



Tahmoor South Project

Independent Audit 2022

SSD 8445 MOD 1

Prepared for:

Tahmoor Coal Pty Ltd
September 2022

PREPARED BY:



Integrated Environmental Management Australia Pty Ltd

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DOCUMENT CONTROL

Reference	Date	Prepared	Authorised
SIM01-001_R01 v0.1	2 September 2022	Jill Johnson/Nathan Archer	Draft for site review
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1. INTRODUCTION

1.1. Background

The Tahmoor South Project (Tahmoor South, the Site) is located at 2975 Remembrance Driveway, Tahmoor New South Wales (NSW), 2573. Tahmoor South construction commenced on 16 May 2022, with the upgrade of the intersections of Remembrance Driveway and the Mine Access Road and Remembrance Driveway and Olive Lane.

The Site was approved by a delegate for the Minister for Planning and Public Spaces under SSD 8445 on 23 April 2021. A modification for extension of time to commission the water treatment plant (SSD 8445 MOD 1, the Approval) was approved on the 19 July 2022.

Condition E15 of the Approval requires Tahmoor Coal Pty Ltd (Tahmoor Coal) to undertake Independent Audits (IAs) in accordance with the *Independent Audit Post Approval Requirements* (DPIE, 2020) (the Independent Audit PAR).

1.2. Audit Team

The audit was undertaken by the audit team presented in **Table 1**. The lead auditor, Nathan Archer, is certified as a Lead Environmental Auditor by Exemplar Global (Certification No. 133601), as is Jill Johnson (Certification No. C-425940). The audit team was endorsed by the Department of Planning and Environment (DPE) on 11 July 2022 as per the approval letter attached as **Appendix A**.

Table 1 – Audit Team

Name	Position	Experience
Nathan Archer BSc M Env Mgt Certified Exemplar Global Lead Auditor (#133601)	IEMA Principal Consultant Lead Environmental Auditor	Nathan is a Principal Environmental Consultant with Integrated Environmental Management Australia (IEMA) and has over fifteen years' industry and environmental consulting experience. Nathan is accredited through Exemplar Global as a Lead Auditor and has undertaken a range of environmental auditing projects including EMS auditing, compliance auditing and specialist noise auditing. Nathan has completed numerous environmental audits over several different fields in infrastructure, power, waste management, intensive agriculture, mining and quarrying. Nathan has been approved as an Auditor and noise specialist by the DPE on numerous audits. Nathan is the Lead Environmental Auditor.
Jill Johnson B Nat Res (Hons) Certified Exemplar Global Lead Auditor (#C-425940)	IEMA Associate Consultant Assistant Auditor	Jill is an Associate Consultant with IEMA and has over 15 years' environmental experience, predominately within the mining industry. Jill has significant experience in mine closure planning and execution, estimation of rehabilitation liabilities, regulatory approvals and associated compliance and reporting requirements, environmental management systems, stakeholder engagement as well as the general 'day-to-day' requirements of operations. Jill has completed Lead Auditor in Environmental Management Systems training and is accredited through Exemplar Global as a Lead Auditor.

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

Table 2 – Contact Details for Key Personnel

Name	Role	Email
Zina Ainsworth	Manager Environment and Community (SIMEC Mining)	zina.ainsworth@simecgfg.com
Thomas O'Brien	Environmental Specialist (SIMEC Mining)	thomas.obrien@simecgfg.com

1.3. Audit Objectives

The objectives of the IA are to, where applicable:

- Assess compliance with SSD 8445 MOD 1 Conditions of Approval;
- Assess the environmental performance of the construction activities of the Tahmoor South Project;
- Assess the effects of the construction activities on the surrounding environment, including the community;
- Review the adequacy of any document required under SSD 8445 MOD 1;
- Recommend measures or actions to improve the environmental performance; and
- Recommend improvements to any document required under the Conditions of Approval.

1.4. Audit Scope

The IA covers the construction activities from the period from 16 May 2022 (commencement of construction) to the date of the IA site inspection (10 August 2022). The scope of the IA is limited to the construction requirements of SSD 8445 MOD 1. Operational requirements have not yet been triggered.

The IA requirements of all other Tahmoor project approvals, lease and licences will remain on the existing 3-yearly IA schedule with the next IA to be undertaken in 2023.

The physical boundaries of the audit are defined by the SSD 8445 MOD 1 area, which is outlined in **Figure 1**.

1.5. Audit Submission

The IA Report and the proponent's response to the audit findings is required to be submitted to the Department no later than 2 months after undertaking the IA site inspection.

