planning Secretary

APPENDIX B

Resources Regulator Consultation Response

AREQ0012333

Mr Nathan Archer
SLR Consulting Australia Pty Ltd
10 Kings Road
New Lambton NSW 2305
By email: narcher@slrconsulting.com

Dear Mr Archer

Subject: Tahmoor Coal Mine

Thank you for your email dated 19 August 2020 requesting consultation on the independent audit to be undertaken of the Tahmoor Coal Mine.

The Tahmoor Coal Mine is covered by the titles listed below.

- CCL716
- ML1308
- ML1376
- ML1539
- ML16425

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; and
- 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.
- Review the progress of actions committed to by Tahmoor Mine in relation to the previous audit findings For Condition 41&46 of DA 57/93 Recommendation (REC 4) for the Reject Emplacement Area. Noting that some of these commitments may be impacted as Tahmoor has plans to increase the overall height of the Emplacement area and re disturb areas previously under rehabilitation.
- Review general compliance with Subsidence Management Plans as works are currently underway to remediate Myrtle and Redbank creeks.

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

Yours sincerely

Jenny Ehmsen
Principal Compliance Auditor

15 September 2020

APPENDIX C

Compliance Spreadsheet

DA 67/98 - Mod 4 ("1999 Consent")

For the Following: Extension to underground coal mining as part of Tahmoor North Coal Mine ("the Development").

Development Application: DA 67/98 lodged with Wollondilly Shire Council on 30 March 1998 accompanied by an Environmental Impact Statement ("EIS") prepared by Olsen Environmental Consulting Pty Ltd dated 11 March, 1998

Condition Number	Condition	Compliance Status	Evidence	Recommended Actions
General				
1	1. The Applicant must carry out the development generally in accordance with the: (i) EIS, SEE (MOD 1), EA (MOD 2), EA (MOD 3) and EA (MOD 4); and (ii) Statement of Commitments. Note: The Statement of Commitments is reproduced in Appendix 1.	Compliant	Based on the findings of this audit, the development has been carried out generally in accordance with the EA and statement of commitments.	
1A	The Applicant must carry out the development in accordance with the conditions of this consent.	Compliant	Based on the findings of this audit, the development has been carried out in accordance with the conditions of this consent. Non-compliances have been identified where relevant below.	
1B	The conditions of this consent and directions of the Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition 1 of Schedule 2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition 1 of Schedule 2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Note		
Limit of approval				
2	(i) No second workings shall be undertaken under land which was zoned Residential 2(a) in Redbank or South Picton at the date of lodgement of the DA with Council. (ii) Second workings must not be undertaken under land which was zoned Industrial 4(a) at the date of lodgement of the DA with Council unless the Applicant has a binding compensation agreement with the landowner to the satisfaction of the Secretary in consultation with DRG.	Compliant	i) No workings have been undertaken underneath residential areas. Supported by mine plan and mine plan approvals. ii) Picton industrial area (PIA) has individual management plans endorsed by the landowners detailing all requirements. Letter from DPIE dated 6 March 2019 detailing's satisfaction with agreements in place with landowners in PIA. LW31, 32 SMP Approvals required Built Feature Management Plan for Residences and Individual Property Subsidence Management Plans for Commercial Establishments in South Picton. W1 & W2 Extraction Plans included a Structures Management Plan for Residential, Non-Residential and Public Amenities. All of the above were in-place before 2nd Workings was commenced in Audit Period.	
3	The Applicant must submit a revised mine plan to the Secretary and Council within three months from the date of granting of a mining lease pursuant to this consent.	Not triggered	No new mining leases have been granted during the audit period.	
4	The approval for mining is for a period of 21 years from the date of granting of a mining lease pursuant to this consent.	Compliant	All mining leases are current with the exception of ML1376 which expired in 2016. Evidence has been sighted of correspondence with Resources Regulator regarding the renewal of the ML Renewal application was submitted prior to expiry and is still awaiting RR approval. Ongoing correspondence has also been sighted.	Improvement REC: Undertake further consultation with RR regarding status of mining lease application and obtain confirmation of expected date of approval.
4A	Consistent with the requirements in this consent, the Secretary may make written directions to the Applicant in relation to: (i) 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 Secretary; and (ii) the implementation of any actions or measures contained in any such document referred to in condition 4A(i).	Compliant	Corrective Management Action Plans have been prepared for both Redbank and Myrtle Creeks in response to directions and s240 Notices received from Resources Regulator. Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator. Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule. Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works. The remediation trials along Myrtle and Redbank Creek were a positive outcome since last audit.	
5	The Applicant must notify the Secretary and the Council in writing of the intended date of commencement of the first second workings in the area covered by this DA (DA 67/98) fourteen days prior to the commencement of such workings.	Compliant	Completed and closed prior to this audit period Notified Council on 10 September 2003 and General Manager of DPE on 8 Sept 2003.	
6	The Applicant must not: (i) cause subsidence within the two areas shown in black crosshatching in Figure 2; or (ii) cause moderate, severe or very severe structural damage to houses, sheds or pools within the DA area in excess of the percentages of such structures shown in the relevant column of Figure 3 without obtaining either an approval under Part 4 of the Act or a modification of consent under Part 4 of the Act. Note: In this condition, "percentage of such structures" means the percentage of such structures as may exist from time to time, ie allowing for new buildings and demolition within the area affected by subsidence caused by mining within the DA area.	Compliant	Compliance with this clause indicated by (i) End of Panel Reports for LW31 & 32 and (ii) Structures Management Plans for LW31, 32 & W1. Comment: Impacts to very large new masonry houses above LWW1 and W2 in the Stone Quarry Estate could exceed 'slight' (Category 1 Damage in AS2870-2011) if there is a lack of articulation evident and expected subsidence effects (predicted curvatures of ~ 0.1km-1) exceed Tolerable Curvatures for Rendered and Solid Masonry Walls between 20 m and 40 m long of 0.1 km-1 to 0.05 km-1. It is understood that the houses were approved by Subsidence Advisory, however, due to recent changes to the 1961 Mine Subsidence Compensation Act in 2017, all claims and compensation for impact will be directed by SA NSW to the operating mine responsible. It would be in the best interests of the mine to ensure all development that is approved by SA NSW is fair and reasonable in regards to predicted subsidence effects.	
7	Mining is not to occur so as to result in the subsidence of any habitable floors to below the 1:100 year flood level (1% flood level).	Compliant	Based on correspondence sighted from MSEC dated 13 August 2020, no houses above LW30 -32 are near 1:100 year subsidence level. WRM flood study prepared in 2014 page 27 states the impact of subsidence caused by mining does not result in an increase in flood levels (LW31-37 mine plan).	
Statutory requirements				
8	The Applicant must ensure that all statutory requirements, including all relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions and Directions of the Council and relevant government agencies are met and approvals obtained.	Compliant	All mining leases are current with the exception of ML1376 which expired in 2016. Evidence has been sighted of correspondence with Resources Regulator regarding the renewal of the ML Renewal application was submitted prior to expiry and is still awaiting RR approval. Ongoing correspondence has also been sighted.	Improvement REC: Undertake further consultation with RR regarding status of mining lease application and obtain confirmation of expected date of approval.
Environmental Management Services				

9	<p>The Applicant must engage recognised Environmental Management Services throughout the life of the mine. The Environmental Management Services must:</p> <ul style="list-style-type: none"> (i) provide for the preparation of environmental management plans; (ii) provide for considering and advising on matters specified in the conditions of this consent and compliance with such matters; (iii) provide for receiving and responding to complaints in accordance with Condition 43; (iv) be involved in the induction and training program for all persons involved with construction activities, mining and remedial activities (including surface drainage mitigation works); (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts. Failing the effectiveness of such steps immediately advise Senior Management of the mine of environmental implications and of any need to stop work; and (vi) provide a representative to be a member of the Community Consultative Committee (Condition 47). 	Compliant	<p>Evidence of recognised Environmental Manager and team throughout the operations life.</p> <p>EMS provided by several consultants to provide monitoring installation, sampling and reporting to expected industry / engineering standards.</p> <p>Copy of Environment Management Strategy provided. This includes roles and responsibilities.</p> <p>Other key site documentation viewed as part of the audit includes:</p> <ul style="list-style-type: none"> * Training Procedure; * Complaints Record; complaints managed in accordance with procedure. Managed by specific community team members. * Weekly Environment Management Committee (EMC) meeting; and * Consultative Community Committee (CCC) minutes. 	
10	<p>The Applicant must notify the Secretary, EPA, DoI, DRG, Council, the Community Consultative Committee of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the name and contact details of the principal person responsible for overseeing environmental management of the mine. This principal person must be a person who has the authority to stop work if an adverse impact on the environment is likely to occur.</p>	Compliant	<ul style="list-style-type: none"> * The Annual Review reports relevant staff including environmental representatives including relevant contact details; * Evidence of emails to key government authorities dated 17 December 2019, introducing the current Environment and Community Manager; and * Tahmoor personnel present at the CCC December 2019 minutes sighted. 	

Revision of subsidence predictions

11	<p>As part of any application to DRG for approval of a Subsidence Management Plan for longwalls up to and including Longwall 32:</p> <ul style="list-style-type: none"> (i) the Applicant must revise subsidence predictions and the impacts on bridge structures, culverts and embankments based on the final mine plan and prepare management plans in consultation with the relevant authorities; (ii) the Applicant must revise subsidence predictions and the impacts on mains and overhead cables based on the final mine plan and prepare management plans in consultation with the relevant authorities; (iii) for mining that may change drainage patterns of floodprone land, the Applicant must revise subsidence predictions and prepare management plans for those lands in consultation with Council and relevant landowners; and (iv) high frequency monitoring, along with detailed structural sensitivity analyses, for Picton High School during second workings in Longwall 32; and (v) undertake additional flood modelling for events up to and including the Probable Maximum Flood, prior to undertaking second workings in Longwall 32. <p>Any such revisions of subsidence predictions must be reported in the Annual Review (Condition 45).</p>	Compliant	<ul style="list-style-type: none"> (i) to (iv) High level of ongoing review of subsidence effect predictions and observations by mine consultant (MSEC) based on statistical techniques presented in SMP and End of Panel Reports for LW31-32 and Extraction Plans for W1 & W2. Management Plans for Built and Natural Features in SMP for LW31 and 32 & Extraction Plan for LW W1 also provides comprehensive review. (v) A Flood Impact Assessment was completed for LW31 - 37 by WRM Report No. 1072-02-B (3/12/14) and indicated no increase in flood levels due to predicted mine subsidence. Additional flood modelling of the 1% AEP and PMF for W1 and W2 also by WRM Report No. 1072-05-B1 (3/5/19) and again indicated a negligible increase in flood levels due to the predicted subsidence. <p>Observation: The concerns over subsidence impacts to Myrtle & Redbank Creeks by LW25 to 32 resulted in the change in orientation of LW33 to 37 and Modification of the Project Approval (Mod 4) for W1 to W4 to avoid directly undermining the higher order creeks (Matthews, Cedar and Stone Quarry Creeks).</p>	
----	--	-----------	--	--

Subsidence monitoring

17	<p>For longwalls up to and including Longwall 32, the Applicant must undertake a detailed and ongoing monitoring program of subsidence resulting from mining to the satisfaction of the Secretary and in consultation with DRG and Council from the date of commencement (Condition 5) and for a period of at least three years after the completion of mining, or other such period as determined by the Secretary in consultation with DRG and Council. Monitoring must include the following:</p> <ul style="list-style-type: none"> (i) impacts on dams that may be affected by subsidence occurring in the DA area; (ii) a survey of the stream channel system; (iii) monitoring of groundwater levels and quality; 	Administrative non-compliance	<p>Mining in Longwall 32 was completed in September 2019. The End of Panel Report for LW 32 dated March 2020.</p> <p>Subsidence Specialist Assessment</p> <p>Annual Reviews for 2017 to 2019, End of Panel Reports & SMP/Extraction Plans for LW31, 32 & W1 provide results of subsidence and impact monitoring with follow up inspections to determine level of environmental and built feature performance as defined in relevant Management Plan TARPs. For example, the condition of Redbank and Myrtle Creeks have been closely monitored and identified > 20% pond level losses, deteriorating water quality and aquatic ecology impacts after longwalls 25 to 31 have undermined creeks. This has triggered CMAPs requiring grouting with PUR and installation of additional standpipe piezometers for recovery monitoring. Trials at two locations on both creeks have had a positive impact to-date on restoring the creeks to pre-mining condition. Far Field displacements have been monitored with GNSS devices and angle of draw has been regularly measured and compared to observed impacts to creeks and built features (railway, tunnels, sewer lines).</p> <p>All subsidence effects and related impacts are compared against predicted values and additional surveys undertaken before initiating any remedial works. To-date, the monitoring programs have detected higher than normal magnitudes of subsidence along the southern ends of LW25 to 27, however, normal magnitudes have returned again above LW28 to 32. Upper 95% and 99% Confidence Limits for Horizontal Strain have been established at key locations that provide greater confidence in the subsequent predictions.</p> <p>The level of impact to houses after undermining have been reviewed statistically by MSEC and they have identified areas in the terrain that may exacerbate subsidence effects through the development of non-conventional subsidence across back-filled or 'hidden' creeks under sub-divisions. Details are provided in Annual Reports and End of Panel Reports for LW31 and 32.</p> <p>Longwall W1 and W2 Extraction Plan have placed conditional approval restrictions on the mine and based on the observed</p>	<p>NC recommendation: Groundwater quality data need to be presented in the form of tables which list all monitored parameters and grants to</p>
----	---	-------------------------------	---	--

<p>(iii) monitoring of groundwater levels and quality;</p> <p>(iv) monitoring of remedial measures;</p> <p>(v) a comparison of predicted impacts with actual impacts, including mapping of subsidence profiles in residential areas and of anomalous events;</p> <p>(vi) strains and impacts in the vicinity of the Nepean Fault Zone; and</p> <p>(vii) the angle of draw.</p> <p>The Applicant must include information on monitoring conducted and the interpreted results in the Annual Review (Condition 45).</p>		Administrative non-compliance	<p>Longwall W1 and W2 Extraction Plan have placed conditional approval restrictions on the mine and based on the observed impacts to Matthews, Cedar and Stonequarry Creeks / water holes / ponds and rock bars / cliffs. A high level of subsidence monitoring is conducted on infrastructure (tunnels, embankments and railway loops, industrial sites etc) and impacts remediated in pre-and post mining consultations with stakeholders.</p> <p>Groundwater Specialist Assessment Admin NCs: identified as follows: Annual review for Tahmoor for 2017, 2018, 2019 and 2020 reported groundwater levels or quality. While comparison of water levels was provided with the groundwater modelled predictions in the EA no comparison was provided the of predicted (EA) impacts related to water quality to actual impacts , as recommended by the independent audit 2017. Lab groundwater quality data in 2018 and 2019 report are discussed in terms of pH and EC only. End of Panel subsidence monitoring report for LW31 (2019) does not present the water quality data for any of the parameters apart from EC and pH.</p> <p>Subsidence monitoring program for 2019 reports that groundwater monitoring includes ground levels and quality but no data is presented or discussed. (the report indicates that reader needs to refer to Water management plan). Six monthly subsidence impact report (May 2020) provides the summary of groundwater levels and quality. Data for the period from June to October 2020 only were sighted.</p> <p>Annual report (2020) (which contains End of Panel report, 2020) does not provide the groundwater quality monitoring results, with the exception of pH and EC. No other parameters are discussed or presented in tables. No information on water levels or water quality in private bores is discussed in 2020 annual report. There is no information in any of the annual reports on the groundwater data management and validation. Groundwater data interpretation was provided in 2017, 2018 and 2019 and 2020 report .</p>	<p>In the form of tables which list all monitored parameters and graphs to show the changes in water quality.</p>
---	--	-------------------------------	--	---

<p>13</p>	<p>For longwalls up to and including Longwall 32, if determined necessary by the Secretary in consultation with Council and DoI, the Applicant must carry out works in accordance with an Erosion and Sediment Control Plan, prepared to the requirements of DoI, to restore any damage to watercourses (including the banks) resulting from the mining operations, subject to any other necessary approvals.</p>	Compliant	<p>* An Erosion and Sediment Control Plan has been prepared for the Myrtle Creek CMAP (dated March 2019) and Redbank Creek CMAP (dated July 2019) and submitted to DPIE. * Approval letters from DPIE dated 4 June 2019 and 17 September 2019 respectively.</p> <p>CMAs for Myrtle and Redbank Creeks (post LW25 to 32 impacts) Summary - Completion of Stage 1 PUR Grouting Works on Myrtle Creek in Feb 2020 to restore Pool 23 ponding to pre-mining levels . A proposal was submitted to DRG in May 2020 for approval to trial cementitious grouting at Pool 20, with a further 5 pools to be remediated if the procedure is effective. PUR grouting of Pool 26 on Redbank Creek commenced in July 2020 with three more pools proposed to be completed by October 2020 (Pools 27 - 29). Ref: CMA Newsletters dated September & October 2020 on Tahmoor Mine website. Results indicate significant pond level recovery after grouting.</p>	
-----------	---	-----------	--	--

SUBSIDENCE

Performance Measures – Natural and Heritage Features etc.

<p>13A</p>	<p>The Applicant must ensure that extraction of Longwall 33 and subsequent longwalls does not cause any exceedances of the performance measures in Table 1.</p> <table border="1" data-bbox="415 1144 1023 1606"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2"><i>Biodiversity</i></td> </tr> <tr> <td>Threatened species, threatened populations, or endangered ecological communities</td> <td>• Negligible environmental consequences</td> </tr> <tr> <td colspan="2"><i>Heritage sites</i></td> </tr> <tr> <td>Heritage sites shown in the figures in Appendix 7</td> <td>• Negligible subsidence impacts or environmental consequences • Negligible loss of heritage value</td> </tr> <tr> <td>Other Aboriginal and heritage sites</td> <td>• Negligible subsidence impacts or environmental consequences</td> </tr> <tr> <td colspan="2"><i>Feature</i></td> </tr> <tr> <td colspan="2"><i>Mine workings</i></td> </tr> <tr> <td>First workings</td> <td>• To remain long term stable and non-subsiding</td> </tr> <tr> <td>Second workings</td> <td>• To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan</td> </tr> </tbody> </table> <p><i>Note: 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.</i></p>	Feature	Performance Measures	<i>Biodiversity</i>		Threatened species, threatened populations, or endangered ecological communities	• Negligible environmental consequences	<i>Heritage sites</i>		Heritage sites shown in the figures in Appendix 7	• Negligible subsidence impacts or environmental consequences • Negligible loss of heritage value	Other Aboriginal and heritage sites	• Negligible subsidence impacts or environmental consequences	<i>Feature</i>		<i>Mine workings</i>		First workings	• To remain long term stable and non-subsiding	Second workings	• To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan	Compliant	<p>The Longwall W1 and W2 Extraction Plan was approved by the DPIE on 8 November 2019.</p> <p>Note: LW 33 and 34 are now referred to as LW W1 and W2.</p> <p>Section 3.5 of the Extraction Plan for LW W1 and W2 details the approved performance measures.</p> <p>LW W1 Extraction commenced on 17 November 2019. The 6 Monthly Subsidence Impact Report dated May 2020 presents an assessment of the measured subsidence impacts against the required performance measures and concludes that there have been no exceedances of these measures to date.</p> <p>LW W1 commenced 17/11/19 and was incomplete at end of audit period. The six-monthly report for LW W1 indicated nil impact to Biodiversity and Heritage Sites after 200 mm of subsidence had developed.</p>	
Feature	Performance Measures																							
<i>Biodiversity</i>																								
Threatened species, threatened populations, or endangered ecological communities	• Negligible environmental consequences																							
<i>Heritage sites</i>																								
Heritage sites shown in the figures in Appendix 7	• Negligible subsidence impacts or environmental consequences • Negligible loss of heritage value																							
Other Aboriginal and heritage sites	• Negligible subsidence impacts or environmental consequences																							
<i>Feature</i>																								
<i>Mine workings</i>																								
First workings	• To remain long term stable and non-subsiding																							
Second workings	• To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan																							

<p>13B</p>	<p>Measurement and monitoring of compliance with performance measures and performance indicators in this consent 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 and monitoring programs. In the event of a dispute over the appropriateness of proposed methods, the Secretary will be the final arbiter.</p>	Compliant	<p>Subsidence monitoring and management plans with TARPs for listed features in Table 1 in place for LW W1 with seven consultants inspecting and recording impacts on a weekly and monthly basis.</p>	
------------	---	-----------	---	--

Additional Offsets

<p>13C</p>	<p>If the Applicant exceeds the performance measures in Table 1 and the Secretary determines that: (i) it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or (ii) remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence, then the Applicant must provide a suitable offset to compensate for the subsidence impact or environmental consequence, to the satisfaction of the Secretary.</p>	Not triggered	<p>Not requested by the Secretary No impacts to features detected during audit period.</p>	
------------	--	---------------	---	--

13D	The offset must give priority to like-for-like physical environmental offsets, but may also consider payment into any NSW Offset Fund established by OEH, or funding or implementation of supplementary measures such as: (i) actions outlined in threatened species recovery programs; (ii) actions that contribute to threat abatement programs; (iii) biodiversity research and survey programs; and/or (iv) rehabilitating degraded habitat. Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence	Not triggered	Not requested by the Secretary No impacts to features detected during audit period.	
-----	---	---------------	--	--

Performance Measures – Built Features

13E	The Applicant must ensure that extraction of Longwall 33 and subsequent longwalls does not cause any exceedances of the performance measures in Table 2. <table border="1" data-bbox="474 394 1012 886"> <caption>Table 2: Subsidence impact performance measures – built features</caption> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2"><i>Key Public Infrastructure</i></td> </tr> <tr> <td> <ul style="list-style-type: none"> Main Southern Railway; Picton Mittagong Loop Line; and Electricity transmission lines and towers. </td> <td> <ul style="list-style-type: none"> Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired. </td> </tr> <tr> <td colspan="2"><i>Other Infrastructure</i></td> </tr> <tr> <td> <ul style="list-style-type: none"> Electricity distribution lines, poles and associated towers; Unsealed roads and road culverts, fire trails, fences and other built features; and Other public infrastructure </td> <td> <ul style="list-style-type: none"> Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. </td> </tr> <tr> <td> <ul style="list-style-type: none"> Privately-owned residences Other privately-owned built features and improvements, including farm dams, swimming pools, tennis courts, roads, tracks and fences </td> <td> <ul style="list-style-type: none"> Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated. </td> </tr> <tr> <td colspan="2"><i>Public safety</i></td> </tr> <tr> <td> <ul style="list-style-type: none"> Public Safety </td> <td> <ul style="list-style-type: none"> Negligible additional risk. </td> </tr> </tbody> </table>	Feature	Performance Measures	<i>Key Public Infrastructure</i>		<ul style="list-style-type: none"> Main Southern Railway; Picton Mittagong Loop Line; and Electricity transmission lines and towers. 	<ul style="list-style-type: none"> Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired. 	<i>Other Infrastructure</i>		<ul style="list-style-type: none"> Electricity distribution lines, poles and associated towers; Unsealed roads and road culverts, fire trails, fences and other built features; and Other public infrastructure 	<ul style="list-style-type: none"> Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. 	<ul style="list-style-type: none"> Privately-owned residences Other privately-owned built features and improvements, including farm dams, swimming pools, tennis courts, roads, tracks and fences 	<ul style="list-style-type: none"> Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated. 	<i>Public safety</i>		<ul style="list-style-type: none"> Public Safety 	<ul style="list-style-type: none"> Negligible additional risk. 	Compliant	The Longwall W1 and W2 Extraction Plan was approved by the DPIE on 8 November 2019. Note: LW 33 and 34 are now referred to as LW W1 and W2. Section 3.5 of the Extraction Plan for LW W1 and W2 details the approved performance measures. LW W1 Extraction commenced on 17 November 2019. The 6 Monthly Subsidence Impact Report dated May 2020 presents an assessment of the measured subsidence impacts against the required performance measures and concludes that there have been no exceedances of these measures to date. LW W1 commenced 17/11/19 and was incomplete at end of audit period. The six-monthly report for LW W1 indicated nil impact to Biodiversity and Heritage Sites after 200 mm of subsidence had developed.	
Feature	Performance Measures																			
<i>Key Public Infrastructure</i>																				
<ul style="list-style-type: none"> Main Southern Railway; Picton Mittagong Loop Line; and Electricity transmission lines and towers. 	<ul style="list-style-type: none"> Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired. 																			
<i>Other Infrastructure</i>																				
<ul style="list-style-type: none"> Electricity distribution lines, poles and associated towers; Unsealed roads and road culverts, fire trails, fences and other built features; and Other public infrastructure 	<ul style="list-style-type: none"> Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. 																			
<ul style="list-style-type: none"> Privately-owned residences Other privately-owned built features and improvements, including farm dams, swimming pools, tennis courts, roads, tracks and fences 	<ul style="list-style-type: none"> Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated. 																			
<i>Public safety</i>																				
<ul style="list-style-type: none"> Public Safety 	<ul style="list-style-type: none"> Negligible additional risk. 																			

Notes:	Notes <ul style="list-style-type: none"> The Applicant will be required to define more detailed performance measures in the Built Features Management Plans or Public Safety Management Plan. Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes. Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017. 	Compliant	Fourteen Built Features Management Plans have been developed with TARPs in consultation with stakeholders before LW W1 commenced extraction.	
--------	---	-----------	--	--

13F	Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 2 is to be settled by the Secretary, following consultation with the Resources Regulator. Any decision by the Secretary shall be final.	Compliant	Subsidence Claim process followed as per Subsidence Advisory (SA) NSW directions. Status of all claims is documented in claims registers for residential properties and the Picton Industrial Area. Based on site correspondence, there are currently 4 claims under secretarial review. Sighted Tahmoor and claimant position statements and submission to the determining body.	
-----	--	-----------	--	--

First Workings

13G	The Applicant may carry out first workings within the underground mining area approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first workings are designed to remain stable and non-subsiding in the long - term, except insofar as they may be impacted by approved second workings.	Compliant	Evidence of consultation with RR regarding undertaking of first workings in accordance with this condition sighted for longwalls W1 and W2 dated 20 May 2019 and W3 and W4 dated 14 August 2020.	
Notes:	<ul style="list-style-type: none"> The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts. DRG should be consulted when designing first workings in order to provide comment on matters relating to coal resource recovery. 	Note		

Extraction Plan

<p>13H</p>	<p>The Applicant must prepare an Extraction Plan for all second workings in Longwall 33 and subsequent longwalls to the satisfaction of the Secretary. Each Extraction Plan must:</p> <ul style="list-style-type: none"> (i) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary; (ii) be prepared in consultation with DRG, Resources Regulator, OEH, DSC, WaterNSW and DoI; (iii) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures; (iv) include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with the Resources Regulator; (v) provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent; (vi) describe in detail the performance indicators to be implemented to ensure compliance with the performance measures in Table 1 and Table 2, and manage or remediate any impacts and/or environmental consequences; (vii) include a: <ul style="list-style-type: none"> a. Subsidence Monitoring Program which has been prepared in consultation with the Resources Regulator to: <ul style="list-style-type: none"> • describe the ongoing conventional and non-conventional subsidence monitoring program; • provide data to assist with the management of risks associated with conventional and non-conventional subsidence; • validate the conventional and non-conventional subsidence predictions; • analyse the relationship between the predicted and resulting conventional and non-conventional subsidence effects and predicted and resulting impacts under the plan and any ensuring environmental consequences; and • inform the adaptive management process; 	<p>Compliant</p>	<p>LW W1 and LWW2 extraction plan was the first prepared under this MOD 4 condition. Submitted in July 2019 and approved 8 November 2019. LW W1 and W2 replaced LW33 and LW34 respectively.</p> <p>Table 3-2 of extraction plan details sections where each condition addressed within the Extraction Plan.</p> <ul style="list-style-type: none"> i) Endorsement letter dated 6 March 2019 sighted and included in appendix C of the Extraction Plan ii) All consultation detailed in the Extraction Plan Table 2-2 <p>Subsidence Specialist Assessment Extraction Plan for W1&W2 (dated April 2019) submitted to DoPIE and Approved 8/11/19. All required management plans for W1 & W2 on mine website.</p> <p>Evidence that the Subsidence Monitoring Program (TAH-HSEC-245 Nov 2019 Ver 2) was prepared in consultation with the Resources Regulator (Appendix C in Extraction Plan Report)</p>	
	<p>b. Built Features Management Plan which has been prepared in consultation with the Resources Regulator, to manage the potential subsidence impacts of the proposed underground workings on built features, and which:</p> <ul style="list-style-type: none"> • has been prepared in consultation with the owners of potentially affected features; • addresses in appropriate detail all items of key public infrastructure (with particular consideration of transmission lines and towers (including angle towers), other public infrastructure and all classes of other built features); • recommends appropriate pre-mining mitigation measures to reduce subsidence impacts; • recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or compensate predicted impacts on potentially affected built features in a timely manner; and • in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or alternative standard agreed with the infrastructure owner), and provides for annual auditing of compliance and effectiveness during extraction which may impact the infrastructure; 	<p>Compliant</p>	<p>BFMP for LW W1 & 2 (July 2019) Evidence that the BFMP was prepared in consultation with the RR in Section 2.4 of Report.</p> <p>Built features amangement plans sighted for individual built features above LWW1 and LWW2. Evidence that the BFMP was prepared in consultation with the RR and with owners of infrastructure.</p> <p>Built features plans signed off as acceptable by the land/infrastructure. Once signed off submitted to DPIE.</p> <p>13 separate built features management plans for different infrastructure items. These have mostly been prepared after EP submission, prior to subsiding that particular built feature.</p> <p>6 monthly reporting of subsidence monitoring consolidates all of monthly reporting . Subsidence reports now done weekly.</p> <p>Last 6 month report submitted to department through portal. Portal submission sighted.</p>	
	<p>c. Water Management Plan which has been prepared in consultation with EPA, DoI, Resources Regulator and WaterNSW, which provides for the management of potential impacts and environmental consequences of the proposed underground workings on watercourses and aquifers, including:</p> <ul style="list-style-type: none"> • detailed baseline data on: <ul style="list-style-type: none"> • surface water flows and quality in watercourses and/or water bodies that could be affected by subsidence; and <ul style="list-style-type: none"> • groundwater levels, yield and quality in the region, including for privately-owned licensed bores; • surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; <ul style="list-style-type: none"> • a surface water monitoring program to monitor and report on: <ul style="list-style-type: none"> • stream flows and quality; • stream and riparian vegetation health; and • channel and bank stability; • a groundwater monitoring program to monitor and report on: <ul style="list-style-type: none"> • springs, their discharge quantity and quality, as well as associated groundwater dependent ecosystems; • groundwater inflows to the underground mining operations; 	<p>Administrative non-compliance</p>	<p>WMP (March 2020) Evidence that the WMP was prepared in consultation with EPA, DoI, Resources Regulator and WaterNSW in Section 2.3 of report.</p> <p>Groundwater Specialist Assessment</p> <ol style="list-style-type: none"> 1) Review of groundwater levels, yield and quality in the region, including for privately-owned licensed bores are covered in Section 3.5.3 and 3.5.4 of the groundwater extraction plan - technical report (2020) part of WMP 2019 report. 2) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; GW impact assessment and trigger levels are addressed in Section 6 of the groundwater extraction plan - technical report (2020) part of WMP 2019 report. 3) a groundwater monitoring program to monitor and report on: springs, their discharge quantity and quality, as well as associated groundwater dependent ecosystems; groundwater inflows to the underground mining operations; the height of groundwater depressurization; background changes in groundwater yield/quality against mine-induced changes, in particular, on groundwater bore users in the vicinity of the site; permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers are covered in Section 5 Groundwater technical extraction report 2020 WMP. <p>Admin NC: Full groundwater quality data and trends are presented in Six monthly subsidence impact report but only data for the period from June to October 2020 were sighted. The Appendix D of this report presented the data comparing them for ANZECC (2000) guidelines, however it is not indicated what units are results in and what level of protection the guidelines are referring to. Reports for 2019 and 2020 do not report the full analytical suite but only pH and EC. This is the requirement of</p>	<p>NC REC: It is recommended that:</p> <ul style="list-style-type: none"> - groundwater quality data is reported fully ie all parameters that are sampled and analysed need to be reported along with trends in time. The reporting units need to be provided to the analytical results and the applicable ANZACC (2000) guidelines against which the results are assessed need to be mentioned. - any non-compliance and exceedance of triggers should be followed