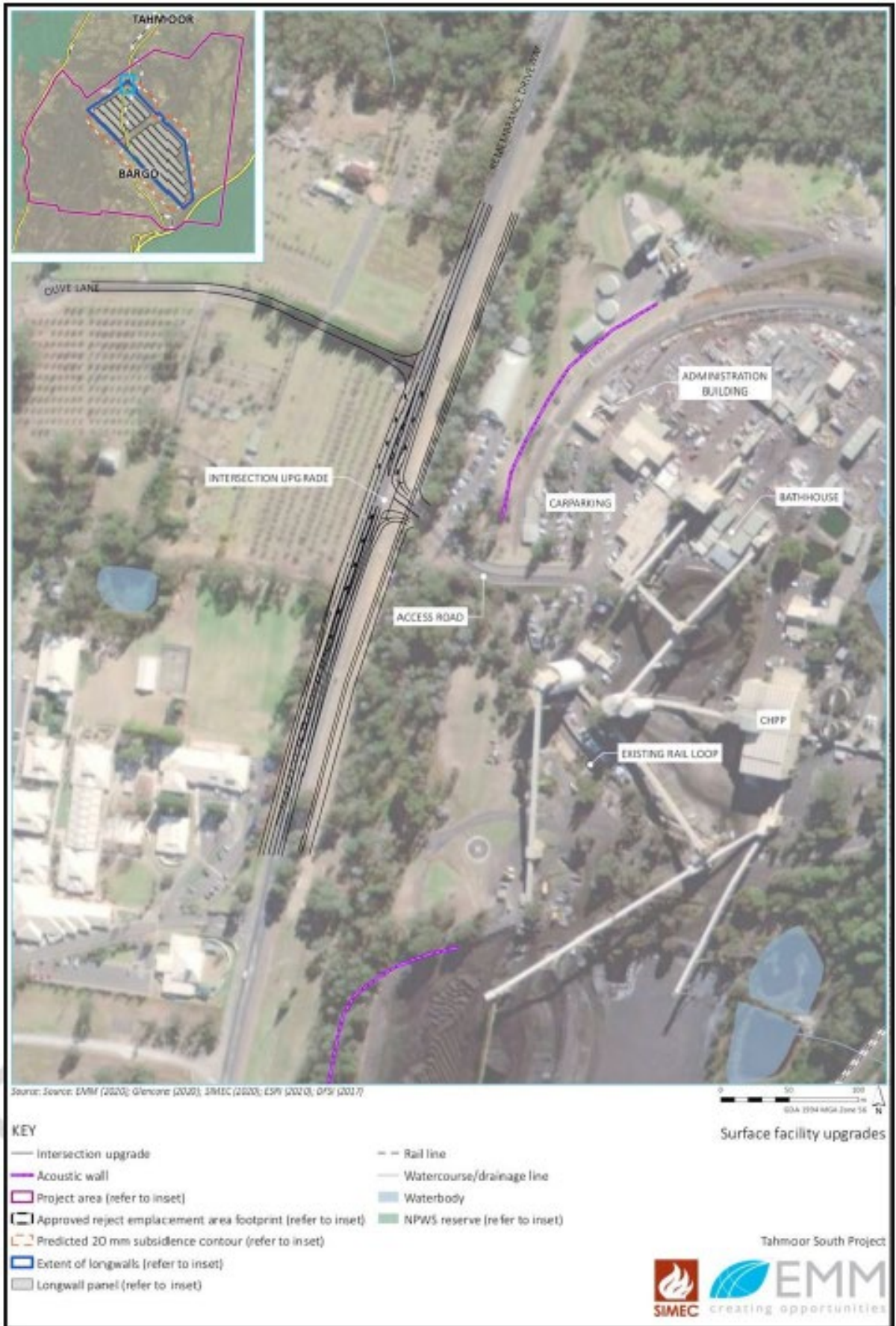


Figure 1 - Tahmoor South Project Approval Boundary and Surface Facilities

2. AUDIT METHODOLOGY

2.1. Selection and Endorsement of Audit Team

The audit team presented in **Section 1.2** was endorsed by DPE on 11 July 2022 as per the approval letter attached as **Appendix A**. IEMA confirm that the audit team is independent of the development as defined under Section 3.1.2 of the Independent Audit PAR.

2.2. Audit Scope Development

The audit compliance tables presented in **Appendix C** were prepared to document all conditions to be assessed as part of this audit.

2.3. Audit Methodology and Compliance Evaluation

The audit was undertaken on site by Nathan Archer (Lead Auditor) and Jill Johnson (Assistant Auditor) of IEMA, with the site component completed on 10 August 2022.

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

- Introductory and close out meetings;
- Reviewing key documents provided by Tahmoor Coal and sourced via the website prior to the audit;
- Consultation with relevant government agencies as per the audit requirements prior to the site component;
- Preparation of draft Audit Protocols and requests for information provided to Tahmoor Coal prior to the site audit;
- Site component of the audit on 10 August 2022 including inspections and interviews 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 PAR.

2.4. Site Interviews and Inspection

2.4.1. Introductory and Close Out Meetings

An opening meeting was undertaken on 10 August 2022 prior to the site inspection. The opening meeting provided the opportunity to outline the audit process, methodology and scope, review the schedule and introduce key personnel responsible for environmental management at the site. Tahmoor Coal provided an overview of the site, history, operations and incidents during the audit period.

A close out meeting was held on 10 August 2022 following the site inspection to discuss initial observations and recommendations as well as the process for completion and submission of the audit. The attendees of the meetings are listed in **Table 3**.

Table 3 – Meeting Attendees

Personnel	Role	Comment
Nathan Archer	Lead Auditor (IEMA)	Present at both meetings and site inspection
Jill Johnson	Assistant Auditor (IEMA)	Present at both meetings and site inspection
Zina Ainsworth	Manager Environment and Community (SIMEC Mining)	Present at both meetings and site inspection
Tom O'Brien	Environmental Specialist (SIMEC Mining)	Present at both meetings (online)
Lou Lingurovski	Project Manager Surface Infrastructure (SIMEC Mining)	Present at both meetings and site inspection
Chris Huck	Construction Coordinator (SIMEC Mining)	Present at opening meeting and site inspection
Natalie Brumby	Environmental Officer (SIMEC Mining)	Present at opening meeting

2.4.2. Site Inspections and Interviews

The site component of the audit was undertaken on 10 August 2022 including an inspection and interviews with key Tahmoor Coal personnel. The site inspection was undertaken by Nathan Archer (Lead Auditor) and Jill Johnson (Assistant Auditor) accompanied by Zina Ainsworth (Manager Environment and Community – SIMEC Mining), Lou Lingurovski (Project Manager Surface Infrastructure – SIMEC Mining) and Chris Huck (Construction Coordinator - SIMEC Mining).

The site inspection was limited to the upgrade of the Remembrance Driveway intersection, being the focus of the IA.

Information obtained during the interviews conducted, whilst on site, 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**.

2.4.3. Document Review

Information was provided by Tahmoor Coal prior to, during and following the audit. IEMA also sourced information from the Tahmoor Coal website:

<http://www.simec.com/mining/tahmoor-coal-pty-ltd/>

A large amount of information 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.

2.5. Consultation

2.5.1. Summary of Consultation

Table 4 outlines the stakeholder consultation completed for IA, undertaken in accordance Independent Audit PAR.

Table 4 – Summary of Consultation

Stakeholder	Contact Details	Response
Department of Planning and Environment	Georgia Dragicevic – Senior Compliance Officer T: 02 4247 1852 E: georgia.dragicevic@planning.nsw.gov.au	Emailed received 27 July 2022 requesting that the audit consider the management of noise, dust, operating hours, truck movements, erosion and sediment, including dirt tracking onto public roads, community consultation and complaints management including complaints register.
Wollondilly Shire Council	Kerry Whitehead – Manager Works E: kerry.whitehead@wollondilly.nsw.gov.au	Email received 18 July 2022 enquiring why the audit was restricted to the road upgrade. Clarification was provided, and acknowledged, with no comments received specifically related to the audit scope.
NSW Resources Regulator	Jenny Ehmsen – Principal Compliance Auditor T: 02 4063 6443 M: 0438 735 010 E: nswresourcesregulator@service-now.com	Letter received 26 July 2022 advising that as the audit relates to construction of the project and does not include any mining operations, the Regulator has no specific requirements for the audit. Copy of the final audit report requested.
Environment Protection Authority (EPA)	Andrew Couldridge – Head Regional Operations Unit T: 02 6773 7000 E: andrew.couldridge@epa.nsw.gov.au	Email received 18 July 2022 advising that the scope of the audit is considered to provide a good basis for assessment of compliance and environmental performance at the Site so far. Reference made to the NSW EPA Public Register for information on regulatory matters pertaining to the Site.
Community Consultative Committee (CCC) Chairperson	Michael Munston Munston & Associates gem@1earth.net	Call received from Michael Munston on 21 July 2022 advising that the CCC would not be meeting until after the audit and that he would circulate to members and advise any feedback. He did not have any specific issues to raise, and no further correspondence was received.

2.6. Compliance Status Descriptors

In accordance with the Independent Audit PAR, the terms used in the audit to describe compliance of the site with the relevant approval documentation are outlined in **Table 5**.

Table 5 – Compliance Status Descriptors

Assessment Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that had not been met during the temporal scope of the audit being undertaken, therefore an assessment of compliance is not relevant.
Note	A statement or fact, where no assessment of compliance is required.

3. AUDIT FINDINGS

3.1. Approvals and Documentation Assessed

The following approvals and documents have been assessed as part of this IA:

- SSD 8445 MOD 1;
- Management plans required under SSD 8445 MOD 1 (as relevant to construction activities), including:
 - Air Quality and Greenhouse Gas Management Plan (AQGHGMP);
 - Biodiversity Management Plan (BioMP);
 - Bushfire Management Plan (BMP);
 - Environmental Management Strategy (EMS);
 - Extraction Plan (EP);
 - Noise Management Plan (NMP);
 - Rehabilitation Management Plan (RMP);
 - Social Impact Management Plan (SIMP);
 - Surface Spontaneous Combustion Management Plan (SSCMP);
 - Traffic Management Plan (TMP); and
 - Water Management Plan (WMP), including a Groundwater Management Plan (GMP), Surface Water Management Plan (SWMP) and Erosion and Sediment Control Plan (ESCP).
- Construction Environmental Management Plan – Intersection Upgrade (CEMP).

3.2. Summary of Assessment of Compliance

Appendix C presents the detailed Assessment of Compliance against the conditions of SSD 8445 MOD 1.

Table 6 presents a summary of the findings of this audit in relation to the conditions of SSD 8445 MOD 1.

Table 6 – Summary Table of Compliance with SSD 8445 MOD 1

Compliance Status	SSD 8445 MOD 1	Percentage of total conditions	Percentage of assessed conditions
Compliant	55	32%	95%
Non-Compliant	3	2%	5%
Not Triggered	102	60%	-
Note	10	6%	-
Total conditions	170	100%	-
Total assessed conditions (excluding not triggered and notes)	58	-	100%

Overall, 170 conditions were identified; of these 102 (60%) were not triggered during the audit period, and 10 (6%) were a note for information. Of the 58 remaining audited conditions 55 (95%) were compliant and 3 (5%) were assessed as non-compliant. The non-compliances are summarised in **Section 3.3**.

3.3. Summary of Non-Compliances

Table 7 summarises the non-compliances identified against the conditions of SSD 8445 MOD 1, along with relevant comments and recommendations. It is noted that only the non-compliant aspect of each condition is listed in **Table 7**, the complete assessment of the overall condition is included in **Appendix C**.

Table 7 – Summary of Non-Compliances

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC1	A2	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS; and (d) generally in accordance with the Development Layout in Appendix 2.	Non-compliant	Based on the findings of this audit, the development has generally been carried out in accordance with the requirements of this condition with the exception of the identified non-compliances below.	Refer to recommendations below.

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC2	B48	<p>The Applicant must:</p> <p>(a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development;</p> <p>(b) classify all waste in accordance with the Waste Classification Guidelines (EPA, 2014);</p> <p>(c) dispose of all waste at appropriately licensed waste facilities or as permitted in an applicable EPL;</p> <p>(d) manage on-site sewage treatment and disposal in accordance with the requirements of EPA and Council; and</p> <p>(e) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E13.</p>	Non-compliant	<p>(a) Site personnel advised during the site inspection that minimal waste was generated by road construction. Waste receipts were requested by the Auditor but not provided.</p> <p>(b) no evidence of waste from road construction being classified.</p> <p>(c) non-compliant based on legal advice provided to Tahmoor Coal (refer below);</p> <p>(d) not triggered</p> <p>(e) not triggered</p> <p>Based on site communications asphalt and road base were used on the mine site to resurface roads around the stockpiles at the CHPP. On this basis, the use of the excavated public road material from the road upgrade on the mine site was considered by the Auditor to be a potential non-compliance with this approval condition and also possibly a non-compliance with EPL 1839 and the Protection of the Environment Operations (Waste) Regulation 2014, and recommended that Tahmoor Coal seek legal advice on the matter.</p> <p>Tahmoor Coal provided the following advice that they subsequently received:</p> <p><i>Tahmoor Coal does not consider that it has breached the Protection of the Environment Operations Act 1997, nor any subordinate legislation including the Protection of the Environment Operations (Waste) Regulation 2014.</i></p> <p><i>The asphalt and road base material that was applied onsite at Tahmoor Coal from less than 200 tonnes of building and demolition waste. Being less than 200 tonnes, clause 39 of Schedule 1 of the POEO Act does not apply such as to deem the activity a schedule activity, and hence there is no contravention of s48 of the POEO Act and an EPL is not required.</i></p> <p><i>We note that paragraph (c) of condition B48 does not address the situation where an EPL is not required for the disposal of waste. Whilst Tahmoor Coal's activities may technically not comply with paragraph (c) of condition B48 for this reason, we intend to explain this situation to the Planning Secretary and seek a direction that any references in the Development Consent to complying with an applicable EPL will be deemed to include permission to conduct an activity if an EPL is not required for such activity.</i></p>	NC Rec 1: Explain the situation in relation to Condition B48 (c) to the Planning Secretary and the EPA and seek a direction that any references in the Development Consent to complying with an applicable EPL will be deemed to include permission to conduct an activity if an EPL is not required for such activity.

NC#	Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendation
NC3	E15	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).	Non-compliant	<p>This audit has been undertaken in accordance with the requirements of the IA PAR (2020). It was understood by the auditor that the audit was required to be undertaken by 16 August 2022. The audit was scheduled and undertaken on 10 August 2022 which was understood to be within the required period.</p> <p>During the preparation of the audit report it was identified that the required 12 week period following commencement of construction on 16 May 2022 ended on 8 August 2022, thus the site inspection was undertaken 2 days outside of the 12 week period. Tahmoor Coal has advised that they interpreted the wording of "12 weeks" as "3 months". This is considered to be a minor and administrative non-compliance.</p> <p>The audit report is required to be submitted within 2 months of the site inspection and will be submitted with a response to recommendations prior to 10 October 2022.</p>	No further recommendations.

3.4. Previous Audit Recommendations

As this is the first IA undertaken for the Tahmoor South Project, there are no previous audit recommendations.

3.5. Adequacy of Management Plans and Programs

Assessment of adequacy of management plans and programs during the audit was limited to the requirements to prepare managements plans (including due date and content) and their applicability to the road upgrade construction activities only.

The compliance assessment is presented in the audit tables in **Appendix C**. Identified non-compliances and recommendations are listed in **Section 3.3**.

3.6. Comparison Against EA Predictions

The predictions made in the Environmental Impact Statement for the Tahmoor South Project generally focused on major construction activities (such as the ventilation shafts) and operations, which are outside the scope of this audit. A comparison against prediction is, therefore, not considered necessary at this stage.

3.7. Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

Based on site communications and documentation provided during the audit process no agency notices, orders, penalty notices or prosecutions were received during the audit period.

3.8. Complaints

Based on site communications and documentation provided during the audit process, no complaints were received during the audit period.

3.9. Incident/Non-Compliance Management

There were no environmental incidents or non-compliances recorded or reported by Tahmoor Coal during the audit period.

3.10. Key Strengths of the Development's Environmental Management and Performance

During the audit, it was evident that the construction activities associated with the Remembrance Drive upgrade were generally undertaken in a responsible manner generally in accordance with the SSD 8445 MOD 1 and the relevant environmental management plans, where applicable. Key strengths of the Site's environmental management and performance, as relevant to the construction activities that were audited, are summarised as follows:

- A thorough appreciation of the environmental matters relevant to the construction activities undertaken and appropriate environmental management measures demonstrated through site interviews.
- A genuine interest in completing the construction activities in a timely manner and to a high standard.
- Effective communication with the community and affected neighbours with a clear intent to communicate expected disruptions and to minimise disruptions as much as possible.
- Effective environmental controls implemented to minimise and manage erosion and sedimentation issues.