	<ul style="list-style-type: none"> the height of groundwater depressurization; background changes in groundwater yield/quality against mine-induced changes, in particular, on groundwater bore users in the vicinity of the site; <ul style="list-style-type: none"> permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; a flood management protocol to: <ul style="list-style-type: none"> identify secondary access routes for those properties that could potentially be adversely impacted by 1% AEP flood events; regularly consult with landowners that would not have either a primary or secondary access route during 1% AEP flood events; provide up-to-date information (including subsidence and flooding predictions) to the State Emergency Service and Council regarding privately-owned residences that could be adversely affected by lack of access during 1% AEP flood events; and work with landowners, State Emergency Service and Council to develop evacuation plans to ensure landowners know what to do in the event of emergency as a result of a 1% AEP flood event; a description of any adaptive management practices implemented to guide future mining activities in the event of greater than predicted impacts on aquatic habitat; a program to validate the surface water and groundwater models for the development, and compare monitoring results with modelled predictions; and <ul style="list-style-type: none"> a plan to respond to any exceedances of the surface water and groundwater assessment criteria; 	Administrative non-compliance	<p>referring to reports for 2019 and 2020 do not report the full analytical suite but only pH and EC. This is the requirement of the WMP (2020) and needs to be reported irrespectively of the TARP level. No information on water quality in private bores is presented or discussed.</p> <p>4) a program to validate the groundwater models for the development and compare monitoring results with modelled predictions is covered Section 5.1 and 6. Ground model prepared by Hydrosimulations in 2015 was not sighted therefore it is not clear if the observed mine inflows (WMP, 2020.; Hydrosimulations, 2020) into Tahmoor North are as model predicted.</p> <p>5) a plan to respond to any exceedances of the groundwater assessment criteria are provided in Section 6.</p> <p>Section 2.1.2 of the Extraction Plan Main Document and Appendix C of the Extraction Plan Main Document provide evidence that WMP was prepared in consultation with the EPA, DoI, Resources Regulator and WaterNSW.</p> <p>It is a requirement (DPIE, 2020) of the WMP (2020) approval that vibrating wire piezometer be installed, Tahmoor Coal notified the DPIE of the amendment of the locations and this was approved, the letter from DPIE was sighted.</p> <p>Stream water quality was exceeded for 2020 as per TARP set in WMP (2020), this was discussed at the EGR meeting and the meeting minutes were sighted.</p> <p>Stream water quality triggers were exceeded in 2017 and 2018 as set in the Groundwater management plan (2015), meeting minutes from ERG meeting in July 2020 relating to most recent exceedances was sighted. However, no record of the meeting outcomes or adaptive management measures were reported in the next reporting period.</p>	<p>up and documented along with management measures reported as per TARP in WMP, 2015 and WMP, 2019. Actioned responses need to be reported in the next reporting period from when they occur.</p> <p>- while no auditing is required for groundwater resources in WMP (2019), the auditing in line with LW W1-W2 Extraction Plan should be undertaken to ensure that the water quality of the creeks does not further deteriorate. Actioned items need to be reported in the next monitoring period.</p>
	<p>d. Biodiversity Management Plan which has been prepared in consultation with OEH, which establishes a baseline data for the existing habitat on the site, including water table depth, vegetation condition, stream morphology and threatened species habitat, and provides for the management of potential impacts and environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs and groundwater dependent ecosystems;</p> <p>e. Land Management Plan which has been prepared in consultation with any affected public authorities, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on cliffs, minor cliffs, rock face features, steep slopes and agricultural enterprises;</p> <p>f. Heritage Management Plan which has been prepared in consultation with OEH and relevant stakeholders for heritage items which provides for the management of potential environmental consequences of the proposed second workings on heritage items;</p> <p>g. Public Safety Management Plan which has been prepared in consultation with the Resources Regulator, which ensures public safety and manages access on the site;</p>	Compliant	<p>All prepared and submitted with the main EP document and approved in the same approval. Submitted July 2019 and approved 8 November 2019. LW W1 replaced LW33.</p> <p>BMP, LMP, HMP, PSMP (July 2019)</p> <p>Evidence that the BMP was prepared in consultation with OEH, LMP in consultation with any affected authorities, HMP in consultation with OEH and relevant stakeholders for heritage items, PSMP in consultation with RR in each relevant report.</p>	
	<p>h. Trigger Action Response Plan/s addressing all features in Table 1 and Table 2, which contain:</p> <ul style="list-style-type: none"> appropriate triggers to warn of increased risk of exceedance of any performance measure; and specific actions to respond to high risk of exceedance of any performance measure to ensure that the measure is not exceeded; an assessment of remediation measures that may be required if exceedances occur and the capacity to implement the measures; and adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 1 or Table 2, or where any such exceedance appears likely; and <p>i. Contingency Plan that expressly provides for:</p> <ul style="list-style-type: none"> adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 1 and Table 2, or where any such exceedance appears likely; and an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures; and includes a program to collect sufficient baseline data for future Extraction Plans. 	Compliant	<p>TARP prepared and included as Appendix D of the main EP document and approved in the same approval.</p> <p>MOP/EP/SMP/MPs for TARPs in Extraction Plan Report (July 2019)</p> <p>Contingency and Adaptive Management Plans also provided in Extraction Plan Report</p> <p>Implementation</p> <p>Evidence provided in adaptive management report and 6 monthly report of actioning of trigger levels. The Water MP TARP was updated to include additional level 4 trigger which identifies the requirement for notification as an incident. No level 4 triggers to date. Level 3 trigger for gas bubbles in pool triggered investigation and Environmental Response Team meeting (refer TARP)</p> <p>Increase from monthly to fortnightly monitoring required by DPIE following level 3 trigger in Water TARP</p>	
13I	The Applicant must not undertake second workings following the extraction of Longwall 32 except in accordance with an Extraction Plan approved by the Secretary and must implement Extraction Plans as approved by the Secretary.	Compliant	<p>Secondary extraction in LW W1 and LW W2 undertaken in accordance with Extraction plan approved by the Secretary.</p> <p>Extraction Plan for W1&W2 (dated April 2019) submitted to DoPIE and Approved 8/11/19.</p>	
Notes:	<ul style="list-style-type: none"> The preparation and implementation of Extraction Plans may be staged, with each plan covering a defined area of underground workings. In addition, these plans are only required to contain management plans that are relevant to the specific underground workings that are being carried out. The burden of proof that any declines in performance of privately-owned registered bores and wells were not due to mining impacts rests with the Applicant. 	Compliant	Status of stakeholder water bore condition reported in AEMRs for audit period.	
Payment of Reasonable Costs				
13J	The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.	Not triggered	According to site communication DPIE did not request peer review of the EP and approved the document.	
Water Quality				

14	The Applicant must prepare a plan to monitor and manage any subsidence impacts on septic tanks or package sewage treatment plants. The plan must be prepared to the satisfaction of the Secretary and in consultation with Council. The Applicant must implement the plan as approved by the Secretary.	Compliant	<p>Evidence of consultation with council</p> <p>Wollondilly Shire was consulted in the preparation of, and signed final copies of specific Council Infrastructure MPs.</p> <p>Sydney Water sewer MPs prepared in consultation with SW and final copies signed.</p> <p>Septic tanks covered under Built Structures LW31 MSEC862-12 p 21, LW32 MSEC945-12 p35</p> <p>According to site communications there are no septic or package sewage treatment plants in LW W1 andW2.</p> <p>Separate management plan prepared for Stone Quarry Estate. Stonequarry Sewer Management Plan not signed by Bradcorp-access agreement not finalised. Ongoing, being finalised at the moment. Sent to resource regulator and planning on 15 January 2020. Detailed consultation history with bradcorp but that have not yet got signoff. Made all reasonable efforts to obtain signoff.</p> <p>Risk Assessment (dated April, 2019) for Proposed LW W1&W2 conducted by Colliery prior to mining included Wollondilly Shire Council as a stakeholder.</p>
Notifications and pre-mining structural inspections			
15	<p>(i) The Applicant must notify each relevant landowner/occupier under whose property it intends to commence first workings at least one (1) month prior to commencement of such workings; and</p> <p>(ii) The Applicant must notify in writing each landowner/occupier within a 35 degree angle of draw of its intentions to proceed with second workings at least three (3) months prior to making an application to DRG for approval of a Subsidence Management Plan or application to the Secretary for the approval of an Extraction Plan.</p> <p>Notification of second workings must include:</p> <p>(a) pre-mining inspection rights including a copy of consent conditions 15 to 26 inclusive;</p> <p>(b) revised subsidence predictions using updated monitoring data;</p> <p>(c) identification of potential damage to improvements;</p> <p>(d) owner's obligation of disclosure under insurance policies and mortgage agreements;</p> <p>(e) rights of claiming consequential loss under the Mining Act; and</p> <p>(f) advice as to where an unabridged copy of these conditions of consent are available for public inspection.</p>	Compliant	<p>(i) Letter to residents dated 6 August 2020 sighted evidencing notification of commencement of first workings for Longwall West 3 (LW W3) in the coming months and first workings for Longwall West 4 (LW W4) in approximately July 2021.</p> <p>(ii) Letter to residents dated 13 April 2019 evidencing notification of LW W1 and LW W2. Includes relevant required information first workings.</p> <p>Evidence of notification for W1 and W2 sighted - dates detailed in EP</p> <p>LW W2 notified September 2019.</p>
16	<p>If determined necessary by DRG or the Secretary, the Applicant must cause a pre-mining structural inspection to be carried out on substantial improvements on land identified by the DRG or the Secretary at least one month prior to commencement of second workings taking place that may cause subsidence impacts on the relevant property. These inspections must:</p> <p>(i) be conducted with the consent of the landowner/occupier and in consultation with SA NSW;</p> <p>(ii) include a report prepared on the structural integrity of all buildings in their entirety (including roofs, ceilings, openings, foundations and household sewage treatment and disposal systems);</p> <p>(iii) be conducted by an independent and technically qualified person;</p> <p>(iv) include permanent reference marks on each corner of all substantial improvements with level tied to Australian Height Datum to a stable point in the area; and</p> <p>(v) include soil sampling for moisture content and soil type as appropriate.</p> <p>A copy of the inspection report must be provided to the landowner/occupier upon completion.</p>	Not triggered	<p>According to site communications there have been no structural inspection requests from RR.</p> <p>Residents are encouraged to have premining inspections during consultation process.</p>
17	Where a pre-mining structural inspection under Condition 16 involves a building identified in the Wollondilly Heritage Study the report must be prepared with the assistance of a qualified heritage expert. The Secretary may also require such a report on a building which is not identified in the Wollondilly Heritage Study be prepared with the assistance of a qualified heritage expert if the Secretary is satisfied, on the basis of available information, that the building may be older than 50 years and have heritage significance. Prior notice of such inspections must be provided to the Secretary by the Applicant to enable a decision to be made.	Compliant	<p>No pre-mining structural inspection under Condition 16. No further structural inspections requested by the DRG according to site communications.</p> <p>Technical Heritage Management Plans are prepared for heritage buildings which may be impacted by subsidence.</p>
<i>Notes:</i>		<i>Structural inspections by the Applicant are in addition to any pre-mining surveys conducted by the Mine Subsidence Board.</i>	
<i>Notes:</i>		<i>Note</i>	
Management, compensation and acquisition			
18	<p>Where a dwelling within the DA area is, or is likely to be, subject to damage as a result of the development, upon receipt of notification under Condition 15(ii) the landowner may request the Applicant in writing to:</p> <p>(i) carry out such works as agreed by the landowner to remedy or mitigate any damage or compensate the landowner for such effects in accordance with the Mine Subsidence Compensation Act 1961 and/or the Mining Act 1992 (except where such works are the responsibility of the Mine Subsidence Board); or</p> <p>(ii) where damage is, or is likely to be, severe, very severe or unrepairable (as defined in the EIS referred to in condition 1), acquire the whole of the property, or such part of the property requested by the landowner if subdivision is approved, except where purchase is agreed by the Mine Subsidence Board.</p> <p>The Applicant must comply with any such request for acquisition in accordance with Conditions 20-22. If necessary to confirm the impact, the Applicant must, at the request of the landowner in writing, conduct a follow-up structural inspection to one carried out under Conditions 16-17. Any inspection or assessment under this Condition must be conducted as if it were conducted under Conditions 16-17.</p>	Compliant	<p>* One request for house acquisition - 5 Struan Street Tahmoor.;</p> <p>* Date of Request - 3 February 2014 (outside audit period);</p> <p>* Date of ownership (based on title search) - 31 July 2015. Email confirming settlement 27 July 2015; and</p> <p>* Area inspected by SLR and DGS as part of subsidence inspection for this audit. The property is uninhabited at the time of the audit. There were clear signs of subsidence impacts identified as part of the inspection.</p> <p>* Property has now been onsold to private owner in July 2020.</p>
19	The Applicant must, if requested by the Mine Subsidence Board, ensure that any substantial improvements, including homes, sheds and pools, which are subject to residual tilts in the range of 4 mm/m to 7 mm/m as a result of mining or mining related activities, are relevelled within six months of receipt of a written request from the landowner.	Not triggered	<p>Based on site communications, all landowner requests are lodged with Subsidence Advisory NSW and monetary compensation is the preferred method of settlement. Tahmoor Coal would only undertake repairs with a written request from SA NSW. No requests for improvements have been received during the audit period.</p>
<i>Note:</i>		<i>Relevelling of residual tilt of greater than 7 mm/m is the responsibility of the Mine Subsidence Board.</i>	
<i>Note:</i>		<i>Note</i>	
Acquisition Procedure			

20	<p>Upon receipt of a written request to purchase property in accordance with any Condition 18(ii), unless mining proposals are altered to avoid this property purchase mechanism, the Applicant must negotiate and purchase the whole of the property (unless the request specifically requests acquisition of only part of the property and subdivision has already been approved) within six months of receipt of the request. The Applicant must pay the landowner an acquisition price resulting from proper consideration of:</p> <ul style="list-style-type: none"> (i) a sum not less than the current market value of the owner's interest in the land, whosoever is the occupier, having regard to: <ul style="list-style-type: none"> the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of the request is completed subsequent to that date, <p>as if the land was unaffected by the development proposal;</p> <ul style="list-style-type: none"> (ii) the owner's reasonable compensation for disturbance allowance and relocation within the Wollondilly local government area, or within such other location as may be determined by the Secretary in exceptional circumstances; (iii) the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price for the land and the terms upon which it is to be acquired; and (iv) the purchase price determined by reference to points (i), (ii) and (iii) must be reduced by the amount of any compensation awarded to a landowner pursuant to the Mining Act, 1992 or other legislation providing for compensation in relation to coal mining but limited to compensation for dwellings, structures and other fixed improvements on the land, unless otherwise determined by the Secretary in consultation with the DRG or SA NSW. 	Not triggered	<ul style="list-style-type: none"> * One request for house acquisition - 5 Struan Street Tahmoor.; * Date of Request - 3 February 2014 (outside audit period); * Date of ownership (based on title search) - 31 July 2015. Email confirming settlement 27 July 2015; and * Area inspected by SLR and DGS as part of subsidence inspection for this audit. The property is uninhabited at the time of the audit. There were clear signs of subsidence impacts identified as part of the inspection. * Property has now been on sold to private owner in July 2020.
21	An offer by the Applicant to purchase a property under Conditions 18(ii) and 20 must remain open to the landowner three years after completion of mining of longwall panels that affect the property.	Not triggered	
22	Notwithstanding any other condition of this consent, the landowner and the Applicant may enter into any other agreed arrangement regarding compensation; or the Applicant may, upon request of the landowner, acquire any property affected by the Tahmoor Mine during the course of this consent on terms agreed to between the Applicant and the landowner.	Not triggered	
Independent Valuation			
23	In the event that the Applicant and the landowner cannot agree within three months upon the acquisition price of the land and/or the terms upon which it is to be acquired under the terms of this consent, then either party may refer the matter to the Secretary who must request an independent valuation to determine the acquisition price. The independent valuer must consider any submissions from the landowner and the Applicant in determining the acquisition price.	Not triggered	The 5 Struan Street Tahmoor property purchase was negotiated, agreed and purchase made in accordance with a specific agreement completed in accordance with Condition 22. This agreement was executed after substantial negotiation and review. Final acquisition of the property was completed on Monday, 27 July 2015. which is within the audit period
24	If the independent valuer requires guidance on any contentious legal, planning or other issues, the independent valuer must refer the matter to the Secretary, who, if satisfied that there is a need for a qualified panel, must arrange for the constitution of the panel. The panel must consist of: (i) the appointed independent valuer; (ii) the Secretary; and/or (iii) the President of the Law Society of NSW or nominee. The qualified panel must, on the advice of the valuer, determine the issue referred to it and advise the valuer.	Not triggered	Not triggered during the audit period.
25	The Applicant must bear the costs of any independent valuation or survey assessment requested by the Secretary.	Not triggered	Not triggered during the audit period.
26	The Applicant must, within fourteen days of receipt of a valuation by the independent valuer, offer in writing to acquire the relevant land at a price not less than the said valuation.	Not triggered	Not triggered during the audit period.
Heritage Items			
27	<p>The Applicant must not cause damage to any building or structure which is a Heritage Item without the prior approval of Council. The application for such approval must include a detailed report assessing:</p> <ul style="list-style-type: none"> (i) likely subsidence and the potential damage to the item arising from subsidence; (ii) impacts of expected damage on the historical significance of the Item (prepared by a qualified heritage expert endorsed by Council); and (iii) appropriate mitigation, management or restoration measures. <p>Note: In this condition, "Heritage Item" means an item either listed in Schedule 1 of the Wollondilly Local Environmental Plan 1991, or its latest version or identified in the Wollondilly Heritage Study 1993. The power for Council to issue an "approval" is established under this condition, and should not be read as establishing any requirement for the application for and grant of development consent under the Act.</p>	Compliant	<p>Management plans have been prepared for heritage items that will be potentially impacted by subsidence included the Fairley residence and Koorana Homestead Complex. Provided to council, owner and TCCCC.</p> <p>Council endorsement sighted for Fairley residence - Council letter dated 23 January 2019</p> <p>Council endorsement for Koorana Homestead complex dated 9 January 2019.</p> <p>The Approved Environmental Management Plans for LW31 (Nov 2017) and 32 (May 2019) provided Monitoring Plan and TARP for impact Management of three European Heritage Sites in consultation with stakeholders. The European Heritage sites (Mill Hill, Koorana House and Fairley Residence) were effected by subsidence and impacts were within the predicted and approved limits of the consent.</p> <p>The Heritage Management Plan for LW W1 included a Monitoring Plan and TARP for impact management of the Mushroom Tunnel.</p>
28	When applying for the approval of Council under condition 27, the Applicant must provide a copy of the application and detailed report to the owner or owners of affected buildings or structures and to the Community Consultative Committee.	Compliant	The Approved Environmental Management Plan for LW31 & 32 describe the consultation that has occurred with the relevant stakeholders
29	Prior to commencement of mining the Applicant must comply with the statutory requirements of NPWS in relation to works affecting Aboriginal sites.	Compliant	<p>The Cultural Heritage Management Plan (2016) has been prepared which details the requirements for complying with NPWS requirements.</p> <p>A due diligence AHIMS search is completed prior to the extraction of each longwall to confirm if new sites have been identified.</p> <p>An application for an AHIP for harm to certain Aboriginal objects as a result of LW W1-W2 extraction was submitted to DPIE on 30 September 2019, and the AHIP was granted on 16 March 2020.</p> <p>The Environmental Management Plans for LW31 and 32 provided Monitoring and TARPS for impact Management for Aboriginal Heritage Sites in consultation with stakeholders/RAPS. Three Heritage sites (two artefacts and one grinding groove) were effected by subsidence and impacts within the approved limits of the consent.</p> <p>The Heritage Management Plan for LW W1 included a Monitoring Plan and TARP for impact management of 17 rock shelters, 1 grinding groove, 6 open artefact sites & 1 modified tree.</p> <p>No impacts to sites above LW31, 32 and W1 were reported in the Annual Reports for 2018 and 2019. On-going monitoring of a cracked Rock Shelter impacted by LW28-30 (Redbank 1) was also mentioned in the Annual Reports with no further deterioration noted after LW31 and 32 were extracted.</p>

30	If the Applicant becomes aware of any heritage or archaeological material that may be affected by mining or subsidence, all work likely to affect the material must cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include NPWS, OEH, the Heritage Office, and the Local Aboriginal Land Council. Any necessary permits or consents must be obtained and complied with prior to recommencement of work.	Compliant	<p>* An AHIP search is completed prior to the extraction of each longwall to confirm if new Aboriginal cultural or historical heritage sites have been identified. This process is outlined in Tahmoor Coking Coal Operations internal management plans and managed effectively on-site through the implementation of Tahmoor Coking Coal Operations' Ground Disturbance Permit.</p> <p>An application for an AHIP for harm to certain Aboriginal objects as a result of LW W1-W2 extraction was submitted to DPIE on 30 September 2019, and the AHIP was granted on 16 March 2020.</p> <p>No impacts to sites above LW31, 32 and W1 were reported in the Annual Reports for 2018 and 2019. On-going monitoring of a cracked Rock Shelter impacted by LW28-30 was also mentioned in the Annual Reports with no further deterioration noted after LW31 and 32 were extracted.</p>
Counselling services			
31	The Applicant must provide funding to Council for independent counselling services for landowners who may request support on stress-related matters resulting from the development. These counselling services must be available to landowners from two years prior to mining of longwall panels that affect the landowner's property and until three years after completion of mining of longwall panels that affect the landowner's property.	Compliant	<p>Resident information pack sighted including quote <i>A free confidential counselling service is available for residents impacted by mining. For further details please contact Tahmoor Coking Coal 1800 154 415.</i></p> <p>Councillor details sighted.</p>
Modification to the Court's consent			
32	Prior to commencement of mining under this consent, the Applicant must obtain any necessary modifications to the 1994 approval by the Land and Environment Court arising out of this consent. The Applicant must supply copies of any such application for modification to the Department, Council and the Community Consultative Committee upon lodgement with the Court.	Not Triggered	<p>* Not triggered during the audit period.</p> <p>* The Tahmoor South Project EIS is currently being assessed by DPIE. This is outside of the scope of this audit.</p>
NOISE			
Noise Management Plan			
33	<p>The Applicant must prepare a Noise Management Plan for the Tahmoor Mine to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with EPA, and submitted for approval to the Secretary by 31 October 2012;</p> <p>(b) describe the noise mitigation measures that would be implemented to ensure compliance with all relevant conditions of consent for the Tahmoor Mine;</p> <p>(c) outline procedures to manage responses to any complaints or issues raised by the owners of affected residences; and</p> <p>(d) include a noise monitoring program that includes a protocol for determining exceedances of all relevant conditions of consent for the Tahmoor Mine.</p> <p>The Applicant must implement the Noise Management Plan as approved by the Secretary.</p>	Compliant	<p><u>Preparation</u></p> <p>a) Current Noise Management Plan (NMP) dated June 2020. Sighted letter from EPA regarding consultation about the NMP. Original NMP submitted 26 Oct 2012 to DPE.</p> <p>b) NMP Section 4 provides noise sources and controls.</p> <p>c) Covered by NMP Section 5.</p> <p>d) Covered by NMP Section 3.5.</p> <p><u>Implementation:</u></p> <p>Based on the annual reviews for the audit period, all monitoring results met the relevant noise assessment goals stipulated by DA 57/93. It is noted that this consent (DA 67/98) does not list noise criteria.</p> <p>During the audit period there have been:</p> <ul style="list-style-type: none"> - 3 noise complaints in 2017 - 1 noise complaint in 2018 - 4 noise complaints in 2019 (all from the same resident) <p>Based on the presented long term noise complaints, there has been a reduction in noise complaints during the audit period indicating improved noise performance in the community.</p> <p>Vent shaft 2 site was subject to historic noise complaints, noise attenuation of the building and vent noted to be best practice and extremely effective. No significant noise issues observed during the site inspection.</p> <p>It is understood that noise mitigation at the CHPP is being further investigated as part of the Tahmoor South EIS.</p>
Redbank Tunnel rail deviation			
34	The Applicant must ensure that construction work for the Redbank Tunnel rail deviation is carried out from 7 am to 6 pm Monday to Friday (inclusive) and 8 am to 1 pm on Saturday, unless at the request or direction of the ARTC. If construction may result in exceedances of the Interim Construction Noise Guidelines (DECCW, 2009), the Applicant must undertake community consultation and implement associated mitigation measures in accordance with the 'Additional Mitigation Measures Matrix' in the Construction Noise Strategy (Transport Construction Authority, 2010).	Not Triggered	Works outside audit period.
35	The Applicant must prepare a Construction Noise Management Plan for the Redbank Tunnel rail deviation to the satisfaction of the Secretary. This plan must:	Not Triggered	Works outside audit period.
Note:	construction work in Conditions 34 and 35 does not include surveys, acquisitions, fencing, investigative drilling or excavation, minor clearing, minor access roads, minor adjustments to services/utilities, works which allow isolation of the site so that access for construction can be provided (including service relocations) and establishing temporary facilities for construction (including for example an office and amenities compound, construction compound, materials storage compound, maintenance workshop, testing laboratory or material stockpile areas).	Note	
AIR QUALITY & GREENHOUSE GASES			
Greenhouse Gas Emissions			
36	The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the Tahmoor Mine, to the satisfaction of the Secretary.	Compliant	<p><u>Preparation:</u></p> <p>* Air Quality Greenhouse Gas Management Plan (AQGHGMP) approved by DPE on 6 December 2012. A separate document was developed for the Air Quality Monitoring Program, with this an appendix to the AQGHGMP. The AQGHGMP was updated in 2020.</p> <p><u>Implementation:</u></p> <p>Tahmoor monitors and report greenhouse gas emissions in accordance with the National Greenhouse and Energy Reporting (NGER) Measurement Determination 2008</p> <p>The Annual Reviews do not report on greenhouse gas.</p>
Air Quality Assessment Criteria			
37	The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Tahmoor Mine do not exceed the criteria listed in Table 3 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.		

	<p>Table 3: Air quality criteria</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>a,c 25 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>b 50 µg/m³</td> </tr> <tr> <td>Particulate matter < 2.5 µm (PM_{2.5})</td> <td>Annual</td> <td>a,c 8 µg/m³</td> </tr> <tr> <td>Particulate matter < 2.5 µm (PM_{2.5})</td> <td>24 hour</td> <td>b 25 µg/m³</td> </tr> <tr> <td>Total suspended particulates (TSP)</td> <td>Annual</td> <td>a,c 90 µg/m³</td> </tr> <tr> <td>^d Deposited dust</td> <td>Annual</td> <td>b 2 g/m²/month a 4 g/m²/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). ^b Incremental impact (i.e. incremental increase in concentrations due to the project on its own). ^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary. ^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>	Pollutant	Averaging Period	Criterion	Particulate matter < 10 µm (PM ₁₀)	Annual	a,c 25 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	24 hour	b 50 µg/m ³	Particulate matter < 2.5 µm (PM _{2.5})	Annual	a,c 8 µg/m ³	Particulate matter < 2.5 µm (PM _{2.5})	24 hour	b 25 µg/m ³	Total suspended particulates (TSP)	Annual	a,c 90 µg/m ³	^d Deposited dust	Annual	b 2 g/m ² /month a 4 g/m ² /month	Compliant	<p>Dust monitoring program consists of 1 X TOEM, 2 x HVAS & 6 x depositional dust monitors.</p> <p>The Annual Reviews present air quality monitoring results undertaken in accordance with the approved air quality management plan and compare the results of the monitoring against the relevant air quality criteria.</p> <p>According to 2017, 2018 and 2019 Annual Reviews and the Annual Returns for these same years, the site was compliant for dust levels except for one monitoring level for the High Volume air sampler exceeded the criteria during Q1 2019. The annual review states that "in Quarter 1 2019 there was a localised dust event at Hodgson Grove (87.9ug/m3) that is not thought to be related to mine operations. There were no works happening at Number 2 Vent Shaft at this time and the wind direction during the period of higher winds (>5m/s) were from a northerly direction which is the opposite direction to the mine "</p> <p>Observation No evidence of the reporting of this event or detailed investigation of the exceedance was provided and the exceedance was not recorded in the incidents register.</p>	<p>Improvement REC: All exceedances should be documented in the incidents/compliance register along with any investigations. The incidents register should include note of whether or not the incident is "notifiable" and document notification if it has occurred.</p>
Pollutant	Averaging Period	Criterion																							
Particulate matter < 10 µm (PM ₁₀)	Annual	a,c 25 µg/m ³																							
Particulate matter < 10 µm (PM ₁₀)	24 hour	b 50 µg/m ³																							
Particulate matter < 2.5 µm (PM _{2.5})	Annual	a,c 8 µg/m ³																							
Particulate matter < 2.5 µm (PM _{2.5})	24 hour	b 25 µg/m ³																							
Total suspended particulates (TSP)	Annual	a,c 90 µg/m ³																							
^d Deposited dust	Annual	b 2 g/m ² /month a 4 g/m ² /month																							
Notes:	<p>a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources). b Incremental impact (i.e. incremental increase in concentrations due to the project on its own). c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Secretary. 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>	Note																							
Operating Conditions																									
38	<p>The Applicant must: (a) implement best practice air quality management at the Tahmoor Mine, including all reasonable and feasible measures to minimise the off-site odour and dust emissions including those generated by any spontaneous combustion; (b) minimise any visible air pollution generated by the Tahmoor Mine; (c) regularly assess the air quality monitoring and meteorological forecasting data, and modify and/or suspend operations on site to ensure compliance with all relevant conditions of consents for the Tahmoor Mine, to the satisfaction of the Secretary.</p>	Compliant	<p>a) Evidence of dust suppression; water haul road, sprinklers at the ROM and product stockpiles and conveyor belts are covered. Completed maximum amount of rehabilitation. b) Air quality controls included in AQGHGMP. (c) Tahmoor Coking Coal Operations regularly assess the air quality monitoring and meteorological forecasting data and report this data on-line and in the Annual Review.</p>																						
Air Quality & Greenhouse Gas Management Plan																									
39	<p>The Applicant must prepare an Air Quality & Greenhouse Gas Management Plan for the Tahmoor Mine to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with EPA, and submitted for approval to the Secretary by 31 October 2012; (b) describe the measures that would be implemented to ensure compliance with all relevant conditions of consents for the Tahmoor Mine; (c) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the Tahmoor Mine; and (d) include an air quality monitoring program, that includes a protocol for determining exceedances with all relevant conditions of consents for the Tahmoor Mine.</p> <p>The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Secretary.</p>	Compliant	<p>Preparation: (a) The AQGHGMP was prepared in consultation with EPA. Sighted consultation letters. The original Management Plan was submitted to DPE to meet the timing of this condition. (b) Air Quality Monitoring Plan (AQMP) (dated 3 May 2013) is an appendix of the AQGHGMP (dated 21 June 2020) states that measures are included within the Pollution Reduction Plan. Section 4.1 of the Tahmoor Coking Coal Operations AQGHGMP provides actual mitigation measures. (c) AQGHGMP document describes measures in Section 5.6 that would be implemented to minimise the release of greenhouse gas emissions from the Tahmoor Coking Coal Operations; including capturing and directing pre-mining and post-mining goaf gas to the gas extraction plant and then to a third party owned on-site power station. (d) Section 4.2 of the AQMP includes an air quality monitoring program, that includes Assessment Criteria for determining exceedances.</p> <p>Implementation * Evidence of watering of roads at the pit top and Rejects emplacement area (REA). * Disturbed areas have been kept to a minimum around the pit top. Areas damaged by the bushfires in early 2020 were observed to have been mulched and recovered to reduce dust risk. * Progressive rehabilitation completed at the REA although evidence of rehabilitation failure in some parts with extensive exposed areas. * Some soil stockpiles were not seeded (refer REA Rehabilitation condition 41 of DA57/93). * Covered conveyor system. * Product area sprayed. * Evidence</p> <p>According to 2017, 2018 and 2019 Annual Reviews and the Annual Returns for these same years, the site was compliant for dust levels except for one monitoring level for the High Volume air sampler exceeded the criteria during Q1 2019 which was not attributed to the mine.</p> <p>Based on the site inspection some areas of improvement were noted with regard to improving ground cover at the REA rehabilitation and seeding topsoil stockpiles.</p>	<p>NC REC: Complete cover crop seeding of topsoil stockpile areas.</p>																					
NOTIFICATION OF LANDOWNERS																									
40	<p>Within 2 weeks of obtaining monitoring results showing an exceedance of the relevant criteria in Tables 1-3, the Applicant must notify the affected landowner and tenants in writing of the exceedance, and provide monitoring results to each of these parties until the Tahmoor Mine is complying with the relevant criteria again.</p>	Administrative non-compliance	<p>Based on the information provided, landowners were not notified of the exceedance of the air quality criteria in Q1 2019. It is noted that the 2019 Annual Review states that the exceedance was not attributed to Tahmoor operations.</p>	<p>NC REC: Provide notifications to relevant landowners of any monitored exceedances. If investigations have shown that it is not attributable to Tahmoor operations, provide evidence.</p>																					
INDEPENDENT REVIEW																									

41	<p>If an owner of privately-owned land considers the Tahmoor Mine to be exceeding the relevant criteria in Tables 1-3, then he/she may ask the Secretary in writing for an independent review of the impacts of the Tahmoor Mine on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> consult with the landowner to determine his/her concerns; conduct monitoring to determine whether the Tahmoor Mine is complying with the relevant criteria in Tables 1-3; and if the Tahmoor Mine is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and <p>(b) give the Secretary and landowner a copy of the independent review.</p>	Not triggered	No owner of privately-owned land has asked the Director-General in writing for an independent review of the impacts of the Tahmoor Underground on his/her land during the audit period.	
42	<p>If the independent review determines that the Tahmoor Mine is complying with the relevant criteria in Tables 1-3, then the Applicant may discontinue the independent review with the approval of the Secretary.</p> <p>If the independent review determines that the Tahmoor Mine is not complying with the relevant criteria in Tables 1-3 and that Tahmoor Mine is primarily responsible for this non-compliance, then the Applicant must:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the Tahmoor Mine complies with the relevant criteria to the satisfaction of the Secretary; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria.</p>	Not triggered	Based on site communications, no such independent review during the audit period.	