4. RECOMMENDATIONS AND OPPORTUNITIES FOR IMPROVEMENT

Table 8 consolidates all the recommended actions of this audit as listed in **Table 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.

It is noted that construction associated with the road upgrade has now been completed. Where recommendations have been made to address non-compliances or for improvements these should be considered and addressed in the context of future construction activities and operations, as appropriate.

Table 8 – Audit Recommendations

Rec #.	Aspect	Recommendation
Non-compliance recommendations		
NC REC 1	Waste	Explain the situation in relation to Condition B48 (c) to the Planning Secretary and the EPA and seek a direction that any references in the Development Consent to complying with an applicable EPL will be deemed to include permission to conduct an activity if an EPL is not required for such activity.
Improvement Recommendations		
Improvement REC 1	Operation of plant and equipment	Ensure that contractors maintain appropriate records during future activities.
Improvement REC 2	Waste	Liaise with the EPA to confirm Tahmoor Coal's interpretation of the requirements of condition B49 as it relates to import of road upgrade materials to the Site.
Improvement REC 3	Transport	Seek clarification from DPE on the definition of laden trucks.
Improvement REC 4	Access to information	Remove the link to the Department's Major Projects website for the EIS and provide the EIS itself on the Tahmoor Coal website. Remove hyperlink to former Tahmoor South website and ensure any relevant information on that website is transferred to the new website. Consider implementing a recurring trigger in the site's compliance management system to ensure the website content is kept up to date.

5. CONCLUSION

IEMA was commissioned by Tahmoor Coal to undertake an Independent Audit (IA) for the Tahmoor South Project to satisfy condition E15 of SSD 8445 MOD 1. This IA has been completed in accordance with the Independent Audit PAR.

The IEA has assessed compliance with the key approvals and documentation, including:

- SSD 8445 MOD 1;
- Key management plans and post approval documents required under SSD 8445 MOD 1.

The site component of the IA was undertaken on 10 August 2022, with IEMA being supplied additional documentation and information as requested following the site inspection.

Overall, 170 conditions were identified; of these 102 (60%) were not triggered during the audit period, and 10 (6%) were a note for information. Of the 58 remaining audited conditions 55 (95%) were compliant and 3 (5%) were assessed as non-compliant. The non-compliances are summarised in **Section 3.3**.

IEMA has provided recommendations to address identified non-compliances and to improve environmental performance.

During the audit, it was evident that the construction activities had been undertaken in a responsible manner generally in accordance with the SSD 8445 MOD 1 and the relevant environmental management plans. Key strengths of the Tahmoor Coal environmental management and performance were considered as follows:

- The Tahmoor Coal site personnel and environmental staff interviewed demonstrated a thorough appreciation of the environmental issues at the site and appropriate environmental management measures.
- Effective environmental management measures and practices implemented and evidenced during the site inspection and interviews including:
 - Effective water management with no erosion or sedimentation issues identified;
 - Good housekeeping and spill/hydrocarbon management;
 - Transparent and effective communication with the community and affected neighbours;
 - No reported incidents or complaints received during the construction activities; and
 - Successful completion of the road upgrade, as evidenced by the acceptance by Wollondilly Shire Council.

Recommended actions for improvements have been included in **Table 8**.

APPENDIX A

Auditor Endorsement Letters

Ms Zina Ainsworth
Environment & Community Manager
SIMEC Mining
2975 Remembrance Driveway
Tahmoor NSW 2573

11/07/2022

Dear Ms Ainsworth

**Tahmoor South Coal Project (SSD 8445)
Independent Environmental Audit 2022**

I refer to your letter of 7 July 2022 seeking approval of Mr Nathan Archer and Ms Jill Johnson of Integrated Environmental Management Australia Pty Ltd (the audit team) for the upcoming Independent Environmental Audit of Tahmoor South Coal Project (the development), in accordance with Schedule 2, Condition E16 of development consent SSD 8445 (the consent).

Having considered the qualifications and experience of the audit team, the Planning Secretary endorses the appointment of the audit team to undertake the audit in accordance with Schedule 2, Condition E15 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 the Independent Audit Post Approval Requirements (Department 2020 or as updated). A copy of this guideline can be located at <http://planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/Integrated-Mining-Policy>. Audit team may also wish to consider the AS/NZS ISO 19011 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing.

The audit report is to include the following:

1. consultation with the relevant agencies and the CCC;
2. a compliance table indicating the compliance status of each condition of consent 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 two months of undertaking the independent audit site inspection, Tahmoor is to submit a copy of the audit report to the Planning Secretary, together with its response to any recommendations contained in the audit report and a timetable to implement the recommendations. Prior to submitting the audit report to the Planning 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

Consultation

Jill Johnson

From: Georgia Dragicevic <Georgia.Dragicevic@planning.nsw.gov.au>
Sent: Wednesday, 27 July 2022 9:49 AM
To: Nathan Archer
Cc: Jill Johnson
Subject: RE: SIM01-001 Tahmoor South Coal Project (SSD 8445) - IEA Consultation

Hi Nathan,

Thank you for consulting the department on the upcoming IEA for Tahmoor South Coal Project. Please consider the management of noise, dust, operating hours, truck movements, erosion and sediment, including dirt tracking onto public roads, community consultation, complaints management, including complaints register.

Kind Regards,
Georgia

Georgia Dragicevic
A/Team Leader Compliance

Compliance | Department of Planning and Environment
T 02 4247 1852 | **M** 0439 612 137 | **E** georgia.dragicevic@planning.nsw.gov.au
PO Box 5475, Wollongong NSW 2520
www.dpie.nsw.gov.au



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

Please note that I work flexibly. I'm sending this message now because it's a good time for me, but I don't expect that you will read, respond to or action it outside of your own regular hours.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has recently upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Nathan Archer <nathan.archer@iema.com.au>
Sent: Monday, 18 July 2022 8:54 AM
To: Georgia Dragicevic <Georgia.Dragicevic@planning.nsw.gov.au>
Cc: Jill Johnson <jill.johnson@iema.com.au>
Subject: SIM01-001 Tahmoor South Coal Project (SSD 8445) - IEA Consultation

Hi Georgia

As per the attached endorsement letter, myself and Jill Johnson of Integrated Environmental Management Australia Pty Ltd (the audit team) (IEMA) have been endorsed by the Department of Planning, Industry and Environment (DPE) to undertake the Independent Environmental Audit (IEA, the Audit) for Tahmoor South Coal Project (SSD 8445, the project). This email has been prepared to request your feedback and comment to draw the audit team's attention to any key issues within the scope of the IEA as summarised below.

The proponent is Tahmoor Coal Pty Limited (TCPL), and details of the Tahmoor South Coal Project are available on the Tahmoor South website and the NSW Department of Planning and Environment (DPE) Major Projects websites below:

<https://www.tahmoorsouth.com.au/>

<https://www.planningportal.nsw.gov.au/major-projects/projects/tahmoor-south-coal-project>

TCPL is required by Conditions E15 to E20 of SSD 8445 to conduct an IEA in accordance with the *Independent Audit Post Approval Requirements* (DPE, 2020) (IEA Guidelines).

In accordance with the IEA Guidelines, this IEA is required to be undertaken within 12 weeks of the commencement of construction of the project which was triggered by the Remembrance Driveway intersection upgrade which commenced on 16 May 2022. As such, the IEA is required to be undertaken by 16 August 2022.