ENVIRONMENTAL MANAGEMENT

Environmental Management Strategy				
43	<p>The Applicant must prepare an Environmental Management Strategy for the Tahmoor Mine to the satisfaction of the Secretary. This strategy must:</p> <p>(a) be submitted for approval to the Secretary by 31 October 2012;</p> <p>(b) provide the strategic framework for the environmental management of the Tahmoor Mine;</p> <p>(c) identify the statutory approvals that apply to the Tahmoor Mine;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the Tahmoor Mine;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the Tahmoor Mine, including a 24-hour contact telephone number receive, handle, respond to, and record complaints; resolve any disputes that may arise during the course of the Tahmoor Mine; respond to any non-compliance and any incident; respond to emergencies; and <p>(f) include:</p> <ul style="list-style-type: none"> references to any strategies, plans and programs approved under the conditions of consent for the Tahmoor Mine; and a clear plan depicting all the monitoring required to be carried out under the conditions of consent for the Tahmoor Mine. <p>The Applicant must implement the Environmental Management Strategy as approved by the Secretary.</p>	Compliant	<p><u>Preparation:</u></p> <p>(a) EMS submitted for approval to the Director-General before 31 October 2012 - outside audit period.</p> <p>(b) EMS provides framework based on statutory and corporate requirements, and outlines Plans that achieve environmental management of the mine. Current EMS on website dated 10 June 2020.</p> <p>(c) EMS Section 2.2 identifies the statutory approvals that apply to the Tahmoor Underground.</p> <p>(d) EMS Section 6 describes the role & accountability of all key personnel involved in the environmental management of the Tahmoor Underground.</p> <p>(e) EMS describes the procedures that would be implemented to:</p> <ul style="list-style-type: none"> keep the local community and relevant agencies informed about the operation and environmental performance of the Tahmoor Underground, including a 24-hour contact telephone number. Number included on website as well as in the white pages. Receive, handle, respond to, and record complaints (in Section 3.9 of the EMS). Also sighted complaint records and complaints log. Resolve any disputes that may arise during the course of the Tahmoor Underground (Section 3.10 of the EMS). Respond to any non-compliance (EMS Section 4.6). Site has incidents register. No incidents required reporting to DPIE, except for those incidents associated with subsidence. Respond to emergencies (EMS Section 3.14). <p>(f) The EMS includes:</p> <ul style="list-style-type: none"> Copies of strategies, plans and programs approved under the conditions of consent for the Tahmoor Underground. Overview of these included in Appendix A. A clear plan depicting all the monitoring required to be carried out under the conditions of consent for the Tahmoor Underground (Section 4.1 and Appendix B of the EMS). <p><u>Implementation:</u></p> <ul style="list-style-type: none"> Evidence of complaints, incident response and inspections. Evidence of reporting in Annual Reviews and Annual Returns. 	

Management Plan Requirements

44	<p>The Applicant must ensure that the management plans required under conditions of consent for the Tahmoor Mine are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) a summary of relevant background or baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> the relevant statutory requirements (including any relevant approval, licence or lease conditions); any relevant limits or performance measures/criteria; the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the Tahmoor Mine or any management measures; <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> impacts and environmental performance of the Tahmoor Mine; effectiveness of any management measures (see c above); <p>(e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the Tahmoor Mine over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> incidents; complaints; non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria; and <p>(h) a protocol for periodic review of the plan.</p> <p>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	Administrative non-compliance	<p><u>Preparation:</u></p> <p>a) - Some baseline data included in the NMP and the AQGHGMP. Its noted that the Annual Review provides an update on baseline data. The NMP states that "It was not until the 2012 Development Consent 2 Modification of 67/98 that it was a requirement for baseline data to be included in the Noise Management Plan. Due to the number of years that Tahmoor Mine had been operating, minimal data is available". Since the original NMP was prepared under this consent there has now been 8 years of baseline data.</p> <p>b) Admin NC - NMP missing NMP statutory requirements and NMP, AQMP and AQGHGMP missing MP statutory requirement.</p> <ul style="list-style-type: none"> * Section 3.1 of the NMP includes noise criteria and Section 4.1 of the AQGHGMP includes criteria. * Section 3.5 of the NMP and Section 5 of the AQGHGMP includes monitoring protocol. <p>c) Section 4 of the NMP includes controls and Section 4 of the AQGHGMP includes management measures.</p> <p>d) Section 3.5 of the NMP includes monitoring protocol and Section 5 of the AQGHGMP.</p> <ul style="list-style-type: none"> * Section 4 of the AQGHGMP provides measures to monitor effectiveness of management measures; * Sections within NMP and AQGHGMP that discuss mitigation measures and monitoring controls. <p>e) Admin NC - The implementation of the noise TARP was viewed and discussed on site however, the Surface Noise TARP is not included in the NMP. The Air Quality TARP is appended to AQGHGMP;</p> <p>f) Section 7 of the NMP and Section 6 of the AQGHGMP.</p> <p>g) Section 5 of the NMP and AQGHMP provides a protocol for managing and reporting complaints.</p> <ul style="list-style-type: none"> * Admin NC - The NMP doesn't include a protocol for incidents, non-compliances and exceedances of criteria. * Section 5.7 of the AQGHGMP refers to the Environmental Management System Framework for the management of incidents, non-compliances and exceedances. <p>h) Section 7 of the NMP and Section 6 of the AQGHGMP.</p> <p><u>Observation</u> - It is noted that the above admin non-compliances were also identified in the 2017 IEA. Review of the management plans indicate that not all of the previous recommendations were implemented. Since the previous audit there has been a change in the ownership and management of the Tahmoor mine.</p>	<p>NC REC: Review the AQGHGMP and NMP required by this consent. The management plans should be updated to:</p> <ul style="list-style-type: none"> - list all relevant statutory conditions (including consents and EPL) along with where they are addressed in the report, including this Management Plans condition 44. - a review of baseline data since the commencement of monitoring under this consent - include the real time monitoring TARPs within the management plans and not as separate procedures - include protocols for incident and complaints management and notifications
----	---	-------------------------------	--	---

Annual Review

45	<p>By 31 March of each year, the Applicant must prepare an Annual Review of the environmental performance of the Tahmoor Mine to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the Tahmoor Mine over the past calendar year, which includes a comparison of these results against:</p> <ul style="list-style-type: none"> relevant statutory requirements, limits or performance measures/criteria; requirements of any plan or program required under this consent; monitoring results of previous years; and relevant predictions in the documents listed in condition 1(i) of Schedule 2; <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the Tahmoor Mine;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the Tahmoor Mine, and analyse the potential cause of any significant discrepancies;</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the Tahmoor Mine; and</p> <p>(g) assess the performance of the mine against the conditions of the consents and other licences and approvals relating to the mine.</p> <p>Copies of the Annual Review must be submitted to Council and made available to the Community Consultative Committee and any interested person upon request.</p> <p>Note: the first Annual Review must be prepared by 31 March 2013.</p>	Compliant	<p>a) 2017, 2018 & 2019 Annual Reviews describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next year.</p> <p>b) The 2017, 2018 & 2019 Annual Reviews include relevant statutory requirements, limits and/or performance measures/criteria.</p> <p>c) the 2017, 2018 & 2019 Annual Reviews identify non-compliances over the past year, and describe what actions were (or are being) taken to ensure compliance.</p> <p>(d) Trends identified in the monitoring data over the life of the Tahmoor Underground;</p> <p>* Noise: long term data presented in Appendix 2 of the annual reviews to 2014</p> <p>* Depositional dust presented to 2010 in Figure 2 of Annual Reviews.</p> <p>(e) The 2017, 2018 & 2019 Annual Reviews identify discrepancies between the predicted and actual impacts of the Tahmoor Underground.</p> <p>(f) The 2017, 2018 & 2019 Annual Reviews describe what measures will be implemented over the next year to improve the environmental performance of the Tahmoor Mine.</p> <p>(g) The statement of compliance Annual Reviews provide a Statement of compliance.</p> <p>2017 Annual Submitted 29 March 2018 2018 Annual Review submitted 31 March 2019 2019 Annual Review submitted 31 March 2020 Evidence of submissions sighted</p> <p>Evidence of provision to various stakeholders and available to the public as required on website.</p> <p>The annual reviews generally meet the requirements of this condition.</p>	
Revision of Strategies, Plans and Programs				
46	<p>Within 3 months of:</p> <p>(a) the submission of an Annual Review under Condition 45;</p> <p>(b) the submission of an incident report under Condition 48;</p> <p>(c) the submission of an audit under Condition 50; and</p> <p>(d) any modification to the conditions of this consent (unless the conditions require otherwise),</p> <p>the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Tahmoor Mine.</p>	Administrative non-compliance	<p>Evidence in the change management is included in the relevant section of the management plans detailing updates following the previous IEA and annual reviews. Change management evidences that the plans are reviewed at least annually in June following submission of the Annual Review.</p> <p>However, it is noted that the recommendations with regard to the NMP from the previous IEA do not appear to have been addressed.</p>	<p>NC REC: Review the AQHGMP and NMP required by this consent. The management plans should be updated to:</p> <ul style="list-style-type: none"> - list all relevant statutory conditions (including consents and EPL) along with where they are addressed in the report, including this Management Plans condition 44. - a review of baseline data since the commencement of monitoring under this consent - include the real time monitoring TARPs within the management plans and not as separate procedures - include protocols for incident and complaints management and notifications
Community Consultative Committee				
47	<p>The Applicant must establish and operate a Community Consultative Committee (CCC) for the Tahmoor Mine in general accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2016) to the satisfaction of the Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent. In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community. This condition does not require the re-constitution of any CCC established under previous conditions of consent. 	Compliant	<p>Tahmoor mine operates a CCC in accordance with this condition. Minutes are presented on the website.</p>	
REPORTING				
Incident Reporting				
48	<p>The Applicant must notify the Secretary and any other relevant agencies of any incident that has caused, or has the potential to cause, significant risk of material harm to the environment, at the earliest opportunity. For any other incident associated with the Tahmoor Mine, the Applicant must notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	Administrative non-compliance	<p>Incidents outlined in 2017, 2018 and 2019 Annual Review. In 2020, incident included PIN for clay discharge to Bargo river exceeding NTU and TSS limits on 17 April 2020.</p> <p>Incidents have been reported in accordance with the documented notification requirements. However, the PIRMP does not list DPIE as an agency to be notified. Therefore no notifications were made in accordance with this condition.</p>	<p>NC REC: Update PIRMP notification procedure to include DPIE and NRAR. Review any additional agencies which may require notification of incidents.</p>
Regular Reporting				
49	<p>The Applicant must provide regular reporting on the environmental performance of the Tahmoor Mine on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent, and to the satisfaction of the Secretary.</p>	Compliant	<p>* EPL monitoring data (water, dust) included on website and up to date.</p> <p>* Annual reviews on Tahmoor website.</p> <p>* End of panel reports included on website.</p>	
INDEPENDENT ENVIRONMENTAL AUDIT				
50	<p>By 30 September 2011 and every 3 years following, unless the Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the Tahmoor Mine. This audit must:</p> <p>(a) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies and the Community Consultative Committee;</p> <p>(c) assess the environmental performance of the Tahmoor Mine and assess whether it is complying with the requirements in all relevant development consents and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);</p> <p>(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals;</p> <p>(e) recommend appropriate measures or actions to improve the environmental performance of the Tahmoor Mine, and/or any assessment, plan or program required under the abovementioned approvals; and</p> <p>(f) be conducted and reported to the satisfaction of the Secretary.</p> <p>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</p>	Compliant	<p>a) The previous Independent Auditor was commissioned by SLR Consulting as endorsed by DPIE with approved specialists;</p> <p>b) SLR Consulted with DPIE, EPA, NRAR, RR, TCCCC, Council and Crown Lands. 2020 audit consultation completed as per the DPIE guidelines.</p> <p>c) The 2017 audit assessed the environmental performance of the Tahmoor Mine and assess whether it is complying with the requirements in all relevant development consents and any relevant EPL or Mining Lease.</p> <p>d) The previous audit reviewed the strategies, plans and programs at the site.</p> <p>e) The previous audit provided recommendations.</p>	
51	<p>Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, the Applicant must submit a copy of the audit report to the 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 Secretary.</p>	Administrative non-compliance	<p>The 2017 audit report was dated 12 June 2018 and the site visit was undertaken on 9-11 October 2017.</p> <p>Submission was not within 3 months of the audit commencement. No evidence has been provided as to an approved extension date. No further recommendations</p>	
ACCESS TO INFORMATION				

52	<p>From 31 October 2012, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> • all relevant statutory approvals for the Tahmoor Mine; • all approved strategies, plans and programs required under the conditions of this consent; • a comprehensive summary of the monitoring results of the Tahmoor Mine, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval; • a complaints register, which is to be updated on a monthly basis; • minutes of CCC meetings; • the annual reviews required under this consent; • any independent environmental audit of the Tahmoor Mine, and the Applicant's response to the recommendations in any audit; • any other matter required by the Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	Compliant	<p>All information required by this condition is available on the SIMEC website at http://www.simec.com/mining/tahmoor-coal-pty-ltd/</p> <p>It is noted that Tahmoor operate under multiple internal management plans which are not included on the website.</p>	
Note:	Nothing in these conditions removes or lessens any obligations by the Applicant under the mining lease, mining legislation or other legislation in relation to matters covered by these conditions.	Note		

Audit Period 12th October 2017 - 16th October 2020

Compliance Status		
Compliant		45
Not verified		0
Non-Compliant (Low Risk)		0
Non-Compliant (Medium Risk)		0
Non-Compliant (High Risk)		0
Administrative Non-Compliance		7
Not Triggered		18
Observation		
Note		7

MATTER NO. 10172 OF 1993

1994 Consent - DA57/93

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
General Conditions				
1	No development shall take place in land within Zone 2(a) - Residential A; Zone 4(a) - Industrial General A; Zone 5(a) Special Use "A"; Zone 5(b) Special Uses "B" (Railways); Zone 6(a) Open Space "A" (Recreation); Zone 7(a) Environmental Protection "A"; Zone 9(d) - Open Space Reservation. Otherwise, the development shall be carried out substantially in accordance with Environmental Impact Statement ("EIS") received by council on 23 February 1993 except where amended by the conditions of consent.	Not triggered	Much of this consent relates to the 'Bridge Street' site entry, with this never being constructed. The 1999 consent allows for mining under railway zone 6(a)-consent have been superseded.	
2	The submission of a formal building application which must comply with the requirements of the Resource Management Act 1991.	Not triggered	Bridge Street site never completed.	
3	Details of effluent disposal in the form of a septic tank application to be submitted with the Resource Management Act 1991 application.	Not triggered	Bridge Street site never completed.	
4	An area being set aside for the collection of waste material awaiting removal. Such area is to be shown on the building plans and reserved for the specific purpose and is to be maintained in a clean, tidy and hygienic manner. The area is to be exclusive of parking and manoeuvring areas and shall be suitably screened.	Not triggered	Bridge Street site never completed.	
5	Upon completion of the Picton, Tahmoor, Thirmerere Sewerage Scheme the proposed bathroom and facilities are to be connected to such scheme within six months of such scheme becoming available.	Not triggered	Bridge Street site never completed.	
6	Compliance with the provisions of Council's Tree Preservation Order . Under the Order a consent of council wilfully destroy any person shall not, except with the ringbark, cut down, top, lop or tree which : (a) Is greater than 3 m in height; (b) Has a girth greater than 45 cm at a height of 1 m from the ground; (c) Has a branch spread greater than 3 m. In particular consent under Council's Tree Preservation Order must be obtained in respect of any tree situated more than 3 m from any proposed building.	Not triggered	Bridge Street site never completed.	
7	The applicant is to obtain the written concurrence of the water board and submit this to council prior to release of the Building Application. Details from the Board are to be submitted stating that the development can be supplied with water without it reducing the current level of service to the residents of the area.	Not triggered	Bridge Street site never completed.	
Bridge Street Site Construction Conditions				
8	During construction temporary pump-out facilities are to be provided for amenity facilities provided for the construction of the proposal. Details in the form of a septic tank application to be submitted to council for approval prior to the commencement of construction.	Not triggered	Bridge Street site never completed.	
9	The company is to provide written confirmation from the EPA that the proposal to remove effluent during the construction period to the existing effluent disposal facility at Tahmoor Colliery is permissible under the terms of the existing pollution control licence issued for the site.	Not triggered	Bridge Street site never completed.	
10	Removal of effluent from the construction site (and the operation site if effluent removal by tanker is required) is to occur during the hours of 7.00 am - 6.00 pm by a dedicated effluent tanker on weekdays only.	Not triggered	Bridge Street site never completed.	
11	Submission of a copy of approval granted by the Commissioner of Soil Conservation service for the undertaking or works adjacent to a prescribed stream as described in the Soil Conservation Act, 1938 prior to the commencement of any works at the access.	Not triggered	Bridge Street site never completed.	
12	Submission of a copy of approval granted by the Department of Water Resources for the undertaking or works within protected riverland as described in the Rivers and Foreshores Improvement Act, 1948 prior to the commencement of any works at the access.	Not triggered	Bridge Street site never completed.	
13	A submission prior to the commencement of any works of a Soil and Water Management Plan outlining sediment and erosion control measures for the works to be carried out at the Bridge Street site. The plan is to be prepared generally in accordance with Sinclair Knight Merz report annexed hereto and marked "B" and in accordance with the Resource Management Act 1991.	Not triggered	Bridge Street site never completed.	
14	The approved soil and water management plans for the Bridge Street site being under the control of a nominated Soil Conservationist appointed by the company at its expense, and approved by the council, whose duties will include: * Control and responsibility of employees required to maintain soil and water management devices . * Control and management of all measure approved within the soil and water management plans. * Completion of a written report to be submitted to council every two (2) weeks certifying compliance with the approved plans.	Not triggered	Bridge Street site never completed.	
15	Before any shaft sinking commences provision of details of groundwater's composition including chemical composition and estimates as to the volumes of groundwaters to be disposed within one month of the completion of the preliminary borehole excavation.	Not triggered	Bridge Street site never completed.	
16	There being nil discharge of groundwaters to Redbank Creek unless discharge satisfies EPA licence conditions as notified to council. Any results of water quality testing shall be submitted to council as soon as practicable after the test.	Not triggered	Bridge Street site never completed.	
17	The company is to provide details for proposed monitoring of blasting techniques including vibration and blast over pressure for approval by council prior to the commencement of any blasting at the site. The monitoring proposal is to provide methods of ensuring meteorological conditions including temperature inversions will not result in exceedances of specified noise criteria as stated in this consent. 2. Monitoring of all blasting is to include noise levels and both speed of vibration and lateral and horizontal displacement of ground at the two closest residences.	Not triggered	Bridge Street site never completed.	
18	Removal of spoil from the site and delivery of concrete to the site between the hours of 7.00 am and 6.00 pm Monday to Friday only.	Not triggered	Bridge Street site never completed.	
19	(a) There being no hatching plant being located upon the site by virtue of this approval. (b) There being no storage of explosives, as prescribed under the Dangerous Goods Act, on site. Blasting material must be brought to the site on a daily basis.	Not triggered	Bridge Street site never completed.	
20	The company is to notify council of the completion of all construction works to council's satisfaction as confirmed in writing prior to the commencement of normal post construction operations at the site.	Not triggered	Bridge Street site never completed.	
21	Mine entry site spoil disposal is to be a site approved by council. Depending upon the number of loads, the proposal to use the Tahmoor Mine refuse emplacement for shaft spoil disposal may require upgrading works for Rockford Road and Charles Point Road. Such works are to be carried out at no cost to the council.	Not triggered	Bridge Street site never completed.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
22	There being no encroachment onto adjoining lands by fill placed near boundaries	Not triggered	Bridge Street site never completed.	
23	vegetation a chain wire fence (or similar) a minimum of 1.8 metres high is to be erected at the immediate rear of the construction area continuing to the eastern extremity of the construction area then continuing to the Bridge street boundary. The exact location of the fence is to be shown on plans approved by Council's Chief Town Planner. The fence is to remain until construction is complete.	Not triggered	Bridge Street site never completed.	
24	for building/construction work, a minimum of 1.8 metre high chain wire fence (or similar) is to be erected around trees at least one metre distance from the tree in the vicinity of the construction area as specified by Council 's Chief Town Planner. The fence is to remain until construction is complete. All existing trees within and adjoining the construction site are to be identified on a survey plan submitted with the management plan for the Bridge street site . Trees proposed to be removed are to be identified for approval by council .	Not triggered	Bridge Street site never completed.	
25	The details of the colours of external materials of construction and finishes shall be to the satisfaction of the Chief Town Planner and detailed in the building application.	Not triggered	Bridge Street site never completed.	
26	In order to ensure that the development is adequately landscaped the application is to submit a detailed landscaped plan prepared by a suitably qualified landscape architect for approval by council's Chief Town Planner prior to release of the building application .	Not triggered	Bridge Street site never completed.	
27	Landscaping is to be installed in accordance with the approved plan and maintained in accordance with the details provided on that plan.	Not triggered	Bridge Street site never completed.	
28	Details with respect to the exact location, design and colour of any required noise barrier erected during construction is to be submitted to council for approval.	Not triggered	Bridge Street site never completed.	
29	Construction work is to cease immediately upon the discovery of any archaeological deposit, potential archaeological deposit or any protected or endangered fauna, as defined in the Endangered Fauna (Interim Protection) Act, 1991. Work is not to recommence until approval is obtained from the National Parks and Wildlife Service in accordance with the details provided on that plan.	Not triggered	Bridge Street site never completed.	
30	The company is to forward details to council for consideration and approval prior to the installation of construction and permanent lighting at the site. The details are to include: * the proposed lighting layout and lighting pattern * lux levels at the boundaries of the site, the immediate site area to be lit and at a distance of 10 m beyond the site boundaries.	Not triggered	Bridge Street site never completed.	
31	Prior to the commencement of building construction works the company is to submit details for stormwater drainage works to be undertaken for the removal of roof waters and car park stormwater from the site. The details are to outline: * the proposed layout of the pipe work * the discharge location * The extent of site works and vegetation removal required to install the drainage system.	Not triggered	Bridge Street site never completed.	
Bridge Street Site Operational Conditions				
32	The proposed mine ventilation not be reversed to an upcast mode of operation until a completed report into studies being under taken for the utilisation of mine gases is submitted to council for approval. The report is to detail proposals for reduction of mine gas release to the atmosphere as well as economic and technical bases for such proposals.	Not triggered	Bridge Street site never completed.	
33	There being no discharge of groundwaters to Redbank creek unless discharge satisfies EPA licence conditions as notified to council. Any results of water quality testing shall be submitted to council as soon as practicable after the test.	Not triggered	Bridge Street site never completed.	
Roadworks Conditions				
34	Provisions of road shoulder and kerb and gutter along the Bridge Street frontage of the site, together with associated drainage works.	Not triggered	Bridge Street site never completed.	
35	The intersection of the site is to be based on a RTA rural design for Bridge Street traffic and an urban design for the frontage works and the side road . To this end the intersection is to be generally constructed in accordance with the requirements of council, the RTA and the company's EIS Figure 4.11. The access road is to be two lanes wide (separated by a wide median strip). * Right turn treatment - widen east bound carriageway pavement to 7.00 metres and design in accordance with Figure 4.8.16 (AUR) of the RTA Road Design Guide 1991. * Left turn treatment - in accordance with Fig 4.8.26 (BAL) of the RTA Road Design Guide 1991, with auxiliary left turn lane in accordance with Figure 4.8.30 (RTA) and Figure 4.11 of the EIS. * The intersection is to be located to maximise drive sight distance east and west along the road.	Not triggered	Bridge Street site never completed.	
36	Widening of the sealed pavement along Bridge Street - towards Picton (0.25 km) and Thirimere (1.65 km). Widen shoulders by 1.5 m with 1 m of seal to Council Standard W421 Sheet 1 (Annexure D). Widen the railway bridge to the same standard . The adoption of this standard will make some provision for cyclists .	Not triggered	Bridge Street site never completed.	
37	(i) Stormwater drainage pipelines through allotments and within road reserves shall be designed for a minimum standard of 1:20 year average recurrence interval, with provision for overland flow, within the easement for storms of average recurrence interval of 1:100 years, unless otherwise specified. (ii) Drainage easements are to be a minimum of 3.0 m wide and piped to council specification, with interallotment drainage easements being a minimum of 1.0 wide. (iii) The proposed widths of the various drainage easements is subject to the Shire Engineers approval. (iv) The discharge of stormwater from the development shall be carried to a point suitable for integration with either the natural or constructed stormwater drainage system.	Not triggered	Bridge Street site never completed.	
38	Vehicles are to enter and leave the site in a forward direction	Not triggered	Bridge Street site never completed.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
39	Provision of 244 sealed car parking spaces and access thereto for the proposed development, such spaces to measure not less than 2.6 m x 5.5 m for 90 degree parking and 2.5 m x 6.2 m for parallel parking and to be marked on the pavement.	Not triggered	Bridge Street site never completed.	
40	<p>j) Engineering design plans and stormwater drainage calculates, with all levels reduced to Australian Height Datum, for all road, carpark, loading area, access works and stormwater drainage construction are to be submitted to and approved by the Shire Engineer, prior to the commencement of any work. A plan checking and supervision fee is required to be paid, prior to the release of the approved engineering plans.</p> <p>Drainage calculations are to be carried out in accordance with "Australian Rainfall and Runoff" published by the Institute of Engineers Australian and are to include contoured catchment diagrams and delineation of flow paths for storms of average recurrence interval of 1:100 years, where appropriate.</p> <p>(ii) A Defects liability period of six (6) months will apply from the date of issue of the Certificate of Practical Completion by the Shire Engineer. A 10% maintenance bond is to be lodged in accordance with council's construction specification of all work to become the property of council.</p> <p>(iii) A certified "Works as Executed" plan from a Registered Surveyor is to be submitted before the final inspection and is to specifically include the location and level of service conduits, subsoil drains, interallotment drainage, and pipes laid within proposed drainage easements and show that the work has been constructed in accordance with the lines, levels and other information provided on the drawings and within the tolerances specified.</p> <p>(iv) To protect the environment and minimise erosion, a soil and water management plan, in accordance with the Department of Conservation & Land Management and Environment Protection Authority guidelines and council's construction specification, is to be included with the engineering design plans. This plan shall be referred, by council, to the Department of conservation and Land Management for their approval.</p> <p>(v) The developer and any contractors or sub-contractor used to carry out any work authorised by or out of this approval on council owned or council controlled land, is to carry the following insurances which are to be produced to council prior to any work commencing:</p>	Not triggered	Bridge Street site never completed.	
Refuse Emplacement Conditions				
41	<p>Submission of an integrated site management plan for the refuse emplacement within 4 months of the date of consent detailing:</p> <ul style="list-style-type: none"> * Design criteria such as storm intensity, time of concentration, co-efficient of runoff calculated peak discharges, the catchment area and a nominated storm return period. * Dimensions such as batter grades, outlet and pipe sizes, wall heights, wall thickness, freeboard and slope grades for all sediment traps, settling ponds, fill trenches and diversion banks. * Information in relation to the outletting of both clean and dirty water into Teatree Hollow Creek, including information on outlet size and placement and pipe sizes and 	Non-compliant (Low Risk)	<p>Preparation:</p> <p>* Site Management Plan (Reject Emplacement Area Management, Rehabilitation and Water monitoring Plan dated January 1995) sent to council and EPA on 19 January 1995. The latest version of the Reject Emplacement Area Management Plan is dated 1 October 2020. The REA Management Plan states that <i>Tahmoor Coal submitted the REA Management Plan to Council in January 1995. This has been audited and determined to meet this criteria. Currently the Rehabilitation and Topsoil Management Procedure (Appendix C) and the Soil and Water Management Plan (Appendix E) address these conditions. This document is the latest review of the REA Management Plan.</i></p> <p>Based on review of the latest version of the REA Management Plan (and associated appendices) against the 1995 approved version, it is considered that some of the information required to address this condition has been removed. However, it is noted that due to the age of this consent some of these requirements may be no longer relevant and may have been close out due to works undertaken to improve stormwater management under previous PRPs. The requirements of this condition have been generally met however, recommendations for improvement are included.</p> <p>Admin Non-compliant due to lack of detailed REA surface water management drawings within the Management Plans.</p>	<p>NC REC: Include additional detail in Table 1 of the REA Management Plan to address where each specific requirement of the plan has been addressed, and if not provide justification.</p> <p>NC REC: Include detailed design drawings of the REA and stormwater management system within the management plan. The site water management plan for example does not show the water management at the eastern side of the REA.</p> <p>NC REC: Complete cover crop seeding of topsoil stockpile areas.</p>