The IEA will cover the audit period from 16 May 2022 (commencement of construction) to the last day of the site inspection (proposed to be late July / early August 2022). The scope of the IEA will be limited to the activities triggered by the commencement of construction associated with the Remembrance Driveway intersection upgrade. The operational requirements of SSD 8445 have not yet been triggered.

The IEA will be undertaken in accordance with the *Independent Audit Post Approval Requirements* (DPE, 2020) and with consideration to *AS/NZS ISO 19011.2014 – Guidelines for Auditing Management Systems*.

The IEA will include:

- An assessment of compliance of construction activities with:
 - the relevant conditions of SSD 8445;
 - any post approvals and compliance documents prepared to satisfy the relevant conditions of consent;
- A review of the environmental performance of construction activities including:
 - A comparison of the actual and predicted impacts;
 - Incidents, non-compliances or complaints associated with construction activities;
- An assessment of the adequacy of the relevant construction management plans; and
- Identification of any opportunities for improved environmental management and performance.

It should be noted that the audit requirements of other TCPL development consents, approvals, leases and licences, as well as operational activities associated with the existing Tahmoor Mine will remain on the existing audit schedule with the next IEA to be undertaken in 2023.

If you would like to discuss the site or the scope of the IEA, please do not hesitate to contact me on 0412 945 593 or email nathan.archer@iema.com.au.

To allow for adequate consideration within the IEA it is requested that feedback be provided to the undersigned by the end of July 2022, prior to the commencement of the site inspection.

Regards

Nathan

Nathan Archer
Principal Consultant



ABN 32 622 237 870
PO Box 3161,
MEREWETHER NSW 2291 AUSTRALIA
e: nathan.archer@iema.com.au
m: +61 412 945 593 | w: www.iema.com.au

- Project Management
- Mine Closure Planning
- Risk Assessment
- Environmental Management
- GIS and Spatial Systems
- Environmental Approvals
- Compliance & Transactional Auditing
- Stakeholder Engagement
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AREQ0030472

Mr Nathan Archer
IEMA
PO 3161
Merewether NSW 2291

By email: nathan.archer@iema.com.au

Dear Mr Archer,

Subject: Tahmoor South Coal Project – Independent Environmental Audit

Thank you for your email dated 18 July 2022 requesting consultation on the independent audit to be undertaken of the Tahmoor South Coal Project.

As this audit relates to the construction of the project and does not include any mining operations, the Regulator has no specific requirements for the independent environmental audit at this stage.

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

Yours sincerely

Jenny Ehmsen
Principal Compliance Auditor

26 July 2022

Jill Johnson

From: David Henry <David.Henry@wollondilly.nsw.gov.au>
Sent: Monday, 18 July 2022 12:43 PM
To: Nathan Archer
Subject: RE: SIM01-001 Tahmoor South Coal Project (SSD 8445) - IEA Consultation

Hi Nathan

Thanks for the clarification

David



David Henry
Environmental Assessment Planner

T 0246779687
A P.O. Box 21 Picton, NSW, 2571
E David.Henry@wollondilly.nsw.gov.au
W <http://www.wollondilly.nsw.gov.au>



Making Wollondilly even better together



On 18 Jul 2022 11:56 am, Nathan Archer <nathan.archer@iema.com.au> wrote:
Hi David,
Thanks for your response.

This audit is specifically required by the Tahmoor South development consent (SSD 8445). It has been triggered by the commencement of construction activities detailed under this consent, being the road upgrade works which began on 16 May 2022. No operations under this consent have yet commenced. Under the Department of Planning and Environment Audit Guideline, an audit of operations under this consent will be required within 26 weeks of the commencement of those operations.

The requirements of Tahmoor's other development consents and EPL etc were last audited in October 2020 and in accordance with the 3 yearly audit schedule (as required under the audit guidelines) will next be audited in 2023.

Regards
Nathan

From: David Henry <David.Henry@wollondilly.nsw.gov.au>
Sent: Monday, 18 July 2022 11:37 AM
To: Nathan Archer <nathan.archer@iema.com.au>
Subject: RE: SIM01-001 Tahmoor South Coal Project (SSD 8445) - IEA Consultation

Hi Nathan

I will get our traffic and asset section to review

Could I enquire over the reasons for the Environmental Audit being restricted to the road upgrade works. Council has raised in all its submissions on Tahmoor concerns over the adequacy of the assessment and management of potential environmental impacts to surface and groundwaters

Thanks

David



David Henry
Environmental Assessment Planner

T 0246779687
A P.O. Box 21 Picton, NSW, 2571
E David.Henry@wollondilly.nsw.gov.au
W <http://www.wollondilly.nsw.gov.au>



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From: Nathan Archer <nathan.archer@iema.com.au>
Sent: Monday, 18 July 2022 8:58 AM
To: Bianca Klein <Bianca.Klein@wollondilly.nsw.gov.au>
Cc: Jill Johnson <jill.johnson@iema.com.au>
Subject: SIM01-001 Tahmoor South Coal Project (SSD 8445) - IEA Consultation

Hi Bianca,

As per the attached endorsement letter, myself and Jill Johnson of Integrated Environmental Management Australia Pty Ltd (the audit team) (IEMA) have been endorsed by the Department of Planning, Industry and Environment (DPE) to undertake the Independent Environmental Audit (IEA, the Audit) for Tahmoor South Coal Project (SSD 8445, the project). This email has been prepared to request your feedback and comment to draw the audit team's attention to any key issues within the scope of the IEA as summarised below.

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If you would like to discuss the site or the scope of the IEA, please do not hesitate to contact me on 0412 945 593 or email nathan.archer@iema.com.au.

To allow for adequate consideration within the IEA it is requested that feedback be provided to the undersigned by the end of July 2022, prior to the commencement of the site inspection.

Regards

Nathan

Nathan Archer
Principal Consultant



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MEREWETHER NSW 2291 AUSTRALIA
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m: +61 412 945 593 | w: www.iema.com.au

- Project Management
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Jill Johnson

From: Andrew Couldridge <Andrew.Couldridge@epa.nsw.gov.au>
Sent: Monday, 18 July 2022 12:19 PM
To: Nathan Archer
Subject: RE: SIM01-001 Tahmoor South Coal Project (SSD 8445) - IEA Consultation

Dear Nathan,

Thank you for your request for input to the Independent Audit of Tahmoor mine.

I am the EPA officer who generally deals with licensing of surface facilities at the mine.

I have reviewed the scope of the audit below and consider it provides a good basis for assessment of compliance and environmental performance of the Tahmoor South project so far.

The EPA has no other comments to make but refers you to the NSW EPA public register for information on regulatory matters pertaining to the mine.

The register is [here](#) and relevant information can be found by entering the licence number 1389.

Regards

Andrew

Mr Andrew Couldridge

Senior Operations Officer – Metro South

Regulatory Services Division, NSW Environment Protection Authority

+61 2 4224 4100

andrew.couldridge@epa.nsw.gov.au www.epa.nsw.gov.au [@EPA NSW](#)

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

From: Nathan Archer <nathan.archer@iema.com.au>
Sent: Monday, 18 July 2022 8:57 AM
To: Andrew Couldridge <Andrew.Couldridge@epa.nsw.gov.au>
Cc: Jill Johnson <jill.johnson@iema.com.au>
Subject: SIM01-001 Tahmoor South Coal Project (SSD 8445) - IEA Consultation

Hi Andrew

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If you would like to discuss the site or the scope of the IEA, please do not hesitate to contact me on 0412 945 593 or email nathan.archer@iema.com.au.

To allow for adequate consideration within the IEA it is requested that feedback be provided to the undersigned by the end of July 2022, prior to the commencement of the site inspection.

Regards

Nathan

Nathan Archer
Principal Consultant



ABN 32 622 237 870
PO Box 3161,
MEREWETHER NSW 2291 AUSTRALIA
e: nathan.archer@iema.com.au
m: +61 412 945 593 | w: www.iema.com.au

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

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

Call received from Michael Muston on 21 July 2022 stating that CCC does not meet until after the audit.
He will circulate to the group and provide response if he receives. He does not have any specific issues to raise at this time.

APPENDIX C

Compliance Spreadsheets

SSD 8445 MOD 1 Tahmoor South Project

Audit Period: 16 May 2022 - 10 August 2022 (Commencement of Construction to site inspection)

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
SCHEDULE 2 - ADMINISTRATIVE CONDITIONS					
PART A ADMINISTRATIVE CONDITIONS					
Obligations to Minimise Harm to the Environment					
A1.	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Compliant		There is no evidence to indicate that any material harm has been caused during the audit period.	
TERMS OF CONSENT					
A2.	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS; and (d) generally in accordance with the Development Layout in Appendix 2.	Non-compliant		Based on the findings of this audit, the development has generally been carried out in accordance with the requirements of this condition with the exception of the identified non-compliances below.	
A3.	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).	Not triggered	Site interviews	No directions received during audit period.	
A4.	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Not triggered	Site interviews	No inconsistency, ambiguity or conflict noted during audit period.	
LIMITS OF CONSENT					
Mining operations					
A5.	First workings and second workings may only be carried out within the area covered by the approved mine plan, subject to condition A7 requiring shortening of Longwall 103B (LW103B) and Longwall 104B (LW104B).	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.	
A6.	Mining operations may only be carried out on the site until 31 December 2033, or until 10 years from the commencement of second workings, whichever is the sooner. Notes: • Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard. • Mining operations and rehabilitation are also regulated under the Mining Act 1992.	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.	
A7.	Unless the Planning Secretary agrees otherwise, the Applicant must set back the commencement location (ie south eastern end) of LW103B a minimum distance of 400 metres and LW104B a minimum distance of 700 metres to avoid mining directly under Dog Trap Creek.	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.	
A8.	If the Applicant decides to seek the Planning Secretary's approval to vary the commencement location of LW103B or LW104B set in condition A7 above, then it must include the following information in the relevant Extraction Plan: (a) significance assessment of key stream and riparian features including pool volumes and water holding capacity, pool ecological attributes, groundwater dependent ecosystems and Aboriginal heritage sites; (b) updated subsidence effects, impact and consequence assessment, having considered any subsidence induced impacts to surface waters as a result of the development, comparing the shortened longwall commencement position and the commencement position originally proposed; (c) details of likely remediation required on the predictions for each of the commencement positions, and considering any damage to, and successful remediation of, any watercourse affected by subsidence of previously extracted longwalls; and (d) costs and benefits of the commencement positions, including consideration of costs of any predicted remediation. demonstrating that there would be no unacceptable residual impacts, to the satisfaction of the Secretary.	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.	
A9.	The proposed downcast ventilation shaft TSC2 must be constructed on the same site as TSC1. Disturbance must not occur at the proposed TSC2 site. Construction of shafts TSC1 and TSC2 must not be commenced until a revised layout and design has been submitted to and approved by the Planning Secretary. This Condition does not remove the need for the Applicant to pursue micro-siting of surface infrastructure to avoid biodiversity impacts as required under condition B38(e)(i).	Not triggered	N/A	Construction of the ventilation shafts has not commenced.	
Coal Extraction and Processing and Transport					
A10.	Until the commencement of second workings under this consent, coal processing, transport and any other relevant mining activities are to be undertaken in accordance with existing development consents for the site, including: (a) processing a maximum of 3 million tonnes of ROM coal on the site in any calendar year; (b) transporting by road a maximum of: (i) 50,000 tonnes of product coal from the site to locations within the Wollondilly local government area; and (ii) 50,000 tonnes of reject material from the site.	Note	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.	
A11.	Following the commencement of second workings under this consent: (a) a maximum of 4 million tonnes of ROM coal may be extracted and processed on the site in any calendar year; (b) a maximum of 33 million tonnes of ROM coal may be extracted and processed on site over the life of the development, under this consent; (c) a maximum of 200,000 tonnes of material (including ROM coal, product coal and coal reject material) may be transported to and from the site by road in any calendar year, including a maximum of: (i) 3,000 tonnes per day; (ii) 16 truck movements in total per hour; and (iii) 158 truck movements in total per day.	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.	
A12.	During construction activities at the ventilation shaft sites, truck movements at these sites must not exceed 16 movements per day.	Not triggered	N/A	Construction of the ventilation shafts has not commenced.	
A13.	A maximum of 4 laden trains may leave the site in any 24-hour period.	Not triggered	N/A	Coal or reject transport approved by SSD 8445 MOD 1 have not commenced.	
A14.	Underground mining operations may be undertaken 24 hours a day, 7 days a week.	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.	
A15.	Road transportation of coal and/or coal reject material to/from the site must only be undertaken between 7 am to 6 pm Monday to Saturday.	Not triggered	N/A	Coal or reject transport approved by SSD 8445 MOD 1 have not commenced.	
A16.	Except for drilling activities at the ventilation shaft sites, construction activities at the surface facilities site and ventilation shaft sites must only be undertaken between the hours of 7 am to 6 pm Monday to Friday, and 8 am to 1 pm Saturday, with no construction activities on Sundays or public holidays, unless the Planning Secretary agrees otherwise.	Compliant	DPE approval dated 14/4/2022 https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSD-8445-PA-19%2120220414T063543.519%20GMT	Night time construction works for the construction of the mine site entrance road intersection approved for a period of 10 weeks.	
A17.	Drilling activities at the ventilation shaft sites may be undertaken 24 hours a day, 7 days a week.	Not triggered		Construction of the ventilation shafts has not commenced.	
Identification of Approved Disturbance Area					
A18.	Within three months of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas.	Compliant	Post Approval Form_20220810060109	Evidence of submission of information required by condition supplied, date stamped 10 August 2022.	
NOTIFICATION OF COMMENCEMENT					
A19.	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least two weeks before that date: (a) physical commencement of the development; (b) construction; (c) first workings; (d) second workings (including commencement of longwall extraction); (e) any period of suspension of mining operations and/or processing (i.e. care and maintenance); (f) cessation of mining operations (ie mine closure); and (g) decommissioning.	Compliant	20211111 Notification Consent Condition A19 20220509_Notification Development commencement_change	Initial notification of the proposed commencement of the development, construction, first and second workings provided to DPE by letter on 11 November 2022 stating scheduled dates of commencement of the development and construction in February 2022 and first and second workings in September 2022. Letter dated 9 May 2022 notified of delay to commencement of the development and construction and the revised commencement date of 16 May 2022.	
A20.	If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	Compliant	20211111 Notification Consent Condition A19 20220509_Notification Development commencement_change	Initial notification of the proposed commencement of the development, construction, first and second workings provided to DPE by letter on 11 November 2022 stating scheduled dates of commencement of the development and construction in February 2022 and first and second workings in September 2022. Letter dated 9 May 2022 notified of delay to commencement of the development and construction and the revised commencement date of 16 May 2022.	
SURRENDER OF EXISTING CONSENTS OR APPROVALS					
A21.	In accordance with the EP&A Regulation, the Applicant must: (a) surrender the Bargo consent (162/76) dated 1975, prior to the commencement of second workings under this consent, or other timeframe agreed by the Planning Secretary; and (b) surrender the Tahmoor consent (7105/47) dated 1975; the Tahmoor consent (76/20188) dated 1979; the Tahmoor Gas Extraction consent (190/85) dated 1985; and the Tahmoor consent (57/93) dated 1994 following the completion of current mining activities and mine closure/rehabilitation activities required by those consents.	Compliant	Email response from Wollondilly Shire Council dated 8 June 2022 confirming receipt of the Surrender of Consent Application. Email correspondence between SIMEC representatives.	(a) Surrender of the Bargo consent (162/76) was lodged with Wollondilly Shire Council on 8 June 2022. (b) Surrender of the consents listed has not been triggered as it is reliant on the completion of rehabilitation and closure activities.	
A22.	Upon the commencement of development under this consent, and before the surrender of the consents listed under condition A21, the conditions of this consent prevail to the extent of any inconsistency with the conditions of consents listed under condition A21. <i>Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.</i>	Note			
PLANNING AGREEMENT					
A23.	Within six months of the date of commencement of construction as notified under condition A19(b), or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with Council in accordance with: (a) Division 7.1 of Part 7 of the EP&A Act; and (b) the terms of the Applicant's offer to Council in Appendix 7.	Not triggered	Site interviews	Not triggered as not required until 16 November 2022, however site advised that the PA is well underway. Appendix 7 of the consent outlines the general terms of the agreement. The PA is currently on public exhibition and considered on track.	
A24.	If there is any dispute between the Applicant and Council in regard to condition A23 then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews	There has been no requirement to refer disputes to the Secretary.	