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>placement. Provision shall be made for treatment of dirty water to be outlet into Teatree Hollow Creek.</p> <p>* The upgrading of the haul road from the nune site, including information on drainage upgrading and no tree destruction in the area of Teatree Hollow Creek. (This area is Protected Land and the Department of conservation and Land Management must be consulted before any tree destruction occurs).</p> <p>* The length of time that the topsoil is to be stockpiled, and what cover crops will be used to decrease erosion of these stockpiles.</p> <p>* Maintenance of erosion control structures and drainage systems.</p>		<p>Implementation:</p> <p>* SLR viewed the REA and the REA rehabilitation during the site visit.</p> <p>* In May 2018, RR undertook and inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. The rock armoured contour drains, were viewed during the site inspection and appeared to be stable and working. One area of erosion was noted in a contour bank where no armouring had been undertaken and additional work is recommended to include rock armour consistent with the other areas.</p> <p>Elsewhere the rehabilitation is generally stable, however the eastern slopes of the REA have poor vegetation take off and minimal groundcover which requires additional rehabilitation work. The groundcover in the older rehabilitation areas is better than the new areas. Climatic conditions in the area over the audit period have not been favourable for rehabilitation. Recommendations for improvements have been made.</p> <p>* Topsoil stockpiles at the REA have been reduced in height since the previous audit, however, one remains which appears to be higher than 3m (general guideline).</p> <p>* The topsoil stockpile area has no vegetation cover and does not appear to have been seeded since the works to reduce stockpile heights. There is evidence of some erosion in topsoil stockpiles as a result.</p> <p>* Based on site communications it is understood that site believe there is a deficit of topsoil material for rehabilitation but do not have an accurate inventory of soil resources for rehabilitation. It is recommended to use survey data to determine soil resource available for rehabilitation</p> <p>Non-compliant due to the lack of vegetation cover on topsoil stockpile areas.</p>	<p>NO REC: Complete cover crop seeding on topsoil stockpile areas.</p> <p>NC REC: Reduce topsoil stockpile height to <3m and ensure stockpiles resulting from future disturbance be a maximum of be 3m high and be seeded with a temporary vegetation cover.</p> <p>NC REC: Ensure future contour drains and other water management structures at the Reject Emplacement Area are constructed in accordance with approved designs and complete erosion repairs/rock lining of existing contour drain.</p>
42	Submission of a copy of approval granted by the commission of Soil Conservation for the undertaking of works adjacent to a prescribed stream as described in the Soil conservation Act, 1938, prior to the receipt at the refuse emplacement of refuse from the Tahmoor North lease area.	Not triggered	Works didn't start until 2003. This Act was repealed condition in 2001.	
43	Submission of a copy of approval granted by the Department of Water Resources for the undertaking of works within protected river land as described in the River and Foreshores Improvement Act, 1948 prior to the receipt at the refuse emplacement of refuse from the Tahmoor North lease area.	Not triggered	Exempt as a controlled activity. Not required where surface mining leases are held under the Mining Act 1992.	
44	All stages identified in the refuse emplacement site management plan are to be pegged by a Registered surveyor and a copy of a survey Certificate certifying the compliance of the extent of works at the completion of each stage boundary being forwarded to council.	Not triggered	<p>* Sighted letter from 28 August 1998 surveying Stage 1-6 and 9 areas.</p> <p>* No stage boundaries completed therefore Council hasn't needed to be advised.</p>	
45	Council is to be formally notified in writing upon completion of each stage and each rehabilitation process at the refuse emplacement for the purpose of carrying out an inspection(s) of the works.	Not triggered	* No stages completed during the audit period. Not triggered in this period.	
46	<p>Within 4 months of the date of this consent, a detailed refuse emplacement site rehabilitation and revegetation plan of management is to be submitted to council for approval. This is to include all existing works and embankments and proposed extensions and details are to include:</p> <p>(a) Topsoil depths and material to be placed upon the refuse and method of retention.</p> <p>(b) List of proposed species and planting densities.</p> <p>(c) Identification of each stage and species area.</p> <p>(d) A report describing the method of preparation of planting beds including planting methods, fertilising, mulching, staking etc and an outline of the provisions to be made to maintenance. The rehabilitation plan is to give regard to species types indigenous to the native area.</p> <p>(e) Details of final finished levels relative to depth of refuse and the stated EIS objective of an average of 12 m depth of emplaced refuse.</p>	Non-compliant (Low Risk)	<p><u>Preparation</u></p> <p>* Original Refuse Emplacement Area Management Plan, Rehabilitation and Water Monitoring Plan approval dated 19 January 1995.</p> <p>* Other documents have been prepared to cover the Reject Emplacement Area including the MOP, Topsoil and Rehabilitation Management Procedure and site environmental management plans.</p> <p>The requirements of these conditions are generally met in the Rehabilitation and Topsoil Management Procedure and the MOP. It is noted that this condition is not referred to in the regulatory requirements section of the MOP.</p> <p><u>Implementation:</u></p> <p>* SLR viewed the REA and the REA rehabilitation during the site visit.</p> <p>* In May 2018, RR undertook and inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working. One area of erosion was noted in a contour bank where no armouring had been undertaken and additional work is recommended to include rock armour consistent with the other areas.</p> <p>Elsewhere the rehabilitation is generally stable, however the eastern slopes of the REA have poor vegetation take off and minimal groundcover which requires additional rehabilitation work. The groundcover in the older rehabilitation areas is better than the new areas. Climatic conditions in the area over the past couple of years have not been favourable for rehabilitation. Recommendations for improvements have been made.</p> <p>* Topsoil stockpiles at the REA have been reduced in height since the previous audit, however, one remains which appears to be higher than 3m (general guideline).</p> <p>* The topsoil stockpile area has no vegetation cover and does not appear to have been seeded since the works to reduce stockpile heights. There is evidence of some erosion in topsoil stockpiles as a result.</p> <p>Non-compliant due to implementation and the lack of vegetation cover on topsoil stockpile areas.</p>	<p>Improvement REC: Include reference to the requirements of Condition 46 of DA 57/93 into future iterations of the MOP and include a table to show where these conditions have been addressed.</p> <p>NC REC: Develop a formalised Rehabilitation Quality Assurance Process throughout the life of rehabilitation to include verification of activities and procedures and tracking of key data at each phase of rehabilitation (ie topsoil depth, amelioration, seed mix, weather conditions). It is recommended that GIS may be incorporated into the QA process to track phases of rehabilitation. This will assist in identifying differences in rehabilitation and determining factors for success and failure.</p> <p>Improvement REC: prepare a topsoil inventory to understand volumes of material available for rehabilitation.</p> <p>Improvement REC: consider climatic conditions in rehabilitation timings and planning and utilise water carts or similar to assist in watering in of tubestock in dry conditions.</p>
47	<p>Within 4 months of the date of this consent a detailed refuse emplacement water monitoring plan is to be submitted to the EPA for approval and notified to the council. This monitoring plan is to include:</p> <p>(a) Proposals for the monitoring of Teatree Hollow and upstream and downstream of its confluence with Bargo River.</p> <p>(b) Monitoring details for all elements contained within table 6.9-3 of the EIS.</p> <p>(c) A sampling programme, on a monthly basis, for the duration of coal emplacement at site, or in any case, until notification is received by council, advising the last stage has been completed as required in the conditions of consent.</p>	Compliant	<p>* Evidence of approval letter dated 19 January 1995. Approval of Reject Emplacement Area Management, Rehabilitation and Water Monitoring Plan.</p> <p>* Covered in Reject Emplacement Area Management, Rehabilitation and Water Monitoring Plan. Covers requirement of this condition.</p> <p>* Monitoring at LDP1 for Teatree Hollow</p> <p>* Evidence of water monitoring. Results from monthly water monitoring reported on the Tahmoor website and in the Annual Reviews and Annual Returns. Water monitoring is undertaken monthly at the REA locations in accordance with the EPL.</p> <p>* Tahmoor plan to re-commission the water treatment plant.</p>	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
48	The approved soil and water management plans for the refuse emplacement being under the control of a nominated employee or consultant being a qualified Soil Conservationist appointed by the company at its expense and advised to council, whose duties will include: * Control and management of all measures approved within the soil and water management plans . * Control and responsibility of employees required to maintain soil and water management devices. * Completion of a written report to be submitted to council on a six monthly basis certifying compliance with the approved soil and water management plans for the duration of construction works at Bridge street and for the duration of refuse emplacement.	Compliant	*The Tahmoor Environment and Community Manager is in control of all environment management plans onsite. All employees accountable for complying with the requirements of the Soil and Water Management Plan. Current Soil and Water Management Plan dated January 2020. * Based on the evidence provided 6 monthly reports were provided to council on 5 October 2017, 2 November 2018, 23 October 2019, 12 August 2020 . In addition, the submission of the Annual Review in March satisfies this condition.	
49	The applicant shall provide an annual report on progress of disposal and rehabilitation to the Council, Department of Mineral Resources, Department of Conservation and Land Management, and the EPA.	Compliant	* Annual Review sent to DPIE, EPA, DPI Water, Sydney Catchment Authority, DRG, DPI and Council.	
Subsidence Conditions				
50	(1) Submission to council for approval of a mine subsidence impact study for all areas proposed to be mined by bord and pillar techniques prior to pillar panel extraction commencing. (2) Three (3) months written notice shall be given to the owners of all land in (1) of the intention to remove pillar panels. (3) If requested in writing by an owner within one (1) month after the notice in (2) the applicant shall cause pre-mining surveys to be carried out on substantial improvements within the land and the 35 deg angle of draw at least one (1) month prior to removal of pillar panels taking place. These pre- mining inspections are to include soil sampling for moisture content and soil types. Owners of improvement are to get written reports of all findings and photographs of the existing condition of all improvements.	Compliant	Mining is managed through the SMP process. Government agencies are consulted as part of this process.	
51	51. The applicant shall: (a) Set up and participate in a community liaison programme upon gaining development consent, in order to provide periodically updated information on the progress of mining ,and explaining, predicted and measured mining induced subsidence effects on residences and land; (b) Prior to c (c) Provide a representative for an annual liaison meeting of government agencies and council to discuss the results of subsidence monitoring, future mining proposals and study technical issues relevant to subsidence damage.	Compliant	The CCC has been established. Subsidence approvals and reporting on the website.	
52	The applicant shall carry out subsidence monitoring according to the requirements of the Department of Mineral Resources and taking into consideration the advice of the annual liaison meeting. The applicant shall report the results of subsidence monitoring into an annual environmental management plan report and such results shall be publicly accessible through the council.	Compliant	Subsidence Monitoring Program. Evidence of reporting against this program in Subsidence Status Reports, End of Panel Reports and AEMR's.	
53	Mining is not to occur so as to result in the subsidence of any habitable floors to below the 1:100 year flood level (1% flood level).	Compliant	Flooding impact study completed as part of SMP.	
54	No extraction of coal is to occur so as to cause subsidence of the surface upon which any item of Environmental Heritage (as listed in Schedule 1 of LEP 1991). A separate consent is required pursuant to Clause 30 of the LEP 1991 for any damage to those items. Prior to the extraction of coal which will result in subsidence with the benefit of actual subsidence data from initial longwall panels (not affecting heritage items) , a detailed study of each listed item is to be undertaken identifying expected damage from subsidence. This study is to be considered by a Heritage Architect (to be endorsed by the Heritage Branch of the DOP) and a report prepared by that person on the impact of identified damage on the item 1s historical significance 1 and the appropriate premining measures or restoration measures so as to minimise impact on the significance of the item . The two studies, including recommendations, are to form the basis of a separate development application pursuant to Clause 30 of the LEP 1991 for consent to damage any item	Not triggered	Tahmoor has approval to operate the mine with specific subsidence performance measures, which supersede this requirement.	
Acoustic Conditions				
55	The noise level emanating from any operation of Tahmoor North Mine shall not exceed an L10 level of 32 dBA within 3 m of any -- residence in existence or approved at the date of this consent.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
56	The Tahmoor North ventilation fan discharge shall face south.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
57	The Tahmoor North ventilation fan discharge duct shall include a 90° radius bend and shall be lined internally with 100 mm thick sound absorbent insulation.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
58	All Tahmoor North ventilation fan intake and discharge ducts shall be constructed from steel plate at least 6 mm thick .	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
59	The Tahmoor North ventilation fan and fan motor shall be enclosed such that the noise level emanating from the enclosure, when measured 7 m from the enclosure in any direction shall not exceed an L10 level of 61 dBA.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
60	The Tahmoor North air compressor shall be enclosed in a structure so that the noise level emanating from the structure measured at a distance of 7 m from the structure, does not exceed an L10 level of 66 dBA.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
61	Noise levels emanating from construction activity during construction of Tahmoor North facilities shall not exceed an L10 level of 32 dBA at any position within 3 m of any residence in existence or approved at the date of this consent.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
62	noise control kits, including high performance exhaust silencers, engine shrouding and cooling fan attenuators, so as to reduce the noise level of each item of plant, when measured at a distance of 7 m, by 5 dBA.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
63	A 3 m high barrier shall be constructed adjacent to the northwest boundary of the shaft site prior to commencement of construction and shall be maintained during the construction period .	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
64	The shaft ventilation fan and motor and the aircompressors used during the Tahmoor North construction period shall be located on the southern side of the barrier referred to in condition 63.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
65	A shaft protection door is to be provided on the shaft entrance with minimum openings included and it shall remain closed during all shaft construction operations, excepting blasting and for shaft access.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
66	The shaft sinking ventilation fan inlet and discharge shall be acoustically treated before commencement of construction and before operation and shall be maintained and kept closed during the construction period.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
67	The shaft sinking ventilation fan shall be fitted with a noise control kit to ensure that its noise level when measured at a distance of 7 m does not exceed an L10 level of 85 dBA. The kit may be removed providing the overburden drill operates at least 10 m below the existing ground level.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
68	Concrete trucks delivering concrete to the Tahmoor North construction site shall, when on site, park within a partial enclosure consisting of two sides and a roof, constructed of material with a surface density at least equivalent to 0.7 mm steel profile sheet, and the open ends of the enclosure are to face east and west.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
69	Blasting may be carried out on the Tahmoor North site only during the hours 9.00am to 3.00 pm Monday to Friday.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
70	Ground vibration levels during blasting at the construction site shall comply with the guidelines contained in the EPA's noise control manual.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
71	Blast overpressure levels during blasting at the site shall comply with the guidelines contained in the EPA's noise control manual.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
72	generated by road traffic to and from the site and measure over any 1 hour period shall not exceed 45 dBA during the period 6.00 am - 10.00 pm and 40 dBA during the period 10.00 pm - 6.00 am at the facade of any residence.	Not triggered	Historical condition, well outside the audit period.	
73	The noise level emanating from Tahmoor Mine and any associated facilities, including the washery, stock pile area and rail loading facility, shall not exceed an L10 level of 45 dBA when measured with 3 m of any residence.	Compliant	Annual Review results for 2017, 2018 and 2019 indicate compliance with this condition.	
74	The noise level emanating from operations at the refuse emplacement site shall not exceed an L10 level of 37 dBA or background + 5 dBA which ever is the greater when measured within 3 m of any residence.	Compliant	Annual Review results for 2017, 2018 and 2019 indicate compliance with this condition. Noise monitoring specifically covers the REA noise.	
75	The noise level emanating from the Tahmoor North Mine shall be measured within 3 months of commencement of operation over a 24 hour period while operations are taking place and after that, once per annum at the nearest 2 residences. The LA10 and the LA1 (or LAllax) levels emanating from the operation shall be measured during the daytime and during the night time. A report of the results, including the weather conditions during the measurements, shall be prepared and submitted to council and the owners of the nearest two residences within 1 week of the	Not triggered	Commencement of operations not triggered during the audit period	
76	During the construction of Tahmoor North Mine the noise level emanating from each item of plant used for construction shall be measured at a distance of 7 m every 2 months. A report giving the results of the measurements shall be prepared and submitted to council and the owners of the nearest two residences within one week of completion of the measurement.	Not triggered	No construction relating to this condition during the audit period.	
77	Noise levels shall be monitored for one 24 hour period every month during the construction of Tahmoor North Mine at the nearest two residences. The LA10 and LA1 (or LAllax) noise levels emanating from the construction operations shall be measured every 15 minutes and the weather conditions shall be noted. A report shall then be prepared giving the results of the measurements and submitted to council and the owners of the nearest two residences within 1 week of the measurements being completed.	Not triggered	No construction relating to this condition during the audit period.	
78	The noise level emanating from the Tahmoor Mine surface facilities shall be measured at the nearest two residences within 3 months of the commencement of processing and handling of - coal from Tahmoor North Mine. The LA10 levels and LA1 (or LAIMX) noise levels emanating from Tahmoor Mine operations shall be determined for both daytime and night time and the weather conditions during the measurements shall be noted. The results obtained shall be included in a report which shall be submitted to council and the owners of the nearest two residences within 1 week of the	Not triggered	Commencement of operations not triggered during the audit period	
79	The noise level emanating from the refuse emplacement site shall be monitored at the nearest two residences within 3 months of commencement of dumping of refuse from Tahmoor North Mine. The LA10 and LA1 (or LAllax) C133 level emanating from refuse emplacement shall be measured every 15 minutes during the period 7.00 am to 6.00 pm on any 1 normal working day. The results of measurement shall be included in a report which shall be submitted to council and the owners of the nearest two residences within 1 week of the measurements.	Not triggered	Commencement of operations not triggered during the audit period	
80	This consent is limited to the time required to complete extraction of coal from the area identified in the EIS as being Mining Lease Application No. 1 Sydney 1992 (North Tahmoor).	Not triggered	New consent so this is not applicable.	
81	(a) Shaft sinking shall occur between the hours of 6.00 am and 10.00 pm Monday to Friday and 8.00 am to 1.00pm Saturday with no shaft sinking on Sunday or Public Holidays. (b) Site works associated with construction works (excluding shaft sinking and blasting) shall only occur between the hours 7.00 am and 6.00 pm Monday to Friday and 8.00 am and 1.00 pm Saturday with no site works on Sunday or Public Holidays.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
82	There shall be no removal of vegetation within 20 metres of the north western bank of Redbank Creek and the bank of Redbank Creek tributary which traverses the eastern extremity of the development site.	Not triggered	This relates to the shaft for Tahmoor North which never got constructed.	
83	The company shall submit engineering plans to council for approval for the construction of an earth and rock fill mound at least 245 metres long and between 4-6 metres high on the SRA land opposite the Bridge Street frontage of the development generally in accordance with figure 7.1 annexed hereto and marked "C". Such mound shall be vegetated with native trees, shrubs and grasses together with the provision of a 2 metre high solid acoustic fence constructed along the crest of the mound. All works are to be provided to the satisfaction of the council details of which shall be submitted with the building application. The mound with fencing and screen landscaping shall be constructed to the satisfaction of the council details of which shall be submitted with the	Not triggered	Bridge Street site never completed.	

1975 Consent

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Schedule 00				
Condition 001A	That Development Consent be granted to Clutha Development Pty. Ltd. for the construction of a Coal Mine and associated facilities on lands within the Parishes of Couridjah and Wargo subject to the following general conditions in addition to any conditions attached to the development of specified sites: 1.a) The Company confirming the verbal advices of their Chief General Manager that all coal from the outset will be taken from the Central site by Rail Transport.	Compliant	Wollondilly Shire Council (WSC) letter dated 16 April 1975.	
Condition 001B	1. b) The Company shall ensure that background noise levels in the vicinity of its operational sites, attributable either wholly or in part to its operations, shall not exceed 20dBA at the nearest existing dwelling. This requirement shall not apply to noise caused by construction work or road transport operations, if levels in excess of the 20dBA are considered by Council to be unavoidable.	Not triggered	Superseded by the DA57/93 consent.	
Condition 001C	1. c) The Company shall strictly comply with all plans presented to Council unless an amendment to those plans has been specifically approved in writing by Council.	Not verified	Tahmoor submitted Government Information Public Access (GIPA) information request from WSC.	
Condition 001D	1. d) The Company shall submit further Building applications in respect of buildings and structures, giving detailed information concerning dimensions, architectural treatment and building materials, when such information becomes available.	Not verified	Tahmoor submitted Government Information Public Access (GIPA) information request from WSC.	
Condition 001E	e)The Company shall produce further evidence, supported by the N.S.W Department of Mines, to satisfy Council that mines subsidence will not be a significant problem, and sufficient security for landowners.	Compliant	Wollondilly Shire Council (WSC) letter dated 16 April 1975.	
Condition 001F	f) The Company shall consult with Council's Bush Fire Committee concerning the appropriate fire control measures, and shall take whatever steps the Committee may require to implement such measures.	Compliant	* Bushfire Management Plan dated January 2020. * Bushfire Management Committee meeting minutes dated June 2014. No recent meeting minutes provided for this audit. * Regular consultation with the NSW Rural Fire Service (RFS). * During the audit period there were significant bushfire events in late 2019/early 2020. Management and protection of the site was undertaken with RFS.	
Condition 001G	g) No construction operations shall commence until Council has indicated in writing to the Company that it is satisfied in relation to the above matters.	Not verified	Tahmoor submitted Government Information Public Access (GIPA) information request from WSC.	
Condition 001H	h) During construction operations at night, blasting shall be prohibited and floodlighting restricted to an absolute minimum. The Company or its Contractors shall comply immediately with any stop-work notices issued by Council.	Not triggered	Construction completed. No blasting during construction.	
Condition 001I	i) The Company shall itself obtain all necessary approvals from the other relevant statutory authorities, with the exception of the N.S.W Planning & Environment Commission and the Minister for Planning and Environment.	Compliant	Several other approvals since 1975.	
Condition 001J	j) The Company shall indemnify the Council from any action, suit, claim or demand arising from any action or thing which it may be permitted or required to do under the terms of this approval.	Not triggered	Wollondilly Shire Council (WSC) letter dated 19/5/1975 refers to the condition being withdrawn.	
Condition 001K	k) On completion of mining activities the site shall be left safe, clean and tidy to the satisfaction of Council and including the following requirements: (i) Where required by Council all buildings shall be either removed or satisfactorily covered; (ii) The site shall be so treated that all batters are at a safe angle of repose; (iii) Exclusive only of sealed access roads, the surface area shall be satisfactorily graded, top-dressed to a depth of not less than 6" (152mm) and established with approved trees and grasses; (iv) The mine shaft shall be sealed in a substantial manner with adequate provision for drainage of the mine	Not triggered	* Mine still operating. * Mine closure addressed by Mining Operations Plan (MOP) and Rehabilitation Cost Estimate (RCE).	
Condition 002A	2.Coal Mine Central service Site – Report 75/42 That Development consent for this site be granted subject to the following conditions: a) compliance the conditions adopted following consideration of Town Planner's Report No. 75/41;	Not verified	Tahmoor submitted Government Information Public Access (GIPA) information request from WSC.	
Condition 002B	b) submission and approval by Council of a detailed landscaping plan;	Not verified	Tahmoor submitted Government Information Public Access (GIPA) information request from WSC.	
Condition 002C	2c) construction of the proposed parking area and access road to Council's normal sealed standard, to the satisfaction of the Shire Engineer;	Not verified	Tahmoor submitted GIPA information request from WSC.	
Condition 002D	d) approval of the proposed access to the Hume Highway by the Department of Main Roads and Police Traffic Branch;	Not verified	Tahmoor submitted GIPA information request from WSC.	
Condition 002E	e) treatment and disposal of stormwater to the satisfaction of the Shire Engineer;	Not triggered	Regulated by NSW Environment Protection Authority (EPA).	
Condition 002F	f) the wastewater control dam having a designed overflow frequency of no more than once in 10 months;	Not triggered	Superseded by Environment Protection Licence (EPL) and newer approvals.	
Condition 002G	g) submission and approval by Council of detailed plans for the emergency coal stockpile;	Not triggered	Stockpile area constructed.	
Condition 002H	h) consultation with Council and if deemed necessary by the Council, the Metropolitan Water Sewerage & Drainage Board concerning the supply of drinking water to the site;	Compliant	Water now supplied by Sydney Water. Metropolitan Water Sewerage and Drainage Board consulted per letter dated 5/7/2012.	
Condition 002I	i) treatment and disposal of all effluent from the temporary bathhouse and toilet facilities by means of a 'package' sewerage works, to standards set by the State Pollution Control Commission and Health Commission;	Not triggered	Tahmoor no longer has these temporary facilities.	
Condition 002J	j) treatment and disposal of all effluent and sillage from the permanent toilet and washing facilities by means of a site-disposal septic unit, to the satisfaction of the Shire Health Surveyor;	Not triggered	Superseded by 1979 Consent.	
Condition 002K	k) construction and maintenance of a standard firebreak around the whole boundary of the property;	Compliant	Bushfire Management Plan dated October 2013 and January 2020 covers this requirement.	
Condition 002L	l) the name of the project being changed to that of "Bargo River Mine"	Compliant	Wollondilly Shire Council (WSC) letter dated 19/5/1975 modifies the name of the project.	
Condition 003	3. Man-access Shaft: Upcast Ventilation Shaft. Etc., Bargo Bridge Road, Couridjah – Report 75/43 That Development consent for this site be granted subject to the following conditions: a) compliance with conditions (a), (b), (c), (e) and (h) recommended in Report 75/42; b) submission of additional evidence to satisfy Council that no alternative site could be obtained in a less populous area; c) no building or structure being located within 75 metres of the property boundary; d) outdoor lighting being restricted to 4.5 metre street standards; e) the Company discussing with Council the possible use of surplus lands fronting Nattai Street as a recreation reserve; f) access to the colliery facilities being limited to Bargo River Road at all times; g) the strengthening, at the Company's expense, of bridges and other structures along Bargo River Road prior to the road's use by heavy construction equipment, to the satisfaction of the Shire Engineer; h) prior to the commencement of normal mining operations, and at the Company's expense, the repair, widening and where necessary realignment of Bargo River Road to a 6 metre/80 kmh standard, to the satisfaction of the Shire Engineer, and the resurfacing of the road with bituminous plant-mix; i) treatment and disposal of all effluent and sillage by means of 'package' sewerage works, to a standards set by State Pollution Control Commission and Health Commission; j) it being understood by the Company that Council will not approve any additional facilities on the site over and above those already proposed.	Not triggered	Man-access shaft at Bargo Bridge Road was never constructed.	
Condition 004A	4. Man-access Shaft: Upcast Ventilation Shaft, etc., - Rockford Road, Tahmoor – Report 77/44 That Development consent for this application be granted subject to the following conditions: a) compliance with conditions (a), (c), (d), (i) and (j) recommended in Report 75/43;	Not verified	Tahmoor submitted Government Information Public Access (GIPA) information request from WSC.	
Condition 004B	4b) the strengthening, at the Company's expense, of bridges and other structures along Rockford Road, prior to the use of the road by heavy construction equipment;	Not triggered	No bridges.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Condition 004C	4c) prior to the commencement of normal mining operations and at the Company's expense, the repair, widening and where necessary realignment of Rockford Road to a 6 metre 80 kmh standard, to the satisfaction of the Shire Engineer, and the resurfacing of the road with bituminous plant-mix;	Not triggered	Amended by 1979 Consent.	
Condition 004D	4d) the Company ensuring that no damage whatsoever is inflicted upon Warrabunda Reserve and the "Mermaid's Pool" as a result of the operations of itself or its contractors;	Not triggered	Superseded by 1979 Consent.	
Condition 004E	4e) the discharge of all wastewater, stormwater and treated effluent into the Bargo River at a point downstream of "Mermaid's Pool",	Not triggered	* Superseded by 1979 Consent. * LDP 001 is the discharge point.	
Condition 004F	4f) submission and approval of a detailed landscaping plan for the area;	Not verified	* Development in this area did not occur.	
Condition 004G	4g) construction and maintenance of a standard firebreak around the whole boundary of the property.	Compliant	Bushfire Management Plan dated January 2020 covers this requirement.	
Condition 005A	5. Downcast Shaft – Stratford (Lisson) Road, Tahmoor – Report 75/45 That Development consent for this application be granted subject to the following conditions: a) noise levels from the temporary fan not exceeding 20dBA at the nearest existing house;	Not triggered	* Condition superseded by Development Consent 57/93.	
Condition 005B	5b) construction of a man-proof cyclone fence around the shaft;	Not triggered	* Construction completed prior to audit period.	
Condition 005C	5c) extension of Stratford (Lisson) Road to the full frontage of the shaft site, and the road's construction throughout to Council's normal shale standards, to the satisfaction of the Shire Engineer, prior to the commencement of construction work at the shaft;	Not triggered	* Construction complete. * Gravel road.	
Condition 005D	5d) regular watering during the shaft sinking and equipment operation, of any shale road constructed in accordance with condition (c) above, to the satisfaction of the Shire Engineer;	Not triggered	* Construction complete.	
Condition 005E	5e) blasting being prohibited during shaft-sinking operations at night, unless specifically approved in writing by Council or the responsible Senior Officer;	Not triggered	* Construction complete.	
Condition 005F	5f) floodlighting of the site being kept to an absolute minimum;	Compliant	* No lighting at vent shaft.	
Condition 005G	5g) the Company agreeing to comply with any stop-work notice issued by Council to be causing undue interference with the amenity of the neighbourhood;	Not triggered	* Construction complete.	
Condition 005H	5h) Excess sandstone from the shaft excavations to be stockpiled, at sites to be determined, for Council's use. The Meeting also decided to recommend to Council that the State Pollution Control Commission be advised of the approvals and conditions and that such will be held for a period of one (1) month to enable them to complete their examinations of the proposals. A further recommendation was that Council make application to the Minister for Planning and Environment for an amendment to the Interim Development Order No 7 (Wollondilly) to enable the application for the "central site" to proceed. In regards the letters of objections against the proposed mine development the Committee recommend to Council that the letters be received, the contents noted and the objectors advised accordingly.	Compliant	Wollondilly Shire Council (WSC) letter dated 19/5/1975 states that the Council accepts "the Companies" (Tahmoor's) offer.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
------------------	-----------	-------------------	----------	--------------------

2. Discharges to Air and Water and Applications to Land

P1	<p>P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>Dust Monitoring</td> <td></td> <td>DDG1 located at the gas plant header tank</td> </tr> <tr> <td>8</td> <td>Dust Monitoring</td> <td></td> <td>DDG2 located at the top of the bund adjacent to the recycled water treatment plant</td> </tr> <tr> <td>9</td> <td>Dust Monitoring</td> <td></td> <td>DDG3 located at the entry to the stockpiles near the helipad</td> </tr> <tr> <td>10</td> <td>Dust Monitoring</td> <td></td> <td>DDG4 located at the southern end of the stockpiles</td> </tr> <tr> <td>11</td> <td>Dust Monitoring</td> <td></td> <td>DDG7 located at the northern extent of the reject emplacement area</td> </tr> <tr> <td>12</td> <td>Dust Monitoring</td> <td></td> <td>DDG8 located at the southern extent of the reject emplacement area</td> </tr> <tr> <td>13</td> <td>PM10 Monitoring</td> <td></td> <td>PM10-1 located at the north eastern off-site location (Hodgson Grove, Tahmoor)</td> </tr> <tr> <td>14</td> <td>PM10 Monitoring</td> <td></td> <td>PM10-2 located at the western off-site location (Oliver Lane, Bargo)</td> </tr> <tr> <td>15</td> <td>PM10 Monitoring</td> <td></td> <td>PM10-3 located at the southern off-site location (115 Charlie's Point Road, Bargo)</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	7	Dust Monitoring		DDG1 located at the gas plant header tank	8	Dust Monitoring		DDG2 located at the top of the bund adjacent to the recycled water treatment plant	9	Dust Monitoring		DDG3 located at the entry to the stockpiles near the helipad	10	Dust Monitoring		DDG4 located at the southern end of the stockpiles	11	Dust Monitoring		DDG7 located at the northern extent of the reject emplacement area	12	Dust Monitoring		DDG8 located at the southern extent of the reject emplacement area	13	PM10 Monitoring		PM10-1 located at the north eastern off-site location (Hodgson Grove, Tahmoor)	14	PM10 Monitoring		PM10-2 located at the western off-site location (Oliver Lane, Bargo)	15	PM10 Monitoring		PM10-3 located at the southern off-site location (115 Charlie's Point Road, Bargo)	Compliant	<ul style="list-style-type: none"> * Monitoring points are located on the website "EPL Monitoring Map". Monitoring locations on the map correspond to the EPL's location descriptions. * Monitoring results from each site have been reported in the 2017, 2018 and 2019 Annual Reviews. * Point 13/14 are the PM10 HVols. * Point 15 is the PM10 TEOM. 	
	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																																								
	7	Dust Monitoring		DDG1 located at the gas plant header tank																																								
8	Dust Monitoring		DDG2 located at the top of the bund adjacent to the recycled water treatment plant																																									
9	Dust Monitoring		DDG3 located at the entry to the stockpiles near the helipad																																									
10	Dust Monitoring		DDG4 located at the southern end of the stockpiles																																									
11	Dust Monitoring		DDG7 located at the northern extent of the reject emplacement area																																									
12	Dust Monitoring		DDG8 located at the southern extent of the reject emplacement area																																									
13	PM10 Monitoring		PM10-1 located at the north eastern off-site location (Hodgson Grove, Tahmoor)																																									
14	PM10 Monitoring		PM10-2 located at the western off-site location (Oliver Lane, Bargo)																																									
15	PM10 Monitoring		PM10-3 located at the southern off-site location (115 Charlie's Point Road, Bargo)																																									
<p>P1.2 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>	Compliant	* See below comments.																																										
<p>P1.3 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> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Discharge to waters Discharge quality monitoring Volume monitoring</td> <td>Discharge to waters Discharge quality monitoring Volume monitoring</td> <td>Main mine water discharge. Discharge drain located on the property boundary down stream from the mine water final treatment dam (Dam M4) and labelled as Lic.No 1 on Tahmoor Colliery's Location Plan N3320 dated March 1997.</td> </tr> <tr> <td>3</td> <td></td> <td>Discharge to waters</td> <td>Overflow of treated discharge from sedimentation pond. Discharge drain is located at the reject disposal area on the final treatment dam (Dam S9) and labelled as Lic.No 3 on Tahmoor Colliery's Location Plan N3320 dated March 1997.</td> </tr> <tr> <td>4</td> <td></td> <td>Discharge to waters</td> <td>Overflow of treated discharge from sedimentation pond. Discharge is from REA dam located on eastern side of main southern railway (Dam S4) on Tahmoor Colliery's Location Plan dated 15/04/2013 (EPA Ref DOC13/31369).</td> </tr> <tr> <td>5</td> <td></td> <td>Discharge to waters</td> <td>Overflow of treated discharge from coal reject sedimentation pond. Discharge drain is on the leachate dam servicing the southern area of reject area (Dam S8) labelled Lic. No. 5 on Tahmoor's Colliery's Location Plan N3320 dated March 1997.</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	Main mine water discharge. Discharge drain located on the property boundary down stream from the mine water final treatment dam (Dam M4) and labelled as Lic.No 1 on Tahmoor Colliery's Location Plan N3320 dated March 1997.	3		Discharge to waters	Overflow of treated discharge from sedimentation pond. Discharge drain is located at the reject disposal area on the final treatment dam (Dam S9) and labelled as Lic.No 3 on Tahmoor Colliery's Location Plan N3320 dated March 1997.	4		Discharge to waters	Overflow of treated discharge from sedimentation pond. Discharge is from REA dam located on eastern side of main southern railway (Dam S4) on Tahmoor Colliery's Location Plan dated 15/04/2013 (EPA Ref DOC13/31369).	5		Discharge to waters	Overflow of treated discharge from coal reject sedimentation pond. Discharge drain is on the leachate dam servicing the southern area of reject area (Dam S8) labelled Lic. No. 5 on Tahmoor's Colliery's Location Plan N3320 dated March 1997.	Compliant	<ul style="list-style-type: none"> * Discharge point LDP1 and overflow points LOP 3, 4 and 5 are shown on website "EPL Monitoring Map". * Monitoring points are monitored monthly. Results reported in the annual review. * EPL Monitoring results available on website 																						
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																																									
1	Discharge to waters Discharge quality monitoring Volume monitoring	Discharge to waters Discharge quality monitoring Volume monitoring	Main mine water discharge. Discharge drain located on the property boundary down stream from the mine water final treatment dam (Dam M4) and labelled as Lic.No 1 on Tahmoor Colliery's Location Plan N3320 dated March 1997.																																									
3		Discharge to waters	Overflow of treated discharge from sedimentation pond. Discharge drain is located at the reject disposal area on the final treatment dam (Dam S9) and labelled as Lic.No 3 on Tahmoor Colliery's Location Plan N3320 dated March 1997.																																									
4		Discharge to waters	Overflow of treated discharge from sedimentation pond. Discharge is from REA dam located on eastern side of main southern railway (Dam S4) on Tahmoor Colliery's Location Plan dated 15/04/2013 (EPA Ref DOC13/31369).																																									
5		Discharge to waters	Overflow of treated discharge from coal reject sedimentation pond. Discharge drain is on the leachate dam servicing the southern area of reject area (Dam S8) labelled Lic. No. 5 on Tahmoor's Colliery's Location Plan N3320 dated March 1997.																																									