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action																																																					
COMMUNITY CONSULTATIVE COMMITTEE																																																										
A25.	Within three months of the commencement of the development, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2019). The CCC must meet at a minimum frequency of once every six months. The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary. The Committee must comprise an independent chair and appropriate representation from the Applicant, Council, affected stakeholder groups and the local community.	Compliant	DPE Approval Letter dated 24 June 2021 - Tahmoor South Project (SSD 8445) Approval to combine Tahmoor Mine Community Consultative Committees (CCC) and appointment of independent chair	Approval was received from the DPE on 24 June 2021 to combine the Tahmoor South CCC with the existing Tahmoor Mine CCC. The CCC comprises an approved independent chair and representation from the Tahmoor Coal, Council and community representatives. The CCC meets every 3 months.																																																						
A26.	The CCC may be combined with the CCC for the existing Tahmoor Mine. Notes: • The CCC is an advisory committee only.	Compliant	DPE Approval Letter dated 24 June 2021 - Tahmoor South Project (SSD 8445) Approval to combine Tahmoor Mine Community Consultative Committees (CCC) and appointment of independent chair	Approval was received from the DPE on 24 June 2021 to combine the Tahmoor South CCC with the existing Tahmoor Mine CCC.																																																						
EVIDENCE OF CONSULTATION																																																										
A27.	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document; and (b) provide details of the consultation undertaken to the Department, including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Compliant		Consultation undertaken in accordance with the requirements of the condition, as evidenced in applicable conditions.																																																						
APPLICATION OF EXISTING MANAGEMENT PLANS																																																										
A28.	Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under existing consents listed under condition A21, to the satisfaction of the Planning Secretary.	Compliant	Site interviews https://pp.planningportal.nsw.gov.au/major-projects/projects/tahmoor-south-coal-project	All plans required to be submitted and approved during audit period have been submitted, and where relevant, approved. Plans required under existing consents were implemented prior to these approvals.																																																						
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS																																																										
A29.	With the approval of the Planning Secretary, the Applicant may: (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and (d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.	Compliant	Approval letter from DPIE dated 3/12/2021 Site interviews	Letter from DPIE dated 3/12/2021 approving staging of the Water Management Plan. Site advised that no other staging approvals have been sought.																																																						
A30.	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	Not triggered		No request made to the Department to stage or update a strategy, plan or program without consultation.																																																						
A31.	If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.	Not triggered		No request made to the Department to stage or update a strategy, plan or program without addressing particular requirements of the relevant condition.																																																						
PROTECTION OF PUBLIC INFRASTRUCTURE AND FACILITIES																																																										
A32.	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. <i>a This condition does not apply to any damage to roads caused as a result of general road usage, damage that has been compensated under the Mining Act 1992.</i>	Not triggered	Site inspection and interviews	Based on site inspection and site interviews, there was no damage to public infrastructure. Works were to repair the existing road infrastructure																																																						
DEMOLITION																																																										
A33.	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Not triggered	Site inspection and interviews	No demolition of structures has occurred.																																																						
STRUCTURAL ADEQUACY																																																										
A34.	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with: (a) the relevant requirements of the BCA; and (b) any additional requirements of the SA NSW where the building or structure is located on land within a declared Mine Subsidence District. Notes: • Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development. • Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District.	Not triggered	Site inspection and interviews	There have been no new buildings or structures or alterations or additions to existing buildings and structures during the audit period.																																																						
OPERATION OF PLANT AND EQUIPMENT																																																										
A35.	All plant and equipment used on site, or to monitor the performance of the development must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Compliant	20220817_Service Records Roller 20220817_Service Records CM48JG 20220817_Service Records Zaxis 135 Letters of competency, copies of licences and certificates.	Three example service check sheets and evidence of operator competency provided by J&J Earthmoving and Civil (the principal contractor). These were provided after the site inspection by the principal contractor, at the request of the auditor. The check sheets are undated and the file names have a date that is outside the audit period. There was no monitoring equipment specific to the construction activities.	Ensure that contractors maintain appropriate records during future activities.																																																					
COMPLIANCE																																																										
A36.	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Compliant	J&J Methodology Tahmoor South Mine Intersection works, May 2022 J&J Induction and Toolbox Talk - record of attendance J&J Management System Manual J&J Toolbox Talk - Erosion controls J&J Safety, Health, Environmental & Quality System	Examples of documentation and training provided.																																																						
APPLICABILITY OF GUIDELINES																																																										
A37.	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.	Note																																																								
A38.	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Note																																																								
CROWN LAND																																																										