Limit Conditions

L1	<p>Pollution of Waters - L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.</p>	Non-compliant (Medium Risk)	<p>On 17 April 2020 Tahmoor were issued a Show Cause Notice for an alleged clay discharge into the Bargo River (via the Tea Tree Hollow LDP). In response, Tahmoor prepared an incident report which found the following: <i>"The event was the discharge of water from Licence Discharge Point 1 (LDP1) above the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. The event was caused by the Coal Handling Preparation Plant (CHPP) being unable to manage the material being brought to the surface as expected. As a result, the tailings thickeners were overflowing turbid water to the internal dams and water was discharged from LDP1 with concentrations exceeding the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. Tahmoor Coal is unable to determine the exact timeframes of the event, however it began sometime after the 15 April 2020 and finished on the 19 April 2020."</i></p> <p>Tahmoor implemented immediate actions to mitigate the event including: - turbidity monitoring, - ceasing CHPP operations - pumping - ceasing pumping from the underground. Monitoring showed that water quality in Tea Tree Hollow returned to compliant levels on 20 April 2020.</p> <p>In addition as reported in the incident report, additional actions have been implemented to prevent the re-occurrence, including real time turbidity monitoring (monitor sighted during site inspection), development of a TARP for turbidity levels and review of flocculant products.</p> <p>On 8 September 2020 Tahmoor were issued with a Penalty Notice for the clay discharge into Tea Tree Hollow. EPA acknowledged that the implemented actions are considered to reduce the possibility of the incident repeating.</p>	<p>NC REC: Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels.</p> <p>Improvement REC: Report the status of the follow up actions in the next annual review.</p> <p>Improvement REC: Install temporary erosion and sediment controls at the drain between M4 and LDP1 until vegetation establishment is complete.</p> <p>Improvement REC: Complete repairs to erosion and sediment controls and eroded batter adjacent to LDP1.</p>
----	---	-----------------------------	--	--

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																																				
M2	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>M2.2 Air Monitoring Requirements</p> <p>POINT 7,8,9,10,11,12</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>Insoluble solids</td> <td>grams per square metre per month</td> <td>Monthly</td> <td>Australian Standard 3580.10.1-2003</td> </tr> </tbody> </table> <p>POINT 13,14</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>PM10</td> <td>micrograms per cubic metre</td> <td>Quarterly</td> <td>AS/NZS 3580.9.6:2003</td> </tr> </tbody> </table> <p>POINT 15</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>PM10</td> <td>micrograms per cubic metre</td> <td>Monthly</td> <td>No method specified</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Insoluble solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Quarterly	AS/NZS 3580.9.6:2003	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Monthly	No method specified	Compliant	<p>* Raw monitoring results provided by Tahmoor had correct units of measure, frequency and were in accordance with AS 3580s.</p> <p>* Results reported in 2017, 2018 and 2019 Annual Returns had correct units of measure and frequency.</p> <p>* Air quality monitoring completed by Specialists.</p>													
	Pollutant	Units of measure	Frequency	Sampling Method																																				
Insoluble solids	grams per square metre per month	Monthly	Australian Standard 3580.10.1-2003																																					
Pollutant	Units of measure	Frequency	Sampling Method																																					
PM10	micrograms per cubic metre	Quarterly	AS/NZS 3580.9.6:2003																																					
Pollutant	Units of measure	Frequency	Sampling Method																																					
PM10	micrograms per cubic metre	Monthly	No method specified																																					
M2.3 Water and/or Land Monitoring Requirements	<p>POINT</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>Arsenic</td> <td>micrograms per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Nickel</td> <td>micrograms per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Turbidity</td> <td>nephelometric turbidity units</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> <tr> <td>Zinc</td> <td>micrograms per litre</td> <td>Once a month (min. of 4 weeks)</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Arsenic	micrograms per litre	Once a month (min. of 4 weeks)	Grab sample	Conductivity	microsiemens per centimetre	Once a month (min. of 4 weeks)	Grab sample	Nickel	micrograms per litre	Once a month (min. of 4 weeks)	Grab sample	Oil and Grease	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample	pH	pH	Once a month (min. of 4 weeks)	Grab sample	Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample	Turbidity	nephelometric turbidity units	Once a month (min. of 4 weeks)	Grab sample	Zinc	micrograms per litre	Once a month (min. of 4 weeks)	Grab sample	Compliant	* Frequency and units of measure are included in Annual Reviews.	
Pollutant	Units of measure	Frequency	Sampling Method																																					
Arsenic	micrograms per litre	Once a month (min. of 4 weeks)	Grab sample																																					
Conductivity	microsiemens per centimetre	Once a month (min. of 4 weeks)	Grab sample																																					
Nickel	micrograms per litre	Once a month (min. of 4 weeks)	Grab sample																																					
Oil and Grease	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample																																					
pH	pH	Once a month (min. of 4 weeks)	Grab sample																																					
Total suspended solids	milligrams per litre	Once a month (min. of 4 weeks)	Grab sample																																					
Turbidity	nephelometric turbidity units	Once a month (min. of 4 weeks)	Grab sample																																					
Zinc	micrograms per litre	Once a month (min. of 4 weeks)	Grab sample																																					
M3	M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.	Not triggered	* Not triggered. No dust criteria specified by the EPL.																																					
	<p>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.</p> <p>Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 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>	Not triggered	* Not triggered. No dust criteria specified by the EPL.																																					
M4	M4.1 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	<p>* Complaints procedure.</p> <p>* Complaints register.</p> <p>* Complaints summarised in Annual Reviews.</p> <p>The complaints register available on the website on presents the last 3 years of complaints since SIMEC took ownership.</p>																																					
	<p>M4.2 The record must include details of the following:</p> <p>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.</p>	Compliant	Evidence of complaints register. Records of complaints provided by Tahmoor Coking Coal Operations included: a) the date and time of the complaint. b) the method by which the complaint was made. c) personal details of the complainant. d) the nature of the complaint. e) the action taken by the licensee in relation to the complaint (reviewed real-time data). f) if no action was taken by the licensee, the reasons why no action was taken.																																					
	M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made. M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.	Compliant	<p>* Records have been kept for complaints over at least the last four years.</p> <p>* EPA has not requested to see the records.</p> <p>* Only complaints from the last 3 years since the change of ownership to SIMEC is reported on the website.</p>																																					

Condition Number	Condition	Compliance Status	Evidence	Recommended Action						
M5	M5.1 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	* Telephone (regular contact number and 24 hour contact number) advertised on the Tahmoor Coking Coal Operations website and in the white pages (regular contact number and community complaints line). * Monthly newsletter advertises complaints line. Newsletter goes out to the general public.							
	M5.2 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	* Telephone (regular contact number and 24 hour contact number) advertised on the Tahmoor Coking Coal Operations website and in the white pages (regular contact number and community complaints line). * Monthly newsletter advertises complaints line. Newsletter goes out to the general public.							
	M5.3 The preceding two conditions do not apply until 3 months after: a) the date of the issue of this licence or b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.	Note	Noted							
M6	M6.1 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" data-bbox="439 604 1083 661"> <thead> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Continuous</td> <td>kilolitres per day</td> <td>Level sensor and continuous logger</td> </tr> </tbody> </table>	Frequency	Unit of Measure	Sampling Method	Continuous	kilolitres per day	Level sensor and continuous logger	Non-compliant (Low Risk)	2019 Annual Review reports that bushfire in December 2019 destroyed equipment therefore continuous monitoring of water discharge from LDP1 not undertaken between 20 and 23 December 2019. Equipment was repaired.	No further recommendations
Frequency	Unit of Measure	Sampling Method								
Continuous	kilolitres per day	Level sensor and continuous logger								
Reporting Conditions										
R1	R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Compliant	Annual Return from 2019 signed on 29 January 2020. Annual Return comprises of: a) a Statement of Compliance; and b) a Monitoring and Complaints Summary.							
	R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	Compliant	* Annual Returns prepared for the 1 January 2017 to 31 December 2017, 1 January 2018 to 31 December 2018 and 1 January 2019 to 31 December 2019.							
	R1.3 Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.	Compliant	* No transfers have been undertaken during licence period.							
	R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	Not triggered	* Licence not surrendered.							
	R1.5 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	* EPA website and Annual Returns received by EPA on 10-02-20, 25-02-19 and 13-02-18.							
	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	* Folder in system at site with Annual Returns in it that go back to 2007.							
	R1.7 Within the Annual Return, the Statement 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.	Administrative non-compliance	* 2018 & 2019 Annual Returns are signed. 2017 Annual Return is unsigned.	No further recommendations						
R2	R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.	Compliant	* Incidents procedure (PIRMP). Section 6.2 of the PIRMP includes procedure for notifying EPA and the number that should be called. * Notification of environmental incidents procedure dated 6 January 2016 also includes number that should be called.							
	R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred. 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.	Administrative non-compliance	Incidents outlined in 2017, 2018 and 2019 Annual Review. In 2020, incident included PIN for clay discharge to Bargo river exceeding NTU and TSS limits on 17 April 2020. The PIRMP was activated and incidents have been reported in accordance with the documented notification requirements in the PIRMP. However, the PIRMP does not list DPIE as an agency to be notified. Therefore not notifications have been made in accordance with this condition, condition 48 of DA 67 98 requires DPIE be notified of any incident that has caused or has potential to cause impacts to the environment. As per consultation NRAR requested confirmation of whether NRAR was notified of incidents. Based on the notifications provided for this incident, NRAR were not notified.	NC REC: Update PIRMP notification procedure to include DPIE and NRAR. Review any additional agencies which may require notification of incidents.						
R3	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	Compliant								
	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.	Compliant								

Mining Lease 1308 - Mining Lease to west of CCL716

Date of Lease: 2/03/2014

Expiry Date: 2/03/2035

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
MINING LEASE CONDITIONS				
Notice to Landholders				
1	<p>(a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.</p> <p>(b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.</p>	Not triggered	Mining lease granted prior to the audit period.	
Rehabilitation				
2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Not triggered	No disturbance or rehabilitation within this ML during the audit period	
Mining Operations Plan and Annual Rehabilitation Report				
3	<p>(a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p> <p>(b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <ul style="list-style-type: none"> (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: <ul style="list-style-type: none"> •the Environmental Planning and Assessment Act 1979; •the Protection of the Environment Operations Act 1997; and •any other approvals relevant to the development including the conditions of this mining lease. <p>(c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment</p> <p>(d) The lease holder may apply to the Minister to amend an approved MOP at any time.</p> <p>(e) It is not a breach of this condition if:</p> <ul style="list-style-type: none"> (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. 	Compliant	<p>The site has operated in accordance with 3 MOPs during the audit period as presented on the website:</p> <ul style="list-style-type: none"> - MOP 2012 to 2019 (Amendment G) - MOP 2010-2020 - MOP 2020 - 2024. <p>The latest MOP was approved on 30 September 2020 (approval letter sighted).</p> <p>The MOPs meet the requirements of this condition.</p>	Improvement REC: Include comparison with completion criteria in the Annual Reviews and rehabilitation reports. Review and implement Resources Regulator rehabilitation reform reporting requirements as required.
	<p>(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <ul style="list-style-type: none"> (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment. <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p>	Administrative non-compliance	<p>Section 18 of the Annual Reviews summarise rehabilitation performance during the year. The Annual Reviews do not review progress against the completion criteria presented in the MOP, however, they do include a summary of performance against rehabilitation TARPs.</p> <p>It is noted that the Resources Regulator Rehabilitation Reforms are slated for legislation in 2021. It is recommended to review the rehabilitation reporting requirements from this and incorporate as required.</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	Improvement REC: Include comparison with completion criteria in the Annual Reviews and rehabilitation reports. Review and implement Resources Regulator rehabilitation reform reporting requirements as required.
Compliance Report				

4	<p>(a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p> <p>(b) The Compliance Report must include:</p> <p>(i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;</p> <p>(ii) Particulars of any non-compliance with any such conditions or provisions,</p> <p>(iii) The reasons for any such non-compliance;</p> <p>(iv) Any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p> <p>(c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p> <p>(d) In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>(i) must accompany any application to renew this mining lease under the Act;</p> <p>(ii) must accompany any application to transfer this mining lease under the Act; and</p> <p>(iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act.</p> <p>(e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.</p> <p>(f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.</p>	Administrative non-compliance	<p>The Annual Reviews meet this requirement, reporting on identified compliance with the Mining Lease during the Annual Review periods, and any particulars.</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	No further recommendations.
Environmental Incident Report				
5	<p>(a) The lease holder must notify the Department of all:</p> <p>(i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</p> <p>(ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Administration Act 1991), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.</p> <p>Note. Refer to www.resources.nsw.gov.au/environment for notification contact details.</p> <p>(b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <p>(i) the details of the mining lease;</p> <p>(ii) contact details for the lease holder;</p> <p>(iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</p> <p>(iv) a description of the nature of the incident or breach, likely causes and consequences;</p> <p>(v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).</p> <p>(vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.</p> <p>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.gov.au/environment for further details.</p> <p>(c) In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>	Not triggered	No incidents relating to this mining lease in the audit period	
Subsidence Management				
6	<p>The lease holder must not commence or undertake underground mining operations that may cause subsidence of the surface other than in accordance with an Eligible Subsidence Management Plan approved by the Director-General.</p> <p>For the purposes of this condition, an 'Eligible Subsidence Management Plan' means:</p> <p>(i) A Subsidence Management Plan prepared in accordance with current government guidelines for the preparation of Subsidence Management Plans; or</p> <p>(ii) Those parts of an Extraction Plan or another type of plan:</p> <ul style="list-style-type: none"> prepared, either in whole or in part, with reference to current government guidelines for the preparation of a Subsidence Management Plan; and approved for the purposes of the Environmental Planning and Assessment Act 1979 (or any planning legislation which replaces that Act) by the Minister or Director-General of the Department of Planning & Infrastructure, or another officer of that Department authorised to approve such a plan, which relate to issues of subsidence. 	Not triggered	No extraction from this mining lease in the audit period.	
Resource Recovery				

7	(a) The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible. (b) Any proposed activity from time to time in regard to methane drainage and capture should be advised to the Department's Mine Safety Operations and Environment Units for consideration. Such activities may be subject to conditions relative to each site specific case.	Not triggered	No extraction from this mining lease in the audit period.	
Single Security				
8	The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a single security has been assessed by the Minister at \$3,940,000." The leases covered by the single security include: Consolidated Coal Lease 716 (Act 1973) Mining Lease 1308 (Act 1992) Mining Lease 1376 (Act 1992) Mining Lease 1539 (Act 1992) Mining Lease 1642 (Act 1992)	Compliant	Signed RCE dated 31/7/2019 sighted with current security for being \$27,002,781	
Cooperation Agreement				
9	The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 	Not triggered	Not triggered for this ML	
Exploration Reporting				
Note	Exploration Reports (Geological and Geophysical) The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010. Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).	Not triggered	No exploration within this ML	
Special Conditions				
Note	The standard conditions apply to all mining leases. The Division of Resources & Energy (ORE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.	Note	Noted	

Compliance Status	
Compliant	2
Not verified	0
Non-Compliant (Low Risk)	0
Non-Compliant (Medium Risk)	0
Non-Compliant (High Risk)	0
Administrative Non-Compliance	2
Not Triggered	7
Observation	
Note	1

Mining Lease 1376 - Tahmoor North Mining Lease - note this ML has expired. This audit has assessed against the draft conditions as these are the ones referred to by RR in correspondence. Based on EP - "this lease remains current until the new ML is issued"

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Notice to Landholders				
1	<p>(a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.</p> <p>(b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.</p>	Not triggered	Not triggered during the audit period	
Rehabilitation				
2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	<p>Rehabilitation activities are undertaken in accordance with the approved MOP and Extraction Plans.</p> <p>No rehabilitation has been signed off as complete to the satisfaction of the Resources Regulator. Tahmoor have implemented the CMAPs and have implemented requested repairs/upgrades to drainage structures at the REA in response to notices and directions from Resources Regulator.</p> <p>* SLR viewed the REA and the REA rehabilitation during the site visit. * In May 2018, RR undertook an inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working. One area of erosion was noted in a contour bank where no armouring had been undertaken and additional work is recommended to include rock armour consistent with the other areas.</p> <p>Elsewhere the rehabilitation is generally stable, however the eastern slopes of the REA have poor vegetation take off and minimal groundcover which requires additional rehabilitation work. The groundcover in the older rehabilitation areas is better than the new areas. Climatic conditions in the area over the past couple of years have not been favourable for rehabilitation. Recommendations for improvements have been made. * Topsoil stockpiles at the REA have been reduced in height since the previous audit, however, one remains which appears to be higher than 3m (general guideline). * The topsoil stockpile area has no vegetation cover and does not appear to have been seeded since the works to reduce stockpile heights. There is evidence of some erosion in topsoil stockpiles as a result.</p>	NC Recommendations: Develop a formalised Rehabilitation Quality Assurance Process throughout the life of rehabilitation to include verification of activities and procedures and tracking of key data at each phase of rehabilitation (ie topsoil depth, amelioration, seed mix, weather conditions). It is recommended that GIS may be incorporated into the QA process to track phases of rehabilitation.
Mining Operations Plan and Annual Rehabilitation Report				
3	<p>(a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p> <p>(b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <ul style="list-style-type: none"> (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: <ul style="list-style-type: none"> • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. <p>(c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment</p> <p>(d) The lease holder may apply to the Minister to amend an approved MOP at any time.</p> <p>(e) It is not a breach of this condition if:</p> <ul style="list-style-type: none"> (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. 	Compliant	<p>The site has operated in accordance with 3 MOPs during the audit period as presented on the website:</p> <ul style="list-style-type: none"> - MOP 2012 to 2019 (Amendment G) - MOP 2010-2020 - MOP 2020 - 2024. <p>The latest MOP was approved on 30 September 2020 (approval letter sighted).</p> <p>The MOPs meet the requirements of this condition.</p>	
	<p>(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <ul style="list-style-type: none"> (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment. <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p>	Administrative non-compliance	<p>Section 18 of the Annual Reviews summarise rehabilitation performance during the year. The Annual Reviews do not review progress against the completion criteria presented in the MOP, however, they do include a summary of performance against rehabilitation TARPs.</p> <p>It is noted that the Resources Regulator Rehabilitation Reforms are slated for legislation in 2021. It is recommended to review the rehabilitation reporting requirements from this and incorporate as required.</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	Improvement REC: Include comparison with completion criteria in the Annual Reviews and rehabilitation reports. Review and implement Resources Regulator rehabilitation reform reporting requirements as required.
Compliance Report				

4	<p>(a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p> <p>(b) The Compliance Report must include:</p> <p>(i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;</p> <p>(ii) particulars of any non-compliance with any such conditions or provisions,</p> <p>(iii) the reasons for any such non-compliance;</p> <p>(iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p> <p>(c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p> <p>(d) In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>(i) must accompany any application to renew this mining lease under the Act;</p> <p>(ii) must accompany any application to transfer this mining lease under the Act; and</p> <p>(iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act.</p> <p>(e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.</p> <p>(f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.</p>	Administrative non-compliance	<p>The Annual Reviews meet this requirement, reporting on identified compliance with the Mining Lease during the Annual Review periods, and any particulars.</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	No further recommendations.
Environmental Incident Report				
5	<p>(a) The lease holder must notify the Department of all:</p> <p>(i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</p> <p>(ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.</p> <p>Note: Refer to www.resources.nsw.gov.au/environment for notification contact details.</p> <p>(b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <p>(i) the details of the mining lease;</p> <p>(ii) contact details for the lease holder;</p> <p>(iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</p> <p>(iv) a description of the nature of the incident or breach, likely causes and consequences;</p> <p>(v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).</p> <p>(vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.</p> <p>Note: The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.gov.au/environment for further details.</p> <p>(c) In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>	Not triggered	No incidents relating to this mining lease in the audit period	
Extraction Plan				
6	<p>(a) In this condition:</p> <p>(i) approved Extraction Plan means a plan, being:</p> <p>A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or</p> <p>B. a subsidence management plan relating to the mining operations subject to this lease:</p> <p>I. submitted to the Secretary on or before 31 December 2014; and</p> <p>II. approved by the Secretary.</p> <p>(ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p> <p>(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p> <p>(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.</p> <p>(d) The lease holder must notify the Secretary within 48 hours of any:</p> <p>(i) incident caused by subsidence which has a potential to expose any person to health and safety risks;</p> <p>(ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or</p> <p>(iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing:</p> <p>A. built features;</p> <p>B. public safety; or</p> <p>C. subsidence monitoring.</p>	Compliant	<p>During the audit period activities in ML1376 have been undertaken in accordance with the approved Subsidence Management Plan for LW 32 and Extraction Plans for LW W1 and W2.</p> <p>Evidence of subsidence event notifications provided.</p>	
Resource Recovery				
7	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Compliant	<p>Approved mine plan and coal resource extraction as per approved Extraction Plan.</p> <p>Coal Resources Recovery Plan included in the Extraction Plans.</p> <p>Annual Review provides amount of coal extracted.</p>	
Group Security				

8	The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$14,134,000. The leases covered by the group security include: Consolidated Coal Lease 716 (Act 1973) and Mining Lease Nos 1308, 1376, 1539 and 1642 (Act 1992).	Compliant	Signed RCE dated 31/7/2019 sighted with current security for being \$27,002,781	
Cooperation Agreement				
9	The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as: <ul style="list-style-type: none">access arrangementsoperational interaction proceduresdispute resolutioninformation exchangewell locationtiming of drillingpotential resource extraction conflicts; andrehabilitation issues.	Not triggered	Based on the plans presented in the MOP there are no overlapping titles.	
Exploration Reporting				
Note	Exploration Reports (Geological and Geophysical) The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010. Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).	Not triggered	Based on the annual reviews there was no exploration during the audit period.	
SPECIAL CONDITIONS				
Note	The standard conditions apply to all mining leases. The Division of Resources & Energy (DRE) reserves the right to Jinpose special conditions, based on individual circumstances, where appropriate.	Note	Noted	

Compliance Status	
Compliant	5
Not verified	0
Non-Compliant (Low Risk)	0
Non-Compliant (Medium Risk)	0
Non-Compliant (High Risk)	0
Administrative Non-Compliance	2
Not Triggered	4
Observation	
Note	1

Mining Lease 1539 - Tahmoor North Extension Mining Lease

Date of Lease: 16/06/2003

Expiry Date: 16/06/2024

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Extraction of Coal				
1	The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Compliant	Approved mine plan and coal resource extraction as per approved Extraction Plan. Coal Resources Recovery Plan included in the Extraction Plans. Annual Review provides amount of coal extracted.	
MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)				
MINING OPERATIONS PLAN (MOP)				
2	(1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project. (2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (3) A Plan must be lodged with the Director-General:- (a) prior to the commencement of operations; (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General. (4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity; (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation (5) The Plan when lodged will be reviewed by the Department of Mineral Resources. (6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement. (7) If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time. (8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.	Compliant	The site has operated in accordance with 3 MOPs during the audit period as presented on the website: - MOP 2012 to 2019 (Amendment G) - MOP 2010-2020 - MOP 2020 - 2024. The latest MOP was approved on 30 September 2020 (approval letter sighted). The MOPs have been prepared in accordance with the latest ESG3 MOP guidelines and generally meet the requirements of this condition.	
ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR)				
3	(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. (2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:- (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; (d) any other statutory environmental requirements; (e) details of any variations to environmental approvals applicable to the lease area. and (f) where relevant, progress towards final rehabilitation objectives. (3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. (4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Administrative non-compliance	The Annual Reviews have been prepared to satisfy this condition. 2017 Annual Submitted 29 March 2018 2018 Annual Review submitted 31 March 2019 2019 Annual Review submitted 31 March 2020 Evidence of submissions sighted (a) <u>Admin NC:</u> The Annual Reviews do not provide comparisons to the forecast rehabilitation or disturbance rates in the MOP for the year. (b) Statement of compliance against development consent requirements and conditions is included in the Annual Reviews. (c) and (d) Summary of all applicable licences and approvals included in Annual Reviews. (e) Not applicable. No environmental variations. (f) Annual Reviews provide brief status update regarding progress to rehabilitation objective. An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.	Improvement REC: Include comparison with completion criteria in the Annual Reviews and rehabilitation reports. Review and implement Resources Regulator rehabilitation reform reporting requirements as required.
BARRIERS				
11	The lease holder unless with the consent of the Minister and subject to such conditions as the Minister may impose shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows: The land in the subject area within the zone adjacent to the Main Southern Line or the Mittagong - Picton Loop Line of the State Railway enclosed by an angle of draw of 35° from the vertical plane of the boundary parallel to and thirty (30) metres horizontally distant from either side of the railways lands, such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are being carried out.	Compliant	DA 67/98 was granted to include extraction of areas under the Main Southern Rail Line and the Picton – Mittagong Loop Line, which are covered by ML1539.	
MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)				

19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Compliant	No directions have been received. Eps and SMPs have been developed to minimise damage. Mine plan has been altered to avoid undermining creeks in LWW1 and LWW2.
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Compliant	Repairs undertaken in accordance with SMPs and Eps and in consultation with SA NSW.
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	Site still operational
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	Compliant	CMAPs have been developed and implemented as directed.
TREES (PLANTING AND PROTECTION OF FLORA AND FAUNA AND ARBOREAL SCREENS)			
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Compliant	No directions have been received. Disturbance is as per the approved MOP.
ROADS			
31	The lease holder shall pay to Wollondilly Shire Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area. PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid, shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	Compliant	Repairs undertaken in accordance with SMPs and Eps and in consultation with SA NSW.
CATCHMENT AREAS			
33	(a) Operations shall be carried out in such a way as not to cause any pollution of the Hawkesbury River Catchment Area. (b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so. (c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.	Compliant	The site operates under EPL 1389. There are no discharge points within this ML. Erosion and sediment control plans prepared as part of the Redbank and Myrtle Creek CMAPs. During the site inspection of the CMAP remediation works within Myrtle and Redbank Creeks, appropriate erosion and sediment controls and spill prevention / containment measures were in place included bunded containers.
34	The lease holder shall make such provisions for sanitation as may be directed by the Sydney Catchment Authority and shall at all times observe and perform any requirements of the said Authority respecting sanitation.	Not triggered	Not triggered. Water doesn't reach the waters managed by the Sydney Catchment Authority.
TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES			
41	The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Compliant	End of panel reports for LW 31 and LW 32 report no impacts observed.
ABORIGINAL PLACE OR RELIC			
43	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Compliant	End of panel reports for LW 31 and LW 32 report no impacts observed.
LABOUR/EXPENDITURE			
44	The lease holder shall during each year of the term of the authority: (a) ensure that at least 23 workers are efficiently employed on the subject area; or (b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than \$402,500.00. The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure or labour required.	Compliant	Based on the residents information pack for LW W1 and LW W2 available on the website, Tahmoor currently employs approximately 400 employees and contractors.
ADDITIONAL INFORMATION			
45	The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister: (a) information regarding the ownership of the land within the subject area; (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982; (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and (e) information regarding shareholdings in the lease holder.	Not Triggered	* Not triggered. Site has not been required by the Minister to furnish such information or indemnity.
SERVICE OF NOTICES			
46	Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area. If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.	Not triggered	Outside of audit period

INSPECTORS				
47	<p>(a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder:</p> <p>(i) to cease operations within the subject area in contravention of that condition or Act; and</p> <p>(ii) to carry out within the specified time works necessary to rectify or remedy the situation.</p> <p>(b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction.</p> <p>(c) A notice referred to in his condition may be served on the Colliery Manager.</p>	Compliant	<p>Corrective Management Action Plans have been prepared for both Redbank and Myrtle Creeks in response to directions and s240 Notices received from Resources Regulator.</p> <p>Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator.</p> <p>Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule.</p> <p>Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works.</p> <p>The remediation trials along Myrtle and Redbank Creek were a positive outcome since last audit.</p>	
INDEMNITIES				
48	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do hereunder.	Note		
49	Lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Note		
PROSPECTING (GENERAL)				
50	<p>(a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.</p> <p>(b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.</p>	Not triggered	Based on the annual reviews there was no exploration during the audit period.	
SECURITY DEPOSIT				
	<p>(a) The lease holder shall, upon request by the Director General, lodge with the Minister the sum of \$10,000.00 as security for the fulfillment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfill any of the lease holder's obligations under this authority the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under this authority, if the lease holder fails to comply with any condition or provision of this authority, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of this authority or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) hereof in one of the following forms:-</p> <p>(i) cash, or</p> <p>(ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister.</p>	Compliant	Signed RCE dated 31/7/2019 sighted with current security for being \$27,002,781	
CONDITION REQUIRED BY THE REPORT DATED DECEMBER 1998 ON THE COMMISSION OF INQUIRY- TAHMOOR NORTH UNDERGROUND EXTENSION PROJECT.				
56	<p>(a) The lease holder shall ensure that the second workings in the red tinted area shown on Fig 2 of Commissioner Cleland's report on the Tahmoor North Underground Extension Project, dated December 1998, shall not cause any subsidence in the blue tinted area shown on Fig 2. To effect this requirement, mining in the red tinted area shall not occur within the 26.5° angle of draw at the common boundary with the blue tinted area.</p> <p>(b) The lease holder shall ensure that first workings are designed so as not to cause subsidence at the ground surface as a result of those workings.</p>	Compliant	Mining is undertaken in accordance with the approved SMPs and EPs	
SPECIAL CONDITION				
57	Prior to the commencement of "second working" extraction the lease holder shall give three (3) months written notice of the intention to carry out such mining to the owners of all overlying land on which there are substantial improvements.	Compliant	Management plan developed for all affected land owners Newsletters distributed to all residents on a regular basis	

Compliance Status	
Compliant	16
Not verified	0
Non-Compliant (Low Risk)	0
Non-Compliant (Medium Risk)	0
Non-Compliant (High Risk)	0
Administrative Non-Compliance	1
Not Triggered	5
Observation	
Note	2

Mining Lease 1642 - Related to the Pit Top and REA surface mining lease

Date of Lease: 27/08/2010

Expiry Date: 27/08/2031

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Mining Lease Conditions 2008				
Notice to Landholders				
1	<p>Within a period of three months from the date of granUrenewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	Not triggered	Outside audit period	
Environmental Harm				
2	The leaseholder shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	Compliant	Evidence of implementation of EPs, MOPs, Management Plans and programs	
Mining Operations Plan				
3	<p>(a) Mining operations must not be carried out otherwise than in accordance with:</p> <p>a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries.</p> <p>(b) The MOP must:</p> <p>i) identify areas that will be disturbed by mining operations;</p> <p>ii) detail the staging of specific mining operations;</p> <p>iii) identify how the mine will be managed to allow mine closure;</p> <p>iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment;</p> <p>v) reflect the conditions of approval under:</p> <p>the Environmental Planning and Assessment Act 1979</p> <p>the Protection of the Environment Operations Act 1997</p> <p>and any other approvals relevant to the development including the conditions of this lease; and</p> <p>vi) have regard to any relevant guidelines adopted by the Director-General.</p> <p>(c) The leaseholder may apply to the Director-General to amend an approved MOP at any time.</p> <p>(d) It is not a breach of this condition if:</p> <p>i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and</p> <p>ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <p>(e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.</p>	Compliant	<p>The site has operated in accordance with 3 MOPs during the audit period as presented on the website:</p> <ul style="list-style-type: none"> - MOP 2012 to 2019 (Amendment G) - MOP 2010-2020 - MOP 2020 - 2024. <p>The latest MOP was approved on 30 September 2020 (approval letter sighted).</p> <p>The MOPs have been prepared in accordance with the latest ESG3 MOP guidelines and generally meet the requirements of this condition.</p>	
Environment Management Reporting				
4	The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.	Administrative non-compliance	<p>2017 AEMR not submitted prior to 1 March 2018</p> <p>2018 and 2019 AEMR submitted by required date</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	
The EMR must:				
5	<p>a) report against compliance with the MOP;</p> <p>b) report on progress in respect of rehabilitation completion criteria;</p> <p>c) report on the extent of compliance with regulatory requirements; and</p> <p>d) have regard to any relevant guidelines adopted by the Director-General;</p>	Compliant	<p>a) 2017, 2018 and 2019 Annual Reviews report against compliance within the MOP</p> <p>b) Refer to tables included in Section 8 in 2017 Annual Review and Section 18 in 2018 and 2019 Annual Review</p> <p>c) 2017, 2018 and 2019 Annual Review include a compliance table</p> <p>d) 2017, 2018 and 2019 Annual Reviews have regard to relevant guidelines</p>	
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Compliant	An incident report was prepared and submitted to Resources regulator	
Rehabilitation				

7	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Compliant	<p>Rehabilitation activities are undertaken in accordance with the approved MOP and Extraction Plans.</p> <p>No rehabilitation has been signed off as complete to the satisfaction of the Resources Regulator. Tahmoor have implemented the CMAPs and have implemented requested repairs/upgrades to drainage structures at the REA in response to notices and directions from Resources Regulator.</p> <p>* SLR viewed the REA and the REA rehabilitation during the site visit. * In May 2018, RR undertook and inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working. One area of erosion was noted in a contour bank where no armouring had been undertaken and additional work is recommended to include rock armour consistent with the other areas.</p> <p>Elsewhere the rehabilitation is generally stable, however the eastern slopes of the REA have poor vegetation take off and minimal groundcover which requires additional rehabilitation work. The groundcover in the older rehabilitation areas is better than the new areas. Climatic conditions in the area over the past couple of years have not been favourable for rehabilitation. Recommendations for improvements have been made.</p> <p>* Topsoil stockpiles at the REA have been reduced in height since the previous audit, however, one remains which appears to be higher than 3m (general guideline). * The topsoil stockpile area has no vegetation cover and does not appear to have been seeded since the works to reduce stockpile heights. There is evidence of some erosion in topsoil stockpiles as a result.</p>	<p>NC Recommendations: Develop a formalised Rehabilitation Quality Assurance Process throughout the life of rehabilitation to include verification of activities and procedures and tracking of key data at each phase of rehabilitation (ie topsoil depth, amelioration, seed mix, weather conditions). It is recommended that GIS may be incorporated into the QA process to track phases of rehabilitation.</p> <p>Improvement REC: Reduce topsoil stockpile height to <3m and ensure stockpiles resulting from future disturbance be a maximum of be 3m high and be seeded with a temporary vegetation cover.</p> <p>Improvement REC: Ensure future contour drains and other water management structures at the Reject Emplacement Area are constructed in accordance with approved designs.</p>
Control of Operations				
10	<p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:- (i) cease working the lease; or (ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified. (b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction. (c) A direction referred to in this condition may be served on the Mine Manager.</p>	Compliant	<p>* In May 2018, RR undertook and inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. Works were undertaken in accordance with the direction.</p> <p>The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working.</p>	Improvement REC: Ensure future contour drains and other water management structures at the Reject Emplacement Area are constructed in accordance with approved designs.
Blasting				
15	<p>(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p> <p>(b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.</p>	Compliant	* Underground blasting at site only. No surface impacts.	
Safety				
16	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Compliant	Restricted access to all shafts through both fencing and building access.	
Exploratory Drilling				
17	<p>(a) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Water and Energy Regional Hydrologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes. (b) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:- (i) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established; (ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface; (iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters; (iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape; (v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers. (vi) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General. (vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>	Not triggered	Based on the annual review, there was no exploratory drilling during the audit period.	
Prevention of Soil Erosion and Pollution				

18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Non-compliant (Medium Risk)	<p>This ML includes Pit top and REA surface mining lease. As per EPL audit conditions:</p> <p>On 17 April 2017 Tahmoor were issued a Show Cause Notice for an alleged clay discharge into the Bargo River (via the Tea Tree Hollow LDP). In response, Tahmoor prepared an incident report which found the following: "The event was the discharge of water from Licence Discharge Point 1 (LDP1) above the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. The event was caused by the Coal Handling Preparation Plant (CHPP) being unable to manage the material being brought to the surface as expected. As a result, the tailings thickeners were overflowing turbid water to the internal dams and water was discharged from LDP1 with concentrations exceeding the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. Tahmoor Coal is unable to determine the exact timeframes of the event, however it began sometime after the 15 April 2020 and finished on the 19 April 2020. "</p> <p>Tahmoor implemented immediate actions to mitigate the event including: - turbidity monitoring, - ceasing CHPP operations - pumping - ceasing pumping from the underground. Monitoring showed that water quality in Tea Tree Hollow returned to compliant levels on 20 April 2020.</p> <p>In addition as reported in the incident report, additional actions have been implemented to prevent the re-occurrence, including real time turbidity monitoring (monitor sighted during site inspection), development of a TARP for turbidity levels and review of flocculant products.</p> <p>On 8 September 2020 Tahmoor were issued with a Penalty Notice for the clay discharge into Tea Tree Hollow. EPA acknowledged that the implemented actions</p>	<p>NC REC: Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels.</p> <p>Improvement REC: Report the status of the follow up actions in the next annual review.</p>
Transmission lines, Communication lines and Pipelines				
19	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Compliant	<ul style="list-style-type: none"> * No such direction received from the Minister. * No mining in this lease area for many years. * No repairs conducted on transmission lines, or pipeline which were monitored. 	
Fences, Gates				
20	(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate. (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Compliant	<p>(a) Didn't report any fences being interfered with in the 2017, 2018 and 2019 Annual Reviews.</p> <p>(b) Gates inspected during site visit were all closed and locked.</p>	
Roads and Tracks				
21	(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate. (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	Not triggered	No roads in ML area	
22	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Environment and Climate Change.	Compliant	<p>Provision in the RCE for ripping, ameliorating and revegetating tracks/roads. According to Annual Reviews no tracks constructed within the lease area during the audit period.</p>	
Trees and Timber				
23	(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden. (b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003. (c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.	Compliant	<ul style="list-style-type: none"> * The approved MOP document indicates disturbance areas. * Ground Disturbance and Excavation Procedure. * Actual areas (totals) of disturbance included in the Annual Reviews. * Landownership is Tahmoor. 	
Indemnity				
26	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Note		
Single Security (extended)				

28	<p>(a) The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Consolidated Coal Lease No 716 (Act 1973), Mining Lease No 1308 (Act 1992), Mining Lease No 1376 (Act 1992) and Mining Lease 1539 (Act 1992) is extended to apply to this lease.</p> <p>(b) If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p>	Compliant	Signed RCE dated 31/7/2019 sighted with current security for being \$27,002,781	
Cooperation Agreement				
31	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as:</p> <p>access arrangements operational interaction procedures dispute resolution information exchange well location timing of drilling potential resource extraction conflicts and rehabilitation issues.</p>	Not triggered	* MOP indicates no overlapping licences.	

Compliance Status	
Compliant	13
Not verified	0
Non-Compliant (Low Risk)	0
Non-Compliant (Medium Risk)	1
Non-Compliant (High Risk)	0
Administrative Non-Compliance	1
Not Triggered	4
Observation	
Note	1

13
0
0
1
0
1
4

1

Mining Lease CCL 716 - Tahmoor Mining Lease - RELEVANT TO REA REHAB

Date of Lease: 15/06/1990

Expiry Date: 13/03/2021

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Extraction of Coal				
1	The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Compliant	Mining Operations Plan (MOP) states extraction rates. Annual Review provides amount of coal extracted. There has been no extraction from this ML in the audit period.	
MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)				
Mining Operations Mop (MOP)				
2	<p>Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:-</p> <p>(a) ongoing mining operations and environmental management; and</p> <p>(b) ongoing monitoring of the project.</p> <p>2 The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>A Plan must be lodged with the Director-General:-</p> <p>(a) prior to the commencement of operations;</p> <p>(b) subsequently as appropriate prior to the expiry of any current Plan; and</p> <p>(c) in accordance with any direction issued by the Director-General.</p> <p>4 The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:-</p> <p>(a) area(s) proposed to be disturbed under the Plan;</p> <p>(b) mining and rehabilitation method(s) to be used and their sequence;</p> <p>(c) areas to be used for disposal of tailings/waste;</p> <p>(d) existing and proposed surface infrastructure;</p> <p>(e) progressive rehabilitation schedules;</p> <p>(f) areas of particular environmental sensitivity;</p> <p>(g) water management systems (including erosion and sediment controls);</p> <p>(h) proposed resource recovery; and</p> <p>(i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation</p>	Compliant	<p>The site has operated in accordance with 3 MOPs during the audit period as presented on the website:</p> <ul style="list-style-type: none"> - MOP 2012 to 2019 (Amendment G) - MOP 2010-2020 - MOP 2020 - 2024. <p>The latest MOP was approved on 30 September 2020 (approval letter sighted).</p> <p>The MOPs have been prepared in accordance with the latest ESG3 MOP guidelines and generally meet the requirements of this condition.</p>	
	<p>5 The Plan when lodged will be reviewed by the Department of Mineral Resources .</p> <p>6 The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.</p> <p>7 If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time.</p> <p>8 During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in (5) - (7) above.</p>	Compliant		
Annual Environmental Management Report (AEMR)				
3	<p>Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.</p> <p>2 The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:-</p> <p>(a) the accepted Mining Operations Plan;</p> <p>(b) development consent requirements and conditions;</p> <p>(c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals;</p> <p>(d) any other statutory environmental requirements;</p> <p>(e) details of any variations to environmental approvals applicable to the lease area. and</p> <p>(f) where relevant, progress towards final rehabilitation objectives.</p> <p>3 After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>4 The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.</p>	Administrative non-compliance	<p>2017 AEMR not submitted prior to 1 March 2018</p> <p>2018 and 2019 AEMR submitted by required date</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	
Barriers				
9	The lease holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister, so directs, a barrier of such width or a protective pillar or pillars of such size or sizes against any surface improvements of any feature whether natural or artificial.	Not triggered	There has been no extraction from this ML during the audit period.	

13	The lease holder shall not prospect or mine for coal within surface lands within the lease .	Not triggered	There has been no extraction from this ML during the audit period.	
Shafts, Drifts, Adits				
14	Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.	Compliant	Restricted access to all shafts through both fencing and building access.	
Dumps				
15	The lease holder shall comply with any direction, given or which may be given by the Inspector regarding the dumping, depositing or removal of material extracted as well as the stabilization and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	Compliant	* In May 2018, RR undertook an inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. Works were undertaken in accordance with the direction. The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working.	Improvement REC: Ensure future contour drains and other water management structures at the Reject Emplacement Area are constructed in accordance with approved designs.
16	The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	Not triggered	No direction received	
Management and Rehabilitation of Lands (General)				
18	The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or thP. Minister and subject to such conditions as the Minister may stipulate .	Compliant	(a) Didn't report any fences being interfered with in the 2017, 2018 and 2019 Annual Reviews. (b) Gates inspected during site visit were all closed and locked.	
19	The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	Not triggered	No directions received relating to this ML	
20	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not triggered	Not triggered for this lease as no underground mining undertaken in the audit period	
21	If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Not triggered	Not triggered for this lease as no underground mining undertaken in the audit period	
22	Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	Not triggered	Not triggered during the audit period as site still operational.	
23	If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder	Compliant	* In May 2018, RR undertook an inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. Works were undertaken in accordance with the direction. The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working.	
24	The lease holder shall take all precautions against causing outbreak of fire on the subject area.	Compliant	Bushfire management plan is in place. While it is noted that the site was impacted during the 2020 bushfires, operations and the pit top area were defended. This ML includes Pit top and REA surface mining lease. As per EPL audit conditions:	
25	The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	Non-compliant (Medium Risk)	On 17 April 2017 Tahmoor were issued a Show Cause Notice for an alleged clay discharge into the Bargo River (via the Tea Tree Hollow LDP). In response, Tahmoor prepared an incident report which found the following: "The event was the discharge of water from Licence Discharge Point 1 (LDP1) above the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. The event was caused by the Coal Handling Preparation Plant (CHPP) being unable to manage the material being brought to the surface as expected. As a result, the tailings thickeners were overflowing turbid water to the internal dams and water was discharged from LDP1 with concentrations exceeding the concentration limits for turbidity and total suspended solids set out in section L2 of EPL 1389. Tahmoor Coal is unable to determine the exact timeframes of the event, however it began sometime after the 15 April 2020 and finished on the 19 April 2020." Tahmoor implemented immediate actions to mitigate the event including: - turbidity monitoring, - ceasing CHPP operations - pumping - ceasing pumping from the underground. Monitoring showed that water quality in Tea Tree Hollow returned to compliant levels on 20 April 2020. In addition as reported in the incident report, additional actions have been implemented to prevent the re-occurrence, including real time turbidity monitoring (monitor sighted during site inspection), development of a TARP for turbidity levels and review of flocculant products. On 8 September 2020 Tahmoor were issued with a Penalty Notice for the clay discharge into Tea Tree Hollow. EPA acknowledged that the implemented actions are considered to reduce the possibility of the incident repeating.	NC REC: Ensure all follow up actions proposed in the incident report have been implemented and are documented in the Water Management Plan. Update the Water Management Plan to include details of the implemented measures and to document the TARP for water turbidity levels. Improvement REC: Report the status of the follow up actions in the next annual review.
Trees (Planting and Protection of) Flora and Fauna and Arboreal Screens				
27	If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Not triggered	No such directions received	

28	The lease holder shall not fell trees, strip bark or cut timber on any land within the subject area except with the approval of the owner/occupier and subject to the payment to the owner of the trees, bark or timber of compensation as agreed or as assessed by the Warden.	Compliant	* Development Consents provide approval for clearing within development area. * MOP includes amount of disturbance for the area.	
29	The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Compliant	Bund wall goes entire length of the highway. Most the large screening plants have been burnt in bushfires. Groundcover regrowth evident.	
Soil Erosion				
30	The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Compliant	* In May 2018, RR undertook an inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. Works were undertaken in accordance with the direction. The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working. Elsewhere the rehabilitation is generally stable, however the eastern slopes of the REA have poor vegetation take off and minimal groundcover which requires additional rehabilitation work. The groundcover in the older rehabilitation areas is better than the new areas. Climatic conditions in the area over the past couple of years have not been favourable for rehabilitation. Recommendations for improvements have been made. * Topsoil stockpiles at the REA have been reduced in height since the previous audit, however, one remains which appears to be higher than 3m (general guideline). * The topsoil stockpile area has no vegetation cover and does not appear to have been seeded since the works to reduce stockpile heights. There is evidence of some erosion in topsoil stockpiles as a result.	Improvement REC: Reduce topsoil stockpile height to <3m and ensure stockpiles resulting from future disturbance be a maximum of be 3m high and be seeded with a temporary vegetation cover. Improvement REC: Ensure future contour drains and other water management structures at the Reject Emplacement Area are constructed in accordance with approved designs.
Roads				
31	The lease holder shall pay to Wollondilly Shire Council, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area. PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	Not Triggered	* Not triggered. No underground mining or subsidence in the lease during the audit period.	
32	In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	Not Triggered	* Minimal fire trails with no impacts identified. * A claim hasn't been lodged for such infrastructure.	
Catchment Areas				
33	(a) Operations shall be carried out in such a way as not to cause any pollution of the Hawkesbury River Catchment Area. (b) If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so. (c) The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.	Compliant	(a) The site discharges to the Nepean River, a tributary of the Hawkesbury River Catchment area. The site operates under EPL 1389. On 17 April 2020 clay discharged to Bargo river exceeding NTU and TSS limits (refer EPL non-compliance). However, as per the EPL Penalty Notice "The EPA considers that the incident had the potential to impact the environment. The EPA also considers that the event did not present actual impacts to the environment". (b) No such process undertaken. (c) Water and Soil Management Plan and water management controls in place at site.	
Reserves				
38	The lease holder shall permit the free and uninterrupted passage of stock through the subject area and shall conduct operations in such a manner as not to cause any danger to travelling stock.	Compliant	Normal external fences weren't modified during the audit period Restricted access to all shafts through both fencing and building access.	
Transmission Lines, Communication Lines and Pipelines				
41	The lease holder shall as far as is practicable so conduct operation as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.	Compliant	No directions received relating to this ML	
Aboriginal Place or Relic				
43	The lease holder shall not knowingly destroy, deface or damage any aboriginal place or relic within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any such destruction, defacement or damage.	Compliant	* Historical mining area. No evidence of impacts identified in Annual Reviews within this area.	
Labour/Expenditure				

44	<p>The lease holder shall during each year of the term of the authority:</p> <p>(a) ensure that at least 164 workers are efficiently employed on the subject area ; or (b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than \$2,870,000.00.</p> <p>The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure or labour required.</p>	Compliant	Based on the residents information pack for LW W1 and LW W2 available on the website, Tahmoor currently employs approximately 400 employees and contractors.	
Additional Information				
45	<p>The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister:</p> <p>(a) information regarding the ownership of the land within the subject area ; (b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982; (c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder; (d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and (e) information regarding shareholdings in the lease holder.</p>	Not triggered	No directions received relating to this ML	
Service of Notices				
46	<p>Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each owner and occupier of the private land and on each occupier of the Crown land held under a pastoral lease within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.</p> <p>If there are ten (10) or more owners or occupiers affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.</p>	Not triggered	Outside of audit period	
Inspectors				
47	<p>(a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder:</p> <p>(i) to cease operations within the subject area in contravention of that condition or Act; and (ii) to carry out within the specified time works necessary to rectify or remedy the situation.</p> <p>(b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction.</p> <p>(c) A notice referred to in his condition may be served on the Colliery Manager.</p>	Compliant	<p>* In May 2018, RR undertook an inspection of the REA and required review of stabilisation options for the contour drains to provide cover over exposed coal wash and ensure long-term stability of the contour drains. Works were undertaken in accordance with the direction.</p> <p>The rock armoured contour drains, was viewed during the site inspection and appeared to be stable and working.</p>	
Indemnities				
48	The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do hereunder.	Note		
49	The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Note		
Prospecting General				
50	<p>(a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.</p> <p>(b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.</p>	Not triggered	There has been no prospecting in the ML during the audit period	
Security Deposit				

51	<p>(a) The lease holder shall, upon request by the Director General, lodge with the Minister the sum of \$1,335,000.00 as security for the fulfillment of the obligations of the lease holder under this authority. In the event that the lease holder fails to fulfill any of the lease holder's obligations under this authority the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under this authority, if the lease holder fails to comply with any condition or provision of this authority, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of this authority or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) hereof in one of the following forms:- (i) cash , or (ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister. (c) The Minister may at any time alter the commencement of this authority or any renewal thereof, vary the amount of security required in accordance with this condition.</p>	Compliant	Signed RCE dated 31/7/2019 sighted with current security for being \$27,002,781	
52	<p>If the lease holder is using or about to use any process, or to carry on any works within the yellow and orange coloured areas on Diagram Catalogue No. D6052, which in the opinion of the District Inspector of Coal Mines, Department of Mineral Resources, is likely to pollute the Bargo River or its Catchment Area, the lease holder, upon service in writing under the hand of the District Inspector of Coal Mines so to do shall:</p> <p>(a) discontinue the use of such process or works within twenty four (24) hours: or (b) thereafter refrain from adopting such process or works at any time as the case may require.</p> <p>Provided however that the Chief Inspector of Coal Mines may confirm or revoke any such notice.</p>	Not triggered	No directions received relating to this ML	
53	The lease holder shall not interfere with any fences or Crown improvements within the yellow and orange coloured areas on Diagram Catalogue No D6052 unless with the consent in writing of the Minister first had and obtained and subject to such conditions as he may stipulate.	Compliant	Tahmoor Coking Coal Operations did not interfere with any fences during the reporting period.	
54	Settling dams or other dams to be erected on the subject lands shown by yellow colour exclusive of the hatched area shall be constructed, maintained and sealed to the satisfaction of the Minister.	Not triggered	* No dams constructed in this area during the reporting period.	
55	Above ground conveyor systems within the orange coloured and hatched areas on Diagram Catalogue No. D6052 shall be enclosed to the satisfaction of the Minister.	Compliant	* All conveyors at Tahmoor Coking Coal Operations are enclosed.	
56	The lease holder shall at all times allow free and uninterrupted access along the public road traversing the subject lands shown by blue colour on Diagram Catalogue No. D6052 and, in the event of the surface of the said road being disturbed by the operations hereby authorised, the lease holder shall restore the said road to the satisfaction of the Wollondilly Shire Council.	Not triggered	* The road was not disturbed by the mine operations during the reporting period.	

Compliance Status	
Compliant	20
Not verified	0
Non-Compliant (Low Risk)	0
Non-Compliant (Medium Risk)	1
Non-Compliant (High Risk)	0
Administrative Non-Compliance	1
Not Triggered	16
Observation	
Note	2

Mining Lease CCL 747 - Bargo Mining Leases

Date of Lease: 23 May 1990

Expiry Date: 06/11/2025

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Mining Lease Conditions 2004				
Notice to Landholders				
1	<p>Within a period of three months from the date of renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	Not triggered	Outside of the audit period	
Mining, Rehabilitation, Environmental Management Process (MREMP)				
Mining Operations Plan (MOP)				
2	<p>(1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:-</p> <p>(a) ongoing mining operations and environmental management; and</p> <p>(b) ongoing monitoring of the project.</p> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>(3) A Plan must be lodged with the Director-General:-</p> <p>(a) prior to the commencement of mining operations (including mining purposes);</p> <p>(b) subsequently as appropriate prior to the expiry of any current Plan; and</p> <p>(c) in accordance with any direction issued by the Director-General.</p> <p>(4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:-</p> <p>(a) area(s) proposed to be disturbed under the Plan;</p> <p>(b) mining and rehabilitation method(s) to be used and their sequence;</p> <p>(c) areas to be used for disposal of tailings/waste;</p> <p>(d) existing and proposed surface infrastructure;</p> <p>(e) existing flora and fauna on the site;</p> <p>(f) progressive rehabilitation schedules;</p> <p>(g) areas of particular environmental, ecological and cultural sensitivity and measures to protect these areas;</p> <p>(h) water management systems (including erosion and sediment controls);</p> <p>(i) proposed resource recovery; and</p> <p>(j) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation.</p>	Compliant	<p>The site has operated in accordance with 3 MOPs during the audit period as presented on the website:</p> <ul style="list-style-type: none"> - MOP 2012 to 2019 (Amendment G) - MOP 2010-2020 - MOP 2020 - 2024. <p>The latest MOP was approved on 30 September 2020 (approval letter sighted).</p> <p>The MOPs have been prepared in accordance with the latest ESG3 MOP guidelines and generally meet the requirements of this condition.</p> <p>CCL747 is covered by the MOP which states:</p> <p>CCL747 is associated with the Bargo Collieries shaft site which is no longer in use. The shaft site is covered with a steel plate and fenced, with routine security and environmental inspection of the site.</p>	
	<p>(5) The Plan when lodged will be reviewed by the Department.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and re-lodgement.</p> <p>(7) If a requirement in accordance with clause (6) is not issued within two (2) months of the lodgement of a Plan, the lease holder may proceed with implementation of the Plan.</p> <p>(8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.</p>			
Annual Environmental Management Report (AEMR)				
3	<p>(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.</p> <p>(2) The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:</p> <p>(a) the accepted Mining Operations Plan;</p> <p>(b) development consent requirements and conditions;</p> <p>(c) Department of Environment and Conservation and Department of Infrastructure, Planning and Natural Resources licences and approvals;</p> <p>(d) any other statutory environmental requirements;</p> <p>(e) details of any variations to environmental approvals applicable to the lease area; and</p> <p>(f) where relevant, progress towards final rehabilitation objectives.</p> <p>(3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>(4) The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies and the local council.</p>	Administrative non-compliance	<p>2017 AEMR not submitted prior to 1 March 2018</p> <p>2018 and 2019 AEMR submitted by required date</p> <p>An official caution was received from the DPIE-RR for not submitting the AEMR by 1 March 2018. In response to this Tahmoor applied to RR to vary the submission date to 31 March for further AEMRs to align with development consent requirements. The request was approved on 9/11/2018.</p>	
Subsidence Management				

4	<p>(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.</p> <p>(b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Guideline for Applications for Subsidence Management Approvals.</p> <p>(c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Goa/ Mines Regulation Act 1982, or the document New Subsidence Management Plan Approval Process - Transitional Provisions.</p> <p>(d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.</p> <p>(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.</p>	Not triggered	No underground mining has been undertaken in the mining lease during the audit period. Underground mining has been undertaken in LW31,32 and LW W1 and W2 in ML 1376 and ML 1539.
Working Requirement			
5	<p>The lease holder must:</p> <p>(a) Ensure that at least 162 competent people are efficiently employed on the lease area on each week day except Saturday or any week day that is a public holiday,</p> <p>OR</p> <p>(b) Expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$2,835,000.00 per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p>	Compliant	Based on the residents information pack for LW W1 and LW W2 available on the website, Tahmoor currently employs approximately 400 employees and contractors.
Control of Operations			
6	<p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:-</p> <p>(i) cease working the lease; or</p> <p>(ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified.</p> <p>(b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.</p> <p>(c) A direction referred to in this condition may be served on the Mine Manager.</p>	Not triggered	There are no activities in the mining lease
Reports			
7	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Not triggered	There are no activities in the mining lease
Licence to Use Reports			
8	<p>(a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.</p> <p>(b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p>	Note	
Confidentiality			
9	<p>(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:</p> <p>(i) the lease holder has agreed that specified reports may be made non-confidential.</p> <p>(ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>	Note	
Terms of the non-exclusive licence			
10	<p>The terms of the non-exclusive copyright licence granted under condition 8 (a) are:</p> <p>(a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports.</p> <p>(b) the Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.</p> <p>(c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright.</p> <p>(d) there is no royalty payable by the Minister for the licence.</p> <p>(e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.</p>	Note	

Blasting				
11	<p>(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 m,m/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Conservation.</p> <p>(b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Conservation.</p>	Not triggered	There are no activities in the mining lease	
Safety				
12	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Compliant	As stated in the annual review, the shaft is covered and fenced and routine security patrols are undertaken.	
Rehabilitation				
13	<p>(a) Land disturbed must be rehabilitated to a stable and permanent form suitable for a subsequent land use acceptable to the Director-General and in accordance with the Mining Operations Plan so that:-</p> <ul style="list-style-type: none"> there is no adverse environmental effect outside the disturbed area and that the land is properly drained and protected from soil erosion. the state of the land is compatible with the surrounding land and land use requirements. the landforms, soils, hydrology and flora require no greater maintenance than that in the surrounding land. In cases where revegetation is required and native vegetation has been removed or damaged, the original species must be re-established with close reference to the flora survey included in the Mining Operations Plan. If the original vegetation was not native, any re-established vegetation must be appropriate to the area and at an acceptable density. the land does not pose a threat to public safety. <p>(b) Any topsoil that is removed must be stored and maintained in a manner acceptable to the Director-General.</p>	Compliant	CCL747 is associated with the Bargo Collieries shaft site which is no longer in use. The shaft site is covered with a steel plate and fenced, with routine security and environmental inspection of the site.	
14	The lease holder must comply with any direction given by the Director-General regarding the stabilisation and revegetation of any mine residues, tailings or overburden dumps situated on the lease area.	Not triggered	There are no activities in the mining lease	
Exploratory Drilling				
15	<p>(1) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Infrastructure, Planning and Natural Resources regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes</p> <p>(2) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <p>(a) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(b) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(c) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</p> <p>(d) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(e) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(f) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(g) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>	Not triggered	There are no activities in the mining lease	
Prevention of Soil Erosion and Pollution				
16	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Not triggered	There are no activities in the mining lease	
Transmission lines, Communication lines and Pipelines				
17	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Not triggered	There are no activities in the mining lease	
Fences, Gates				
18	<p>(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.</p> <p>(b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.</p>	Not triggered	There are no activities in the mining lease	
Roads and Tracks				
19	<p>(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.</p> <p>(b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.</p>	Not triggered	There are no activities in the mining lease	
20	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Infrastructure, Planning and Natural Resources.	Not triggered	There are no activities in the mining lease	
Trees and Timber				

21	<p>(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.</p> <p>(b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Conservation Act 1997.</p> <p>(c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.</p>	Not triggered	There are no activities in the mining lease	
Resource Recovery				
23	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>	Not triggered	There are no activities in the mining lease	
Indemnity				
24	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	Note		
Security				
25	<p>(a) A security in the sum of \$190,000.00 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease. If the lease holder fails to fulfil any one or more of such obligations the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of this lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:</p> <p>(i) cash,</p> <p>(ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution.</p>	Compliant	RCE sighted with current security for CCL747 being \$551,660.	
Details of Lands, Purposes and Additional Conditions				
34	The lease holder shall be limited to the following operations and conditions within the specified areas described on the plan annexed hereto and marked "B".			

DESCRIPTION	PURPOSES	APPLICABLE CONDITIONS		
Land shown by green and yellow colours on the Plan hereto and marked "B"	The following purposes are as prescribed as mining purposes for the purposes of the definition of <i>mining purpose</i> in the Dictionary at the end of the Mining Act, 1992: 1. the construction, maintenance or use (in or in connection with mining operations) of any road, cable, conveyor, pipeline, telephone line. the storage of fuel, machinery, timber or equipment for use in or in connection with mining operations. b. the generation and transmission of electricity for use in or in connection with mining operations. 4. the construction, maintenance and use (in or in connection with mining operations) of any drillhole or shaft for drainage of gas, or drainage or conveyance of water, or ventilation, or conveyance of electricity, or conveyance of materials, or communications, or emergency access to underground workings.	Condition 35 a)	Not triggered	There are no activities in the mining lease
	The following purposes are as prescribed as mining purposes for the purposes of the definition of <i>mining purpose</i> in the Dictionary at the end of the Mining Act, 1992: the construction, maintenance or use (in or in connection with mining operations) of any building or mining plant, road, railway, reservoir, dam, drain cable, conveyor, pipeline, telephone line or signalling system, bin. 2 the stockpiling or depositing of overburden, ore or tailings,			
Lands shown by orange colour on the plan hereto and marked "B".	3 the storage of fuel, machinery, timber or equipment for use in or in connection with mining operations,	Condition 35 a) to f) (inclusive)		
35	<p>a). The lease holder shall observe and perform any instruction given or which may be given by the Minister regarding any aboriginal relics within the subject area.</p> <p>b). Settling and other dams to be constructed on the subject area shall be constructed, maintained and sealed to the satisfaction of the Minister.</p> <p>c). The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contaminated waters discharging or escaping from the subject area onto surrounding areas and shall comply with any direction given or which may be given by the Minister in this regard.</p> <p>d). Any railway that may be required to be constructed shall be constructed and maintained in accordance with the requirements and specifications of Rail Corporation of New South Wales.</p> <p>e). The lease holder shall comply with any direction given or which may be given by the Minister in respect of operations hereby authorised within that part traversed by, or within the vicinity of, the natural gas pipeline traversing the subject area.</p> <p>f). Any access to the subject area from State Highway Mo. 2 is to be developed in accordance with requirements of the Roads and Traffic Authority and the lease holder shall bear the full cost of such development.</p>			

Compliance Status	
Compliant	5
Not verified	0
Non-Compliant (Low Risk)	0
Non-Compliant (Medium Risk)	0
Non-Compliant (High Risk)	0
Administrative Non-Compliance	1
Not Triggered	15
Observation	
Note	4

Subsidence Management Plan Approval - Longwall 31

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Limits on Approval				
1	The Leaseholder must carry out the activity strictly in accordance with the SMP Approved Plan.	Compliant	* SMP Approval No 17/57494 for LW31 (DRG Letter, 30/4/17). Mining in LW 31 commenced in June 2017, and was completed on 17 August 2018.	
2	The Leaseholder must carry out the activity generally in accordance with the: a) SMP; b) The Development Consents, and c) EIS, subject to the conditions of this Approval. In the event of any inconsistency between the conditions of this Approval and the SMP, Development Consents or EIS, the conditions of this Approval prevail to the extent of any inconsistency.	Compliant	Based on the findings of this audit, the development has been carried out generally in accordance with the SMP, Development Consents and EIS's.	
3	Where this Approval requires actions to be undertaken by the Leaseholder, including remediation of subsidence impacts, the obligation continues until the Secretary notifies the Leaseholder that the action has been completed to his or her satisfaction.	Note		
4	The Division of Resources and Geosciences may vary the conditions of this Approval by notice in writing.	Note		
5	The Secretary may, at his or her discretion, suspend or revoke this Approval if: a) the Leaseholder fails to adhere to any condition of the Approval; or b) the head of any other government authority requests suspension or revocation on the basis of the Leaseholder's non-compliance, or potential non-compliance, with legislation administered by that agency in relation to this Approval.	Not triggered	The SMP Approval has not been revoked or suspended.	
General Obligation to Minimise Harm to the Environment				
6	The Leaseholder must implement the SMP (as amended by the conditions of this Approval) and carry out any additional practicable measures (including those identified in the EIS) necessary to prevent any harm to the environment that may result from the construction, operation, or rehabilitation of the activity. Where prevention cannot be achieved the leaseholder is to demonstrate minimisation of harm to the environment that may result from the construction, operation, or rehabilitation of the activity.	Compliant	Corrective Management Action Plans have been prepared for both Redbank and Myrtle Creeks in response to directions and s240 Notices received from Resources Regulator. Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator. Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule. Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works. The remediation trials along Myrtle and Redbank Creek were a positive outcome since last audit.	
Notification of Approval				
7	The Proponent must give notice of this SMP approval within 30 days to the WNSW, NSWoW, OEH, Council, SA, the local Aboriginal Land Council/s, the owners/operators of any infrastructure, and landowners in the application area and any other relevant government agencies or stakeholders that the Secretary's approval of the SMP has been granted.	Compliant	Outside of the audit period. As reported in the previous audit - SMP Approval notification letters sent to relevant agencies and announced in local newspapers.	
Implementation of Approval				
8	Any plans, programmes, reports or strategies required as a condition of this Approval must be developed having regard to any guidelines adopted by the Secretary for the purpose of subsidence management and mine rehabilitation.	Compliant	Environmental Management Plan and Infrastructure Management Plans for LW31 surface features prepared and approved by DRG (SMP includes Aboriginal and European Heritage sites)	
9	The Leaseholder must implement any plan, programme or strategy required and approved pursuant to this Approval. <i>Note: The Leaseholder may, at any time, submit an amended plan, programme or strategy for approval. Once approved, the amended plan, programme or strategy must be implemented, however, up until the date of approval, the Leaseholder must continue to implement the previously approved plan, programme or strategy.</i>	Compliant	Mining in LW31 completed on 17 August 2018. Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator. Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule. Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works.	
10	Any modifications to plans, programmes or strategies already approved for the purposes of the conditions of this Approval must have regard to the matters set out in condition 8. Amended plans, programmes or strategies submitted for approval must be accompanied by all relevant supporting documentation to assist in the assessment of the amendment or modification. <i>Note: This condition relates to plans, programmes and strategies required by the conditions of this Approval – it does not apply to variations to the SMP or the SMP Approved Plan which must be done in accordance with the requirements of the Mining Act, the conditions of title and the variation procedures identified in the SMP guidelines.</i>	Compliant	see 8. and 9.	
Directions				
11	The Leaseholder must comply with any written direction given by the Secretary, Director ESU, Director Mine Safety Operations or Principal Subsidence Engineer relating to: a) the implementation of any aspect of the SMP or an approved plan, programme or strategy; b) assessing or reviewing the adequacy, effectiveness, or coverage of any approved plan, programme or strategy or any aspect of the SMP; c) the type, timing and/or location of monitoring of baseline conditions, subsidence or subsidence impacts; d) any reporting requirement under this Approval; e) the carrying out of works to address subsidence impacts; and/or f) the carrying out of any studies or investigations related to subsidence or subsidence impacts and the reporting of any findings or conclusions. The obligations under this condition prevail over any other obligation under this Approval. <i>Note: Compliance with a written direction will not operate as a defence to a breach of any obligation under this Approval that occurred prior to the Direction being given.</i>	Compliant	Corrective Management Action Plans have been prepared for both Redbank and Myrtle Creeks in response to directions and s240 Notices received from Resources Regulator. Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator. Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule. Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works. The remediation trials along Myrtle and Redbank Creek were a positive outcome since last audit.	
Environmental Management Plan				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
12	<p>The Leaseholder must submit to the Director ESU for approval an Environmental Management Plan (EMP) for the panels which are the subject of this Approval. This plan must address subsidence impacts on:</p> <ul style="list-style-type: none"> a) surface and groundwater (quality and quantity); b) flora and fauna c) archaeological sites; and d) any other significant environmental features that may be effected by subsidence resulting from the proposed longwall extraction <p>The leaseholder must not operate other than in accordance with an Environmental Management Plan (EMP) approved by the Director Environmental Sustainability. This plan must address subsidence impacts above and must include:</p> <ul style="list-style-type: none"> a) a detailed monitoring programme; b) trigger levels for subsidence impacts that require actions and responses; c) the procedures that would be followed in the event that the monitoring indicates an exceedance of trigger levels; d) measures to mitigate, remediate and/or compensate any identified impacts; e) a protocol for the notification of identified exceedances of the trigger levels; and f) a contingency plan. g) annual reporting procedures <p>This plan must be prepared in consultation with relevant landholders and government agencies.</p> <p>The Leaseholder must not cause subsidence impacts prior to the Environmental Management Plan being approved.</p> <p><i>Note: The plan should be submitted to the Director ESU at least 30 days prior to the expected commencement of operations to enable sufficient time for the assessment of the plan. The Director Environmental Sustainability may require the provision of further information to assist in the assessment of the plan or a resubmission of the plan if it is considered inadequate. Complex issues or the need for additional information or a resubmission of the plan may require a longer assessment period.</i></p>	Compliant	DRG Approved Subsidence Monitoring Programs for LW31 prepared. Meets the requirements of this condition.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action								
Shallow groundwater hydrological investigation and monitoring plan												
13	<p>a) Prior to undermining of Redbank Creek by LW31 the titleholder shall seek the approval of Director ESU, and execute to the satisfaction of the Department, a shallow groundwater hydrological investigation and monitoring plan within the LW 31 impact zone.</p> <p>b) The shallow groundwater hydrological investigation and monitoring plan should include, but not be limited to:</p> <p>i. Characterise pre-mining lithology and fracture networks in the shallow aquifers down to 50m below creek level.</p> <p>ii. Provide multi-level groundwater monitoring within close proximity to the Redbank creek line within the LW31 impact zone.</p> <table border="1" data-bbox="489 514 786 630"> <thead> <tr> <th>Piezometer</th> <th>Screen depths</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5 m below initial water strike</td> </tr> <tr> <td>2</td> <td>20 m below initial water strike</td> </tr> <tr> <td>3</td> <td>50m below initial water strike</td> </tr> </tbody> </table> <p>ii. Monitoring boreholes should be designed and located to reduce the risk of damage from subsidence (e.g. steel cased). If damaged during mining, a new bore is to be drilled to reinstate groundwater monitoring piezometers following mining.</p> <p>iv. Groundwater levels should be monitored (for pressure/depth plus electrical conductivity) at hourly intervals.</p> <p>v. Based on results of the water level monitoring, model groundwater behaviour through the cross section of Redbank Creek in both pre-mining and post-mining conditions.</p> <p>vi. Use pre-mining and post-mining shallow groundwater data to inform rehabilitation plans, objectives and completion criteria.</p> <p>c.) Submit pre-mining and post-mining monitoring data and modelling results of the shallow groundwater hydrological investigation and monitoring plan in the End of Panel Report.</p> <p>d.) Provide raw groundwater, surface water and ecological data if requested by Department or OEH in the format as reasonably required</p>	Piezometer	Screen depths	1	5 m below initial water strike	2	20 m below initial water strike	3	50m below initial water strike	Compliant	Refer to LW31 EMP - Stage 1 for LW31 (22/09/17).	
Piezometer	Screen depths											
1	5 m below initial water strike											
2	20 m below initial water strike											
3	50m below initial water strike											
Incident and Ongoing Management Reporting												
14	<p>The Leaseholder must, within 24 hours of becoming aware of the occurrence, notify:</p> <p>a) the Principal Subsidence Engineer;</p> <p>b) Director ESU;</p> <p>c) SA;</p> <p>d) NSWoW;</p> <p>e) other relevant stakeholders and any Government Agency with a regulatory role if they request such notification, of the following:</p> <p>i. Any significant unpredicted and/or higher-than-predicted subsidence and/or abnormalities in the development of subsidence;</p> <p>ii. Any exceedance of predicted impacts on groundwater resources and/or the natural environment that may have been caused (whether partly or wholly) by subsidence;</p> <p>iii. Any observed subsidence impacts adverse to the serviceability and/or safety of infrastructure and other built structures that may be affected by longwall mining;</p> <p>iv. Any significant subsidence-induced cracking and/or ground deformations observed in any surface areas within the SMP application area;</p> <p>v. Any buildings, structure and infrastructure, which have become or likely to become hazardous as a result of subsidence, and</p> <p>vi. Development of instability and/or falls of rocks within any areas with cliff formation and/or steep slopes that may have been affected by subsidence.</p> <p>f) the operators of infrastructure affected by subsidence.</p> <p>Note: Under Condition 11, the Leaseholder can be directed to, among other things, prepare a report on an incident reported under this condition. A report on the details of the incident, including likely or known causes, response action and proposed response measures will generally be required for incidents that involve material property or environmental damage or have the potential to cause such damage.</p>	Compliant	Subsidence event notifications are reported in the Annual Reviews. As per the 2018 Annual Review there were 10 notifications for longwall 31 in 2018. There were no notifications in 2017 or 2019 for LW31.									
Status Report												

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
15	<p>The Leaseholder must prepare and maintain a Subsidence Management Status Report which must include but not be limited to:</p> <p>a) the current face position of the panel being extracted; b) a summary of any subsidence management actions undertaken by the Leaseholder; c) a summary of any comments, advice and feedback from consultation with stakeholders in relation to the implementation of this Approval (including the preparation, implementation and review of plans, programmes, reports or strategies required by this approval) undertaken or received and a summary of the Leaseholder's response to the comments, advice and feedback given by the stakeholders; d) a summary of the observed and/or reported subsidence impacts, incidents, service difficulties, community complaints, and any other relevant information reported to the Leaseholder and a summary of the Leaseholder's response to these impacts, incidents, service difficulties and complaints; e) a summary of subsidence development based on monitoring information compared with any defined triggers and/or the predicted subsidence to facilitate early detection of potential subsidence impacts; f) a summary of the adequacy, quality and effectiveness of the implemented management processes based on the monitoring and consultation information summarised above; and g) a statement regarding any additional and/or outstanding management actions to be undertaken or the need for early responses or emergency procedures to ensure adequate management of any potential subsidence impacts due to longwall mining.</p> <p>The Subsidence Management Status Report must be updated at least every 14 days to reflect any changes in the information required to be included in the Report. The Status Report (as updated from time to time) must be provided, upon request, to SA, the Director of ESU, the Principal Subsidence Engineer, owners/operators of any infrastructure within the application area and any other relevant government agencies.</p>	Compliant	Evidence provided for status reports for LW 31. These reports have been prepared to meet these requirements. Evidence of regular reporting during the audit period.	
Annual Report				
16	<p>a) The Leaseholder shall prepare an annual report. This report shall be submitted to the Secretary within twelve months of the date of this approval and annually thereafter. The annual report must:</p> <p>b) include a summary of the subsidence and environmental monitoring results for the year; c) include an analysis of these monitoring results against the relevant;</p> <p>* impact assessment criteria; * monitoring results from previous panels; and * predictions in the SMP;</p> <p>d) identify any trends in the monitoring results over the life of the activity; and e) describe what actions were taken to ensure adequate management of any potential or actual subsidence impacts due to mining.</p> <p>Note: The requirement of this condition may be satisfied via an Annual Review prepared under conditions of development consent or project approval.</p>	Compliant	Annual reviews have been prepared for the audit period with Section 6.8 of the 2017 Annual Review and Section 15 of the 2018 and 2019 Annual Reviews reporting on the subsidence impacts and monitoring.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Access to Information				
17	a) Within 3 months of the submission of an Annual Report (as required by Condition 18) or the approval of a plan, programme or strategy required under this Approval or the SMP (or any subsequent revision of these documents), the Leaseholder must: b) provide a copy of these document/s to all relevant agencies; c) ensure that a copy of the relevant documents is made publicly available at the Leaseholder's regional office; and d) put a copy of the relevant document/s on the Leaseholder's website. <i>Note: Relevant agencies currently include SA, OEH, NSWOW and DP&E.</i>	Compliant	Relevant documentation is available on the website	
Survey marks				
18	At the completion of subsidence, or otherwise as required by the Land and Property Management Authority, the functionality of any survey marks affected by subsidence must be fully restored to the satisfaction of the Land and Property Management Authority.	Not triggered	Based on the LW 31 End of Panel Report ground movement occurred at permanent survey control markers. No impacts to the functionality were reported and no restoration reported.	
Water Supply				
19	In the event of interruptions to potable water supplies (water quality and/or quantity) due to subsidence impacts on water supply systems and/or sources caused by longwall mining, the Leaseholder must provide, without delay, water supplies of equivalent quality and quantity to locations convenient to those affected within the SMP Application Area until such time that the affected water supply systems and/or sources are restored.	Not triggered	Based on the LW 31 End of Panel Report there were no impacts on potable water pipelines during the mining of LW31.	

Subsidence Management Plan Approval - Longwall 32

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Limits on Approval				
1	The Leaseholder must carry out the activity strictly in accordance with the SMP Approved Plan so far as relates to Longwall 32.	Compliant	* SMP Approval No 18/663798 for LW32 (DRG Letter, 14/9/2018) Mining in LW 32 commenced in October 2018, and was completed on 26 September 2019..	
2	The Leaseholder must carry out the activity generally in accordance with the: a) SMP; b) The Development Consents, and c) EIS, subject to the conditions of this Approval. In the event of any inconsistency between the conditions of this Approval and the SMP, Development Consents or EIS, the conditions of this Approval prevail to the extent of any inconsistency.	Compliant	Based on the findings of this audit, the development has been carried out generally in accordance with the SMP, Development Consents and EIS's.	
3	Where this Approval requires actions to be undertaken by the Leaseholder, including remediation of subsidence impacts, the obligation continues until the Secretary notifies the Leaseholder that the action has been completed to his or her satisfaction.	Note		
4	The Division of Resources and Geosciences may vary the conditions of this Approval by notice in writing.	Note		
5	The Secretary may, at his or her discretion, suspend or revoke this Approval if: a) the Leaseholder fails to adhere to any condition of the Approval; or b) the head of any other government authority requests suspension or revocation on the basis of the Leaseholder's non-compliance, or potential non-compliance, with legislation administered by that agency in relation to this Approval.	Not triggered	The SMP Approval has not been revoked or suspended.	
General Obligation to Minimise Harm to the Environment				
6	The Leaseholder must implement the SMP (as amended by the conditions of this Approval) and carry out any additional practicable measures (including those identified in the EIS) necessary to prevent any harm to the environment that may result from the construction, operation, or rehabilitation of the activity. Where prevention cannot be achieved the leaseholder is to demonstrate minimisation of harm to the environment that may result from the construction, operation, or rehabilitation of the activity.	Compliant	Corrective Management Action Plans have been prepared for both Redbank and Myrtle Creeks in response to directions and s240 Notices received from Resources Regulator. Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator. Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule. Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works. <i>The remediation trials along Myrtle and Redbank Creek were a positive outcome since last audit.</i>	
Notification of Approval				
7	The Proponent must give notice of this SMP approval within 30 days to the WNSW, NSWoW, OEH, Council, SA, the local Aboriginal Land Council/s, the owners/operators of any infrastructure, and landowners in the application area and any other relevant government agencies or stakeholders that the Secretary's approval of the SMP has been granted.	Compliant	Evidence of letters of notification dated 12 October 2018. Within 30 days of approval on 14 September 2018.	
Implementation of Approval				
8	Any plans, programmes, reports or strategies required as a condition of this Approval must be developed having regard to any guidelines adopted by the Secretary for the purpose of subsidence management and mine rehabilitation.	Compliant	Environmental Management Plan prepared and approved by DRG on 10 May 2019 (SMP includes Aboriginal and European Heritage sites)	
9	The Leaseholder must implement any plan, programme or strategy required and approved pursuant to this Approval. Note: <i>The Leaseholder may, at any time, submit an amended plan, programme or strategy for approval. Once approved, the amended plan, programme or strategy must be implemented, however, up until the date of approval, the Leaseholder must continue to implement the previously approved plan, programme or strategy.</i>	Compliant	Mining in LW32 completed on 26 September 2019. Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator. Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule. Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works. <i>The remediation trials along Myrtle and Redbank Creek were a positive outcome since last audit.</i>	
10	Any modifications to plans, programmes or strategies already approved for the purposes of the conditions of this Approval must have regard to the matters set out in condition 8. Amended plans, programmes or strategies submitted for approval must be accompanied by all relevant supporting documentation to assist in the assessment of the amendment or modification. Note: <i>This condition relates to plans, programmes and strategies required by the conditions of this Approval – it does not apply to variations to the SMP or the SMP Approved Plan which must be done in accordance with the requirements of the Mining Act, the conditions of title and the variation procedures identified in the SMP guidelines.</i>	Compliant	see 8. and 9.	
Directions				
11	The Leaseholder must comply with any written direction given by the Secretary, Director ESU, Director Mine Safety Operations or Principal Subsidence Engineer relating to: a) the implementation of any aspect of the SMP or an approved plan, programme or strategy; b) assessing or reviewing the adequacy, effectiveness, or coverage of any approved plan, programme or strategy or any aspect of the SMP; c) the type, timing and/or location of monitoring of baseline conditions, subsidence or subsidence impacts; d) any reporting requirement under this Approval; e) the carrying out of works to address subsidence impacts; and/or f) the carrying out of any studies or investigations related to subsidence or subsidence impacts and the reporting of any findings or conclusions. The obligations under this condition prevail over any other obligation under this Approval. Note: <i>Compliance with a written direction will not operate as a defence to a breach of any obligation under this Approval that occurred prior to the Direction being given.</i>	Compliant	Corrective Management Action Plans have been prepared for both Redbank and Myrtle Creeks in response to directions and s240 Notices received from Resources Regulator. Myrtle Creek CMAP was approved on 11 October 2018. Stage 1 is now complete and Stage 2 was submitted on 8 May 2020. The final schedule of works is currently being negotiated with the Resources Regulator. Redbank Creek CMAP was approved on 28 June 2019. Works have commenced and are tracking to the schedule. Myrtle Creek and Redbank Creek remediation area sighted during the site inspection. CMAP update newsletters are available on the website reporting on the progress of the remediation works. <i>The remediation trials along Myrtle and Redbank Creek were a positive outcome since last audit.</i>	
Environmental Management Plan				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
12	<p>The Leaseholder must submit to the Director ESU for approval an Environmental Management Plan (EMP) for the panels which are the subject of this Approval. This plan must address subsidence impacts on:</p> <ul style="list-style-type: none"> a) surface and groundwater (quality and quantity); b) flora and fauna c) archaeological sites; and d) any other significant environmental features that may be effected by subsidence resulting from the proposed longwall extraction <p>The leaseholder must not operate other than in accordance with an Environmental Management Plan (EMP) approved by the Director Environmental Sustainability. This plan must address subsidence impacts above and must include:</p> <ul style="list-style-type: none"> a) a detailed monitoring programme; b) trigger levels for subsidence impacts that require actions and responses; c) the procedures that would be followed in the event that the monitoring indicates an exceedance of trigger levels; d) measures to mitigate, remediate and/or compensate any identified impacts; e) a protocol for the notification of identified exceedances of the trigger levels; and f) a contingency plan. g) annual reporting procedures <p>This plan must be prepared in consultation with relevant landholders and government agencies.</p> <p>The Leaseholder must not cause subsidence impacts prior to the Environmental Management Plan being approved.</p> <p>Note: The plan should be submitted to the Director ESU at least 30 days prior to the expected commencement of operations to enable sufficient time for the assessment of the plan. The Director Environmental Sustainability may require the provision of further information to assist in the assessment of the plan or a resubmission of the plan if it is considered inadequate. Complex issues or the need for additional information or a resubmission of the plan may require a longer assessment period.</p>	Compliant	DRG Approved Subsidence Monitoring Programs for LW32 prepared. LW32 EMP approved by DRG on 10 May 2019.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action								
Shallow groundwater hydrological investigation and monitoring plan												
13	<p>a) Prior to undermining of Redbank Creek by LW32 the titleholder shall seek the approval of the Resources Regulator to, and execute to the satisfaction of the Resources Regulator, a shallow groundwater hydrological investigation and monitoring plan within the LW 32 impact zone. This information shall be used to inform baseline data, rehabilitation requirements, objectives and completion criteria and to enable a more informed assessment of whether successful rehabilitation has been achieved at Redbank Creek.</p> <p>b) The shallow groundwater hydrological investigation and monitoring plan should include, but not be limited to:</p> <p>a. Characterise pre-mining lithology and fracture networks in the shallow aquifers down to 50m below creek level.</p> <p>b. Provide multi-level groundwater monitoring within close proximity to the Redbank creek line within the LW32 impact zone. .</p> <table border="1" data-bbox="418 541 727 646"> <thead> <tr> <th>Piezometer</th> <th>Screen depths</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5 m below initial water</td> </tr> <tr> <td>2</td> <td>strike 20 m below initial water strike.</td> </tr> <tr> <td>3</td> <td>50m below initial water strike.</td> </tr> </tbody> </table> <p>c. Monitoring boreholes should be designed and located to reduce the risk of damage from subsidence (e.g. steel cased). If damaged during mining, a new bore is to be drilled to reinstate groundwater monitoring piezometers following mining.</p> <p>d. Groundwater levels should be monitored for pressure/depth) at hourly intervals. Groundwater quality including electrical conductivity should be monitored at monthly intervals and increased to weekly intervals when the longwall progress is 400m before and after Redbank Creek.</p> <p>e. Based on results of the water level monitoring, model groundwater behaviour through the cross section of Redbank Creek in both pre-mining and post-mining conditions.</p> <p>f. Use post-mining shallow groundwater data to inform rehabilitation plans and completion criteria.</p> <p>c.) Submit pre-mining and post-mining monitoring data and modelling results of the shallow groundwater hydrological investigation and monitoring plan in the End of Panel Report.</p> <p>d.) Provide raw groundwater, surface water and ecological data if requested by the Resources Regulator or OEH in the format as reasonably required.</p>	Piezometer	Screen depths	1	5 m below initial water	2	strike 20 m below initial water strike.	3	50m below initial water strike.	Compliant	<p>LW32 EMP approved by DRG on 10 May 2019. TCCO has nine (9) piezometers (P1 to P9) where regular manual and data logger based standing water level monitoring has been conducted since June 2004 for some locations, as shown on Figure 3.</p> <p>Groundwater monitoring results reported in End of Panel Report for LW32.</p>	
Piezometer	Screen depths											
1	5 m below initial water											
2	strike 20 m below initial water strike.											
3	50m below initial water strike.											
Incident and Ongoing Management Reporting												
14	<p>The Leaseholder must, within 24 hours of becoming aware of the occurrence, notify:</p> <p>a) the Principal Subsidence Engineer;</p> <p>b) Director ESU;</p> <p>c) SA;</p> <p>d) NSWOW;</p> <p>e) other relevant stakeholders and any Government Agency with a regulatory role if they request such notification, of the following:</p> <p>i. Any significant unpredicted and/or higher-than-predicted subsidence and/or abnormalities in the development of subsidence;</p> <p>ii. Any exceedance of predicted impacts on groundwater resources and/or the natural environment that may have been caused (whether partly or wholly) by subsidence;</p> <p>iii. Any observed subsidence impacts adverse to the serviceability and/or safety of infrastructure and other built structures that may be affected by longwall mining;</p> <p>iv. Any significant subsidence-induced cracking and/or ground deformations observed in any surface areas within the SMP application area;</p> <p>v. Any buildings, structure and infrastructure, which have become or likely to become hazardous as a result of subsidence, and</p> <p>vi. Development of instability and/or falls of rocks within any areas with cliff formation and/or steep slopes that may have been affected by subsidence.</p> <p>f) the operators of infrastructure affected by subsidence.</p> <p>Note: Under Condition 11, the Leaseholder can be directed to, among other things, prepare a report on an incident reported under this condition. A report on the details of the incident, including likely or known causes, response action and proposed response measures will generally be required for incidents that involve material property or environmental damage or have the potential to cause such damage.</p>	Compliant	<p>Subsidence event notifications are reported in the Annual Reviews. As per the 2018 Annual Review there was 1 notifications for longwall 32 in 2018 and 13 notifications in 2019 for LW32. Evidence of notifications sighted.</p>									
Status Report												
15	<p>The Leaseholder must prepare and maintain a Subsidence Management Status Report which must include but not be limited to:</p> <p>a) the current face position of the panel being extracted;</p> <p>b) a summary of any subsidence management actions undertaken by the Leaseholder;</p> <p>c) a summary of any comments, advice and feedback from consultation with stakeholders in relation to the implementation of this Approval (including the preparation, implementation and review of plans, programmes, reports or strategies required by this approval) undertaken or received and a summary of the Leaseholder's response to the comments, advice and feedback given by the stakeholders;</p> <p>d) a summary of the observed and/or reported subsidence impacts, incidents, service difficulties, community complaints, and any other relevant information reported to the Leaseholder and a summary of the Leaseholder's response to these impacts, incidents, service difficulties and complaints;</p> <p>e) a summary of subsidence development based on monitoring information compared with any defined triggers and/or the predicted subsidence to facilitate early detection of potential subsidence impacts;</p> <p>f) a summary of the adequacy, quality and effectiveness of the implemented management processes based on the monitoring and consultation information summarised above; and</p> <p>g) a statement regarding any additional and/or outstanding management actions to be undertaken or the need for early responses or emergency procedures to ensure adequate management of any potential subsidence impacts due to longwall mining.</p> <p>The Subsidence Management Status Report must be updated at least every 14 days to reflect any changes in the information required to be included in the Report. The Status Report (as updated from time to time) must be provided, upon request, to SA, the Director of ESU, the Principal Subsidence Engineer, owners/operators of any infrastructure within the application area and any other relevant government agencies.</p>	Compliant	<p>Evidence provided for status reports for LW 32. These reports have been prepared to meet these requirements. Evidence of regular reporting during the audit period. As stated in LW32 EMP:</p> <p>TCCO's subsidence consultant MSEC prepares a weekly LW32 Subsidence Status Report that is distributed to a range of stakeholders, including:</p> <ul style="list-style-type: none"> - Resources Regulator; - Subsidence Advisory NSW; - OEH; and - Wollondilly Shire Council. 									
Annual Report												

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
16	<p>a) The Leaseholder shall prepare an annual report. This report shall be submitted to the Secretary within twelve months of the date of this approval and annually thereafter. The annual report must:</p> <p>b) include a summary of the subsidence and environmental monitoring results for the year;</p> <p>c) include an analysis of these monitoring results against the relevant;</p> <ul style="list-style-type: none"> * impact assessment criteria; * monitoring results from previous panels; and * predictions in the SMP; <p>d) identify any trends in the monitoring results over the life of the activity; and</p> <p>e) describe what actions were taken to ensure adequate management of any potential or actual subsidence impacts due to mining.</p> <p>Note: <i>The requirement of this condition may be satisfied via an Annual Review prepared under conditions of development consent or project approval.</i></p>	Compliant	Annual reviews have been prepared for the audit period with Section 6.8 of the 2017 Annual Review and Section 15 of the 2018 and 2019 Annual Reviews reporting on the subsidence impacts and monitoring.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Access to Information				
17	<p>a) Within 3 months of the submission of an Annual Report (as required by Condition 18) or the approval of a plan, programme or strategy required under this Approval or the SMP (or any subsequent revision of these documents), the Leaseholder must:</p> <p>b) provide a copy of these document/s to all relevant agencies;</p> <p>c) ensure that a copy of the relevant documents is made publicly available at the Leaseholder's regional office; and</p> <p>d) put a copy of the relevant document/s on the Leaseholder's website.</p> <p><i>Note: Relevant agencies currently include SA, OEH, NSWoW and DP&E.</i></p>	Compliant	Relevant documentation is available on the website	
Survey marks				
18	At the completion of subsidence, or otherwise as required by the Land and Property Management Authority, the functionality of any survey marks affected by subsidence must be fully restored to the satisfaction of the Land and Property Management Authority.	Not triggered	Based on the LW 32 End of Panel Report ground movement occurred at permanent survey control markers. No impacts to the functionality were reported and no restoration reported.	
Water Supply				
19	In the event of interruptions to potable water supplies (water quality and/or quantity) due to subsidence impacts on water supply systems and/or sources caused by longwall mining, the Leaseholder must provide, without delay, water supplies of equivalent quality and quantity to locations convenient to those affected within the SMP Application Area until such time that the affected water supply systems and/or sources are restored.	Not triggered	Based on the LW 32 End of Panel Report there were no impacts on potable water pipelines during the mining of LW31.	

Extraction Plan Approval LW W1 & W2

Condition Number	Condition	Compliance Status	Evidence	Recommended Action						
CONDITIONS ON LONGWALLS W1 AND W2										
	The Department has imposed the following conditions on the Extraction Plan approval for Longwalls W1 and W2:	Note								
Performance Measures										
1	<p>The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 1.</p> <table border="1"> <thead> <tr> <th colspan="2">Table 1: Subsidence impact performance measures – natural features</th> </tr> <tr> <th>Feature</th> <th>Performance measures</th> </tr> </thead> <tbody> <tr> <td>Stonequarry Creek, Cedar Creek and Matthews Creek</td> <td> <p>No subsidence impact or environmental consequence greater than minor*.</p> <p>No connective cracking between the surface, or the base of the alluvium, and the underground workings.</p> </td> </tr> </tbody> </table> <p><small>*minor is defined as not very large, important or serious</small></p>	Table 1: Subsidence impact performance measures – natural features		Feature	Performance measures	Stonequarry Creek, Cedar Creek and Matthews Creek	<p>No subsidence impact or environmental consequence greater than minor*.</p> <p>No connective cracking between the surface, or the base of the alluvium, and the underground workings.</p>	Compliant	DA67/98 (Modification 4) Approved 15/10/18 for transference to Extraction Plan with Conditional EP Approval granted for W1 and W2 on 8/11/19.	
Table 1: Subsidence impact performance measures – natural features										
Feature	Performance measures									
Stonequarry Creek, Cedar Creek and Matthews Creek	<p>No subsidence impact or environmental consequence greater than minor*.</p> <p>No connective cracking between the surface, or the base of the alluvium, and the underground workings.</p>									
2	These performance measures apply to all mining taking place after the date of this Extraction Plan approval.	Compliant								
3	The Applicant will be required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the Water Management Plan required under the Extraction Plan for Longwalls W1 and W2.	Compliant	Environmental and Built Features Management Plans for LW W1 & W2							
Additional Offsets										
4	If the Applicant exceeds the performance measures in Table 1 and the Secretary determines that: (a) it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or (b) remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence, then the Applicant must provide a suitable offset to compensate for the subsidence impact or environmental consequence, to the satisfaction of the Secretary.	Not triggered	First stages of CMAPs for Myrtle and Redbank Creeks complete and performance of grout resulted in recovery of ponds to pre-mining levels on Myrtle Creek at Pool 23 and partial recovery of Pool 26 on Redbank Creek. Additional stages proposed pending approval from RR							
Water Management Plan										
5	<p>Within 10 weeks of this Extraction Plan approval, the Water Management Plan for the Longwalls W1 and W2 Extraction Plan must be updated to the satisfaction of the Secretary. This plan must be developed in consultation with Council and BCD and:</p> <p>(a) include performance indicators capable of managing and monitoring compliance with the performance measures in condition 1 of this Extraction Plan approval;</p> <p>(b) include suitable revisions to the Trigger Action Response Plan to include:</p> <ul style="list-style-type: none"> - Level 1, 2 and 3, and exceeding prediction triggers to enable trends in data to be identified, actioned and reported as potential impacts escalate; - separation of actions and responses; - methodology and relevant monitoring stations; - higher frequency monitoring of pool water levels; - justification of the proposed flow triggers; and - specific figures relevant to the baseline data; <p>(c) include a detailed adaptive management strategy that sets quantifiable assessment criteria and provides parameters for when additional setbacks from relevant watercourses should be implemented; and</p> <p>(d) address the comments from the Department's Water Group dated 30 September 2019.</p>	Compliant	Master TARP Approved April 2020.							
Adaptive Management										

6	At least 2 months prior to commencing extraction of Longwall W2, the Applicant must submit an Adaptive Management report for approval to the Secretary. The report must include a summary of the: (a) Applicant's performance under the Extraction Plan and this Extraction Plan approval; (b) implementation of the revised Water Management Plan Trigger Action Response Plan; and (c) outcomes of the adaptive management strategy, including any additional setbacks proposed to be implemented for Longwall W2. If no additional setbacks are proposed, detailed justification must be provided with reference to observed and predicted impacts.	Not triggered		
7	The Applicant may not undertake any secondary extraction in Longwall W2 until the Secretary is satisfied that the Adaptive Management report includes appropriate adaptive management outcomes an selected setback distances from creek lines would achieve the requirements of condition 1.	Not triggered		

Compliance Status	
Compliant	4
Not verified	0
Non-Compliant (Low Risk)	0
Non-Compliant (Medium Risk)	0
Non-Compliant (High Risk)	0
Administrative Non-Compliance	0
Not Triggered	3
Observation	
Note	1

Statement of Commitments - 1999 Consent

Statement of Commitments for Redbank Tunnel Subsidence Management Project (Mod 3). Note no changes to monitoring or management were required by the MOD 4 EA.
Apr-12

Ref No.:	Objective	Commitment	Timing	Compliance Status	Evidence	Recommendation
Biodiversity						
Construction Planning						
SC1	Minimise the potential impacts that may occur during construction phase	A Construction Environmental Management Plan (CEMP) would be developed for the Project and include, where applicable, the construction impact mitigation measures and principles listed below.	Pre-construction	Not triggered	Outside audit period.	
SC2	Construction Staging	It is intended that areas of open water at the Project site would be progressively drained to allow relocation of native aquatic vertebrate fauna as appropriate.	Construction	Not triggered	Outside audit period.	
SC3	Soil and surface water management	<p>The CEMP would include specific surface water management measures, which would include as a minimum the following principles to manage surface water:</p> <ul style="list-style-type: none"> Minimise the area of disturbance, thus minimising the volume of 'dirty' surface water runoff. The clearing and construction method would generally result in soils only being exposed immediately prior to construction, with the remainder of the Project site covered by permanent infrastructure or retained or replanted vegetation. Minimise handling of soils through direct replacement onto landscaped open space areas and careful selection of soil stockpile locations. Separation wherever possible of 'clean' and 'dirty' surface water runoff. Install appropriate erosion control devices (such as silt fences, hay bales or equivalent) around the disturbance footprint. 	<p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p>	Not triggered	Outside audit period.	
SC4	Runoff and water management practices	<ul style="list-style-type: none"> Runoff from disturbed and rehabilitated areas would be diverted into sediment ponds or other measures and not directly discharged into the natural system. Where practicable a setback is required from the base of soil stockpiles when adjoining remnant native vegetation to prevent sediment from entering waterways. 	<p>Construction</p> <p>Construction</p>	Not triggered	Outside audit period.	
SC5	Site Management	Restrict access into adjacent remnant vegetation during construction by appropriate marking and/or fencing of the construction impact zone.	Pre-construction and construction	Not triggered	Outside audit period.	
SC6	Fauna Management	<p>Fauna Management would involve a two-step process: fauna pre-clearance survey and management during construction.</p> <p>This would involve:</p> <ul style="list-style-type: none"> An active search for birds, nests, roosts and microchiropteran bats (stag watches with Anabat II detector). Sedentary fauna detected within the area to be cleared are to be managed in accordance with a fauna management protocol that is implemented as part of the CEMP during the construction period. Identification and marking of habitat trees during pre-clearing surveys (habitat trees include: trees with a DBH > 70 mm; trees with resident fauna or associated signs of occupation; and/or any trees with hollows). Additional consideration for the retention of habitat trees (avoidance) during construction activities, where practicable. 	<p>Construction</p> <p>Pre-construction and construction</p>	Not triggered	Outside audit period.	
SC7	Pre-clearance surveys and CEMP	<p>The CEMP would include specific protocols for Pre-construction the management of any fauna detected during and pre-clearing surveys or during clearing (tree hollow clearing protocol, fallen log, tree hollow compensatory measures). Appropriate actions would be documented according to type and conservation significance of the fauna in question. The OEH would be notified if roosting threatened species are detected within the construction footprint and construction may have to be modified or delayed to further reduce the risk of injury.</p> <ul style="list-style-type: none"> During clearing operations, all cleared habitat trees would be retained as intact as practicable and placed on the surface of nearby revegetation and rehabilitation areas under the supervision of an ecologist. Where it is practical to separate any leaves, branches and seeds from native species, these items would be used for brush mulching in revegetation and rehabilitation works. 	<p>Pre-construction and construction</p> <p>Construction</p>	Not triggered	Outside audit period.	
SC8	Groundcover Clearance Protocol	<p>The following protocols would be included in the CEMP:</p> <ul style="list-style-type: none"> A pre-clearing survey for Cumberland Land Snails is to be performed and if any individuals are found, they would be relocated, along with relevant shelter substrate, to the nearest area of intact suitable habitat outside the disturbance footprint. Translocation of the species would only be performed in consultation with OEH. As part of the pre-clearing survey, large woody debris with habitat value (excluding exotic weed material) would be identified that warrants salvage and relocation. During construction, remove identified large woody debris using excavator grabs, where practicable and place within nearby areas of retained vegetation or revegetation areas. 	Construction	Not triggered	Outside audit period.	

Ref No.:	Objective	Commitment	Timing	Compliance Status	Evidence	Recommendation
SC9	Weed and Pest Management	<p>The following measures would be adopted to manage environmental weeds during construction:</p> <ul style="list-style-type: none"> Controlling noxious weed species in line with legislative obligations prior to the initiation of vegetation clearance works. Monitor seed bank reprisals after topsoil movements and emplacement in rehabilitation areas. The transfer of seeds from non-native species through contaminated soil and vegetative material to revegetation areas would be avoided through appropriate vegetation and topsoil management. Management would include the use of herbicides prior to clearing, sterile crop covers and use of native grasses in revegetation and rehabilitation scheme- particularly Kangaroo Grass. Stockpiles of fill or vegetation would only be placed within existing cleared areas. Incorporate control measures, such as appropriately placed silt fences in the design of the proposed works to limit the spread of weed propagules downstream of the site. 	Construction	Not triggered	Outside audit period.	
Post Construction						
SC10	Revegetation and Rehabilitation	<p>There is potential for the rehabilitation of land reclaimed from filling redundant sections of the rail line. The following vegetation cover is proposed for these rehabilitated areas:</p> <ul style="list-style-type: none"> Pasture (in consultation with the landholder). Approximately 1.1 ha of native vegetation similar to the floristics of Shale Hills Woodland. 	Post Construction	Not triggered	Outside audit period.	
SC11	Native vegetation rehabilitation	<p>Proposed works within the 1.1 ha native vegetation rehabilitation area :</p> <ul style="list-style-type: none"> Place logs recovered from clearing works parallel with the contour of the rehabilitated surface. 	Post Construction	Not triggered	Outside audit period.	
SC12	Biodiversity Offset	<p>Secure an offsite site or sites to be managed under effective and secure long term management through the retirement of biobanking credits (where appropriate credits are available). The nature of this offset would be determined in consultation with OEH in accordance with the NSW OEH interim policy on assessing and offsetting biodiversity impacts of Part 3A, State significant development (SSD) and State significant infrastructure (SSI) projects.</p> <p>The offset site or sites must contain sufficient ecosystem credits to match the development site credit profile unless varied by the Interim Policy. The composition of ecosystem credits would be defined by the Interim Policy and may comprise the following:</p> <ul style="list-style-type: none"> Grey Box- Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin [HN528]. Narrow-leaved Ironbark- Broad-leaved Ironbark- Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin [HN556]. <p>or alternative suitable vegetation types. The location of the offset site or sites would be determined by the guiding principles outlined in the Interim Policy. A Biodiversity Offsets Package will be prepared for approval by the Director- General DOP&I that will provide the biobanking assessment of the development and biobank sites, and recommended management and monitoring measures .</p> <p>The offset site or sites must be secured within 12 months of the approval date of the Biodiversity Offsets Package.</p>	Within 12 months of the approval date of the Biodiversity Offsets Package	Not triggered	Outside audit period.	
Visual Amenity						
SC13	Minimise and/or manage adverse visual impacts of the project during the construction phase	<ul style="list-style-type: none"> Avoid loss or damage to vegetation including the protection of trees prior to construction and/or trimming of vegetation to avoid total removal, particularly behind residences on Remembrance Driveway. Where site lighting is required, minimise light spillage to neighbouring properties Temporary hoardings, barriers, traffic management and signage would be removed when no longer required. Materials and machinery would be stored tidily during the works. Haul routes and roads providing access to the construction sites would be maintained free of dust and mud as far as reasonably practicable. Dust from construction sites would be minimised as much as possible. 	<p>Detailed design and construction</p> <p>Construction and Operation</p> <p>Construction</p> <p>Construction</p>	Not triggered	Outside audit period.	
SC14	Minimise and/or manage adverse visual impacts of the project during the operation phase	<ul style="list-style-type: none"> Prepare Landscape plan that: <ul style="list-style-type: none"> Integrates infrastructure (such as noise mitigation structures, structures, embankments/cuttings, bridges) into the surrounding environment. Includes planting of vegetation on fill batters where practicable 	Detailed design, Construction and Operation	Compliant	<ul style="list-style-type: none"> The Redbank Tunnel Rehabilitation Report by Coffey, dated Sept 2013, and the Site Audit Report - Redbank tunnel Deviation, Tahmoor, NSW for the Redbank Tunnel Deviation Project by Golder Associates, dated Sept 2013 states that the site has been returned to a condition that is consistent with the natural landscape and existing rural activity. Planting completed. Aerial Photo illustrates the planting. 	
SC15	Screening	<ul style="list-style-type: none"> Maintain screening planting following the establishment phase to provide continual/improved visual screening over time. 	Operation	Compliant	<ul style="list-style-type: none"> Planting completed. Aerial illustrates the planting and screening. 	
Traffic						
SC16	Manage the potential construction traffic impacts	<ul style="list-style-type: none"> A traffic management plan would be developed to reduce the impact of construction related traffic on the local road network 	Pre-construction and construction	Not triggered	Outside audit period.	
SC17	Undertake design and construction works in consultation with Council	<ul style="list-style-type: none"> Undertake design and construction works for the project access in Remembrance Driveway in consultation with Wollondilly Shire Council 	Pre-construction	Not triggered	Outside audit period.	
SC18	Road dilapidation survey	<ul style="list-style-type: none"> A road dilapidation survey would be undertaken prior to construction and affected roads restored post construction if required. 	Construction	Not triggered	Outside audit period.	

Ref No.:	Objective	Commitment	Timing	Compliance Status	Evidence	Recommendation
SC19	Management of construction vehicles	<ul style="list-style-type: none"> Use traffic controllers on Remembrance Driveway during periods of high activity, generally during set up and at the conclusion of construction Minimise truck movements on the local road network between 7-9 am and 3-5 pm where possible 	Construction	Not triggered	Outside audit period.	
Noise and Vibration						
SC20	Construction hours	The standard hours for construction activities associated with the Project will be 7 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturdays	Construction	Not triggered	Outside audit period.	
SC21	Correct use of tools and equipment	<p>All construction vehicles and machinery would be fitted with appropriate noise suppression devices and maintained.</p> <p>Fixed equipment (pumps, generators, compressors) would be located as far as possible from the nearest residences.</p> <p>Where possible, no plant or equipment would be left idling when operating in the vicinity of residential properties.</p>	Construction	Not triggered	Outside audit period.	
SC22	Amend and undertake work activities to minimise noise and vibration generation	<p>Practical and reasonable measure would be implemented to minimise the noise and vibration impacts of construction activities on local sensitive receivers.</p> <p>Work methods would be reviewed with a preference for quieter and non-vibration generating methods wherever possible. This is particularly important for any out-of-hours and night-time activities .</p>	Construction	Not triggered	Outside audit period.	
SC23	Pile Driving management	Pile driving control plans would be prepared if undertaken as part of the project construction activities.	Construction	Not triggered	Outside audit period.	
SC24	Inform all site workers of potential impacts	All site workers (including subcontractors and temporary workforce) would be informed of the potential for noise and vibration impacts upon local residents and encouraged to take practical and reasonable measures to minimise noise during the course of their activities.	Construction	Not triggered	Outside audit period.	
SC25	Manage movement of materials	All vehicular movements to and from the site would comply with the requirements of the appropriate regulatory authority requirements for such activities.	Construction	Not triggered	Outside audit period.	
Aboriginal Heritage						
SC26	Minimise impacts on Aboriginal heritage	<p>If feasible, impacts would be avoided to the identified Aboriginal sites Redbank Tunnel 3/A, 15/A and 35/A, and the associated area of potential for sub-surface deposits of research value at site 3/A.</p> <p>Where impacts would be avoided to the identified heritage evidence, appropriate protective measures would be implemented for those sites in close proximity to the construction works .</p> <p>If impacts cannot be avoided to the identified Aboriginal sites Redbank Tunnel3/A, 15/A and 35/A, an Aboriginal Heritage Impact Permit (AHIP) is to be gained for disturbance of this evidence, in consultation with the registered Aboriginal parties.</p> <p>As a general principle, all relevant contractors and staff engaged on the Project would receive heritage awareness training prior to commencing work on-site.</p>	<p>Construction and detailed design</p> <p>Pre-construction</p> <p>Pre-construction</p> <p>Pre-construction</p>	Not triggered	Outside audit period.	
SC27	Consultation with Aboriginal stakeholders	Where requested by the registered Aboriginal parties, these stakeholders and a qualified archaeologist would be engaged to collect an identified surface artefacts that may be subject to impacts, and implement other measures as may be identified by the Aboriginal community in order to minimise the impacts of development on the identified heritage evidence and potential deposits at site 3/A	Pre-construction	Not triggered	Outside audit period.	
SC28	Approval of Aboriginal heritage management	<p>An AHIP would be obtained for the entire impact area (where A unit soil is present) prior to the proposed works being undertaken.</p> <p>Should any previously unrecorded Aboriginal sites or objects be detected prior to or during the course of development which are not covered by an AHIP, work in the immediate vicinity of those objects would need to promptly cease and the finds be reported to OEH and advice sought as to the appropriate course of action.</p>	Construction	Not triggered	Outside audit period.	
SC29	Management of skeletal remains	If human skeletal remains are identified, work would stop immediately and the appropriate authorities, including the Police and OEH, would be notified. If impacts cannot be avoided , an AHIP is required prior to any impacts occurring.	Construction	Not triggered	Outside audit period.	
Non - Aboriginal Heritage						
SC30	Management of heritage structures	<p>Protective Measures would be installed at Culverts Nos. 1 and 2.</p> <p>Prior to the filling or removal of Redbank Tunnel, a photographic archival recording of the tunnel would be made in accordance with guidelines established by the Heritage Office</p>	<p>Pre-construction</p> <p>Pre-construction</p>	Not triggered	Outside audit period.	
SC31	Management of previously undiscovered artefacts	In accordance with Section 146 of the Heritage Act 1977 the accidental discovery of relics, other than those discussed in this report, would be reported immediately to the Heritage Council.	Construction	Not triggered	Outside audit period.	
SC32	Management of heritage structures	Measures would be implemented along the Redbank Tunnel deviation to lessen the visual impact of the new rail deviation on the rural heritage landscape and, in particular, views to and from Tahmoor House. Such measures would include screens of natural vegetation in keeping with existing corridors of natural vegetation along Myrtle and Redbank Creeks and the existing railway line as well as the use of sound walls and mounds.	Post Construction	Compliant	<p>No changes since 2017 audit</p> <p>* The Redbank Tunnel Rehabilitation Report by Coffey, dated Sept 2013, and the Site Audit Report - Redbank tunnel Deviation, Tahmoor, NSW for the Redbank Tunnel Deviation Project by Golder Associates, dated Sept 2013 states that the site has been returned to a condition that is consistent with the natural landscape and existing rural activity.</p> <p>* Planting completed.</p> <p>* Aerial photo illustrates planting and screening.</p>	

Ref No.:	Objective	Commitment	Timing	Compliance Status	Evidence	Recommendation
Air Quality						
SC33	Minimise dust generation and adverse air quality impacts during construction phase	<p>Construction traffic would be controlled by designating specific routes for haulage and access. Vehicle speeds on unsealed surfaces would be limited to 40 km/hr with a further restriction of 20 km/hr when within 100 m of a site exit/entry point.</p> <p>All trucks hauling dirt, sand, soil or other loose materials to and from the construction site would be covered when travelling on public roads.</p> <p>Wheel wash units or rumble pads would be installed where required. Wash-off equipment for trucks and any equipment would be available for any vehicles leaving the site to remove excessive dirt, mud or debris from tyres and other under surfaces. Material spillage on sealed roads would be cleaned up as soon as possible.</p> <p>All construction vehicles, mobile plant and machinery would be maintained and operated to minimise exhaust emissions.</p> <p>A line of communication would be established between the construction contractor and the local community prior to the start of construction as part of a community consultation process. All complaints lodged by nearby residents would be recorded on a complaints register, which would also document the investigation into the source of the emission giving rise to the complaint, as well as any corrective actions taken to rectify the cause of complaint.</p>	<p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p>	Not triggered	Outside audit period.	
Contamination						
SC34	Develop and implement potentially contaminated material management procedures	The CEMP for the proposed works would detail appropriate procedures for the handling, stockpiling and assessment of potentially contaminated fill and ballast materials during the works	Pre-Construction	Not triggered	Outside audit period.	
Surface water						
SC35	Minimise water quality decline	<p>Temporary and permanent sediment and erosion control measures to be established, in accordance with a Spoil and Fill Management Plan (SFMP) as part of the Construction Environmental Management Plan (CEMP).</p> <p>Both the SFMP and the CEMP would include details of the proposed control measures, where and how the measures are to be applied, as well as a response plan and monitoring.</p>	Pre-construction and Construction	Not triggered	Outside audit period.	
SC36	Minimise the impact of excavation, storage and placement of material on the surface and groundwater systems during construction	<ul style="list-style-type: none"> • Minimise area of disturbance. • Land adjacent to waterways to remain undisturbed for as long as possible. • Temporary catch and diversion drains to divert runoff from upslope land and reduce erosion hazard . • Temporary diversions would outlet to stable discharge areas with additional protection as necessary. • Progressively revegetate disturbed areas to encourage infiltration . • Direct sediment laden runoff through a sediment trap or basin to minimise discharge of pollutants to downstream environment. • Direct smaller volumes of sediment laden runoff to sediment filters such as straw bale filters and sediment fences. • Locate stockpiles clear of flood prone areas, stream banks, channels and stormwater drainage areas. • Stabilise stockpiles that are to be in place for longer than 10 days. • Divert flows around stockpiles by bunds/diversion drains. • Place sediment fences downstream to capture sediment and minimise sediment discharge to downstream environment. 	<p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p> <p>Construction</p>	Not triggered	Outside audit period.	
SC37	Permanent sediment and erosion control measures	<ul style="list-style-type: none"> • Permanent catch and diversion drains to divert runoff from upslope land and reduce erosion hazard to be installed. • Establish permanent diversions to outlet to stable discharge areas with protection as necessary. Revegetate disturbed areas to encourage infiltration. • Locate permanent areas of fill emplacement clear of flood prone areas, stream banks, channels and stormwater drainage areas. <p>Install scour protection to structures and embankments as necessary.</p> <ul style="list-style-type: none"> • Provide permanent diversion of flows around fill emplacement areas and quarries by bunds/diversion drains. • Permanent areas of fill emplacement to have maximum batter slopes engineered for the purpose and stabilised by vegetation. 	Operation	Compliant	<p>No changes since 2017 audit</p> <p>According to the Site Audit Report - Redbank Tunnel Deviation, Tahmoor, NSW for the Redbank Tunnel Deviation Project by Golder Associates, dated Sept 2013 culverts have been installed to handle drainage.</p> <ul style="list-style-type: none"> • Fill was imported into the area. • According to 2014 AEMR further work was undertaken to undertaken to stabilise slopes by reshaping south western batters. 	

Ref No.:	Objective	Commitment	Timing	Compliance Status	Evidence	Recommendation
SC38	Emergency Response Plan and Spill Containment	<p>Develop an Emergency Response Plan, as a component of the SFMP that would address the steps required in the event that the capacities of sediment control measure were exceeded.</p> <p>During construction, refuelling of plan and machinery would be undertaken either by fuel trucks with spill trays or within bunded areas or off-site in appropriate locations wherever possible and, where topography and track elevations allow, consideration be given to the provision of a secondary containment measure to limit the discharge of spills to waterways.</p>	Construction	Not triggered	Outside audit period.	
SC39	Revegetation	<p>Primary revegetation would be focused on quickly minimising the likelihood of erosion of recently disturbed areas using species that provide rapid groundcover. Following this a second revegetation phase would be undertaken that provides a permanent method of surface stabilisation.</p> <p>Where the first phase of the revegetation cannot be completed for practical reasons the use of mulch or a rolled erosion control product would be used.</p>	Construction	Not triggered	Outside audit period.	
SC40	Surface Water monitoring	<p>A surface water monitoring program would be established prior to commencement of construction.</p> <p>During construction, a surface water monitoring program would be maintained at each of the previously monitored waterways as part of the CEMP</p> <p>Any seepage of water from the rock cutting would be tested prior to discharge to the environment.</p>	Pre-construction and construction	Not triggered	Outside audit period.	
SC41	Minimise impacts to waterways	<p>Disturbance of waterways as a result of construction activities would require suitable protection and rehabilitation works to minimise these impacts. These could include silt fences and sediment traps</p> <p>Rock beaching would be provided to protect and stabilise the bed and banks of watercourses from erosion and to minimise the velocity of stormwater flows</p>	<p>Construction</p> <p>Operation</p>	Compliant	<p>* CEMP.</p> <p>* Monitoring during construction and monitoring of creeks as part of subsidence management.</p> <p>* Testing of water in Myrtle Creek when water in the creek.</p> <p>* Monitoring during construction and operations.</p> <p>* ARTC now manage the area.</p>	
SC42	Minimise blockage of low flows	Where practicable, diversion of flows around the work area (up to the 2 year ART) would occur .	Construction	Not triggered	Outside audit period.	
SC44	Appropriate design of causeways	<p>Where required, either a bed level crossing through the invert of the waterway or a low level crossing with low flow culverts beneath to allow base flows to be conveyed, would be provided .</p> <p>Temporary crossings would also include a lower section for higher flows to pass with culverts extending beyond the toe of fill embankments . These crossings would be removed when not required, and the waterway rehabilitated.</p>	Construction	Not triggered	Outside audit period.	
SC45	Prevent pollution of creeks	Closely associated with the mitigation against water quality decline and increases in scour, the placement of fill would be completed in a manner that would not result in the pollution of Myrtle or Redbank creeks.	Construction	Not triggered	Outside audit period.	
SC46	Minimise impacts to surface water	A Surface Water Management Plan (SWMP) would be prepared that would include all measures provided in SC34-SC44. The SWMP would be prepared to the satisfaction of the NOW prior to commencement of construction.	Pre-Construction	Not triggered	Outside audit period.	
SC47	Minimise impacts to groundwater	A Groundwater Management Plan would be prepared that would detail the response to the interception of groundwater, including licensing arrangements and proposed methods of disposal for the intercepted groundwater. The SWMP would be prepared to the satisfaction of the NOW prior to commencement of construction.	Pre-Construction	Not triggered	Outside audit period.	
Greenhouse Gas Emissions						
SC48	Reduce impacts of greenhouse gases	Use Biodiesel blends (diesel that has a percentage of the fuel replaced with biodiesel) for construction vehicle use where practicable.	Construction	Not triggered	Outside audit period.	
SC49	Mitigate against subsidence	<p>Prevent the collapse of the Redbank Tunnel void by filling the tunnel</p> <p>Monitoring of rail track condition to be undertaken in accordance with the Subsidence Management Plan to be prepared for Longwalls 27-30.</p> <p>Monitoring of Subsidence in Area 3 if required, to be undertaken in accordance with the Subsidence Management Plan to be prepared for longwalls 27-30.</p>	Pre-construction, Construction and Operation	Compliant	<p>* Tunnel filled. Photographic evidence provided.</p> <p>* Rail track managed and monitored.</p> <p>* Monitoring undertaken in accordance with SMP.</p> <p>* Area 3 covers LW 26 and LW 27. Monitoring is completed as per the SMP for LW26 (dated September 2011) and LW27 to LW30 SMP.</p>	

Ref No.:	Objective	Commitment	Timing	Compliance Status	Evidence	Recommendation
Waste Management						
SC50	Manage Waste appropriately	<ul style="list-style-type: none"> • Excavated material would, wherever possible, be re-used on site, although some material may require offsite disposal. • Topsoil would be reused in revegetation and rehabilitation of cleared areas. • Where practical, vegetative matter, not including weeds, would be chipped and reused on-site. Logs and tree limbs suitable for habitat and or fauna refuge would be collected during clearing and placed in a location identified as suitable. • Any green waste containing weeds would be stockpiled separately and appropriately and would be disposed of at appropriate waste management facilities. • Demolition waste materials would be recycled and/or reused on site, or transported to an approved recycling or waste management facility, as appropriate. • Construction materials would be sourced and ordered in appropriate quantities to avoid the creation of excess waste, recycled and/or reused on site or on other projects where possible, or transported to an approved recycling facility . • Suitable waste bins/receptacles would be provided throughout the work site to capture all waste streams. • Separate containers would be provided for recyclable and non-recyclable materials. These materials would be transported to an approved recycling or waste management facility, as appropriate. • Waste would be transported from the site when storage facilities are filled. The waste storage area would be kept tidy and well maintained. • Liquid waste such as chemicals, fuel and lubricants, and their containers, would be disposed of in accordance with the requirements of the Waste Classification Guidelines Part 1: Classifying Waste (Department of Environment, Climate Change and Water 2009). 	Pre-construction, construction	<div style="background-color: #cccccc; padding: 5px; text-align: center;">Not triggered</div>	Outside audit period.	
		<ul style="list-style-type: none"> • Portable toilet facilities would be installed on site and emptied periodically by an approved contractor. • The use of packaging materials would be minimised and where possible packaging products would be returned. • A regular site clean-up would be undertaken as required and general site waste would be managed in accordance with the waste reduction hierarchy of avoidance, reduce, re- use and recycle. • Site spill clean-up material (spill kits) would be available for both fuels and chemicals. • Suitable containment and absorbent products would be stored on site in a readily accessible location. • All emergency contacts would be provided in the CEMP. 		<div style="background-color: #cccccc; padding: 5px; text-align: center;">Not triggered</div>		

APPENDIX D

Site Photos



Photo 1 Cleanout works between Dam M4 and LDP 1. Erosion and sediment controls recommended prior to revegetation and stabilisation



Photo 2 As photo 1



Photo 3 Real time turbidity monitor installed in M4 following April 2020 incident



Photo 4 Appropriate bunding of diesel fuel area. However, some hydrocarbon staining evident. Recommend clean up



Photo 5 Limited vegetation establishment and ground cover success on REA rehabilitation area.



Photo 6 Limited vegetation establishment and ground cover success on REA rehabilitation area.



Photo 7 Minimal evidence of active erosion in REA batters



Photo 8 Unsuccessful vegetation establishment on the eastern slopes of the REA



Photo 9 Unsuccessful vegetation establishment on the eastern slopes of the REA



Photo 10 Successful implementation of rock armoured contour banks



Photo 11 Successful implementation of rock armoured contour banks



Photo 12 Some evidence of erosion in contour bank without rock armour



Photo 13 Remaining topsoil stockpile >3m



Photo 14 No cover vegetation on topsoil stockpile. Recommend seeding



Photo 15 Photo 16 No cover vegetation on topsoil stockpile. Recommend seeding



Photo 17 Successful old rehabilitation area immediately adjacent to recent area with no vegetation establishment success



Photo 18 Limited vegetation establishment on eastern slopes of REA



Photo 19 Creek CMAP works compound. Appropriate erosion and sediment controls in place



Photo 20 Successful implementation of CMAP



Photo 21 Vegetation clearing for CMAP implementation. Recommend safety bunting to deter access to the cliff line until vegetation is reestablished



Photo 22 Evidence of weeds at the pit top



Photo 23 Appropriate banded oil storage. Spill kit in place



Photo 24 Erosion in batters adjacent to LDP1. Repair recommended



Photo 25 Erosion in batters adjacent to LDP1. Repair recommended



Photo 26 Erosion between Water Treatment Plant and LDP1 following damage to sediment controls in bushfires. Repair recommended

APPENDIX E

Audit Certification Form

Development Name	Tahmoor Coal Mine
Development Consent No.	DA 67/98, DA 57/93 and DC 1975
Description of Development	Coking Coal Operations Mining Operation
Development Address	Remembrance Driveway Old Hume Hwy, Tahmoor, NSW, 2573
Operator	Tahmoor Coal Pty Ltd
Operator Address	Remembrance Driveway Old Hume Hwy, Tahmoor, NSW, 2573
Title of Audit	Independent Environmental Audit 2020 – Tahmoor Coal

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; and

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.

Note.

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.

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).

Signature



Name of Lead / Principal Auditor	Nathan Archer
Address	10 Kings Road, New Lambton NSW 2305, Australia
Email Address	narcher@slrconsulting.com
Auditor Certification (if relevant)	Certified Exemplar Global Lead Auditor (#133601)
Date:	11 January 2021

ASIA PACIFIC OFFICES

BRISBANE

Level 2, 15 Astor Terrace
Spring Hill QLD 4000
Australia
T: +61 7 3858 4800
F: +61 7 3858 4801

CANBERRA

GPO 410
Canberra ACT 2600
Australia
T: +61 2 6287 0800
F: +61 2 9427 8200

DARWIN

Unit 5, 21 Parap Road
Parap NT 0820
Australia
T: +61 8 8998 0100
F: +61 8 9370 0101

GOLD COAST

Level 2, 194 Varsity Parade
Varsity Lakes QLD 4227
Australia
M: +61 438 763 516

MACKAY

21 River Street
Mackay QLD 4740
Australia
T: +61 7 3181 3300

MELBOURNE

Level 11, 176 Wellington Parade
East Melbourne VIC 3002
Australia
T: +61 3 9249 9400
F: +61 3 9249 9499

NEWCASTLE

10 Kings Road
New Lambton NSW 2305
Australia
T: +61 2 4037 3200
F: +61 2 4037 3201

NEWCASTLE CBD

Suite 2B, 125 Bull Street
Newcastle West NSW 2302
Australia
T: +61 2 4940 0442

PERTH

Ground Floor, 503 Murray Street
Perth WA 6000
Australia
T: +61 8 9422 5900
F: +61 8 9422 5901

SYDNEY

Tenancy 202 Submarine School
Sub Base Platypus
120 High Street
North Sydney NSW 2060
Australia
T: +61 2 9427 8100
F: +61 2 9427 8200

TOWNSVILLE

12 Cannan Street
South Townsville QLD 4810
Australia
T: +61 7 4722 8000
F: +61 7 4722 8001

WOLLONGONG

Level 1, The Central Building
UoW Innovation Campus
North Wollongong NSW 2500
Australia
T: +61 2 4249 1000

AUCKLAND

Level 4, 12 O'Connell Street
Auckland 1010
New Zealand
T: 0800 757 695

NELSON

6/A Cambridge Street
Richmond, Nelson 7020
New Zealand
T: +64 274 898 628