A39.	The Applicant must consult with DPE Crown Lands prior to undertaking any development on Crown Land or Crown Roads. Notes: • Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPE Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease. • Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPE Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.	Not triggered	N/A	Works not on Crown Lands or Crown Roads.																																																						
PART B SPECIFIC ENVIRONMENTAL CONDITIONS																																																										
NOISE AND BLASTING																																																										
Noise Criteria																																																										
B1.	The Applicant must ensure that noise generated during construction activities at the ventilation shaft sites does not exceed the criteria in Table 1 at any receiver on privately-owned land a. Table 1: Ventilation Shaft construction noise criteria dB(A)	Not triggered	N/A	Construction of the ventilation shafts has not commenced.																																																						
<table border="1"> <thead> <tr> <th rowspan="2">Noise Assessment Location</th> <th>Day^c</th> <th>Evening^d</th> <th>Night^e</th> <th rowspan="2">L_{max} dB(A)</th> </tr> <tr> <th>Leq_(15 min) dB(A)</th> <th>Leq_(15 min) dB(A)</th> <th>Leq_(15 min) dB(A)</th> </tr> </thead> <tbody> <tr> <td>971, 1003, 1409, 1416, 981, 1013, 1413, 972, 980, 1009</td> <td>40</td> <td>36</td> <td>36</td> <td></td> </tr> <tr> <td>546, 1419, 960</td> <td>42</td> <td>38</td> <td>39</td> <td></td> </tr> <tr> <td>993, 1412, 2735</td> <td>40</td> <td>37</td> <td>37</td> <td></td> </tr> <tr> <td>999, 1399</td> <td>43</td> <td>39</td> <td>39</td> <td>52</td> </tr> <tr> <td>1061, 2739</td> <td>43</td> <td>40</td> <td>40</td> <td>(all locations)</td> </tr> <tr> <td>970</td> <td>42</td> <td>36</td> <td>36</td> <td></td> </tr> <tr> <td>975^b</td> <td>49</td> <td>37</td> <td>37</td> <td></td> </tr> <tr> <td>1028^b</td> <td>48</td> <td>36</td> <td>36</td> <td></td> </tr> <tr> <td>1430^b</td> <td>44</td> <td>36</td> <td>36</td> <td></td> </tr> </tbody> </table> <p>a The Noise Assessment Locations referred to in Table 1 are shown in Appendix 3 b Identified receivers are eligible for noise mitigation under condition D2 c The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays d The period from 6 pm to 10 pm e The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays</p>						Noise Assessment Location	Day ^c	Evening ^d	Night ^e	L _{max} dB(A)	Leq _(15 min) dB(A)	Leq _(15 min) dB(A)	Leq _(15 min) dB(A)	971, 1003, 1409, 1416, 981, 1013, 1413, 972, 980, 1009	40	36	36		546, 1419, 960	42	38	39		993, 1412, 2735	40	37	37		999, 1399	43	39	39	52	1061, 2739	43	40	40	(all locations)	970	42	36	36		975 ^b	49	37	37		1028 ^b	48	36	36		1430 ^b	44	36	36	
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Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action																																																																																																																																																											
B2.	<p>Within two years of the commencement of development, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 2 at any receiver on privately-owned land a. However, the noise criteria in Table 1 apply for any receiver identified in that table during construction activities at the ventilation shaft sites.</p> <table border="1"> <thead> <tr> <th>Noise Assessment Location</th> <th>Day^c Leq(15 min) dB(A)</th> <th>Evening^d Leq(15 min) dB(A)</th> <th>Night^e Leq(15 min) dB(A)</th> <th>L_{Max} dB(A)</th> </tr> </thead> <tbody> <tr> <td>975, 999, 1423^b, 1549, 1553, 1556, 1557, 1563, 1565, 1566, 1583^b, 1589, 1592^b, 1594^b, 1613, 1621, 2021^b, 2025^b, 2551, 2570</td> <td>40</td> <td>38</td> <td>35</td> <td></td> </tr> <tr> <td>546, 960, 986, 990, 1022, 1028, 1545, 1559, 1575, 1577, 1578, 1579, 1580, 1581, 1584, 1586, 1591, 1602, 1603, 1610, 1616, 1624, 1632, 1717, 2037, 2046, 2585</td> <td>40</td> <td>37</td> <td>35</td> <td></td> </tr> <tr> <td>968, 970, 971, 972, 981, 993, 1409, 1009, 1412, 1413, 1430, 1570, 1576, 1582, 1595, 1596, 1598, 1600, 1601, 1605, 1606, 1607, 1609, 1614, 1615, 1617, 1618, 1625, 1626, 1628, 1634, 1729, 2042, 2043, 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2580, 2735, 966 ^b , 989 ^b , 1007 ^b , 1020 ^b , 1026 ^b , 1405 ^b , 1417 ^b , 988 ^b , 1419	40	36	35		987 ^b , 992, 1008, 1058, 1060, 1404, 2736, 2739	40	39	37	52	1024 ^b , 1339, 1411 ^b	40	39	36	(all locations)	1543, 1555, 1560, 1572 ^b , 1587, 1588, 1622, 1623, 2022 ^b , 2047	40	39	35		1547, 1593, 1996	43	43	37		1554, 1558, 1562, 1573, 1994, 2002, 2003 ^b , 2549, 2746 ^b	41	41	35		982 ^b , 984 ^b , 1061 ^b , 1408 ^b , 1538 ^b ,	40	40	38		973 ^b , 991 ^b , 1025 ^b ,	42	42	40		1023 ^b , 1062 ^b , 1406 ^b , 1424 ^b	40	40	37		1992 ^b , 1997 ^b , 1998 ^b , 2000 ^b , 2014 ^b	44	44	36		1542, 1544, 1546, 1550, 1561, 1620, 1993, 2017, 2550, 2586	40	40	35		1999 ^b , 2015 ^b	45	45	38		2005, 2011	44	44	40		1004 ^b , 1017 ^b	43	43	41		Noise Assessment Location	Day ^c Leq(15 min) dB(A)	Evening ^d Leq(15 min) dB(A)	Night ^e Leq(15 min) dB(A)	L _{Max} dB(A)	979 ^b	42	42	39		1421	47	47	45		1425	47	49	45		1427 ^b	48	50	47		1429 ^b	47	49	46		1420	40	39	39		1428 ^b	44	46	44		2006	46	46	43		Wollondilly 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B3.	Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017). The noise enhancing meteorological conditions determined by monitoring at the meteorological station required under condition B21 and as defined in Part D of the Noise Policy for Industry (EPA, 2017) apply to the noise criteria in Tables 1 and 2.	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced. Current noise generating activities covered under other consents.																																																																																																																																																												
B4.	The noise criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant receiver or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced. Current noise generating activities covered under other consents.																																																																																																																																																												
Noise Operating Conditions																																																																																																																																																																
B5.	<p>The Applicant must:</p> <p>(a) take all reasonable steps to minimise noise from the construction and operational activities, including low frequency noise and other audible characteristics, as well as road and rail noise associated with the development;</p> <p>(b) operate a comprehensive noise management system using a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;</p> <p>(c) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;</p> <p>(d) continue to investigate ways to reduce the noise generated by the development;</p> <p>(e) only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with EPL's issued for railway activities – rolling stock operations and use reasonable endeavours to ensure that rolling stock is selected to minimise noise;</p> <p>(f) carry out regular attended noise monitoring (at least quarterly, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and</p> <p>(g) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.</p>	Compliant	<p>DPE approval to operate outside of hours dated 14/4/2022</p> <p>Complaints register</p> <p>J&J Safety, Health, Environmental & Quality System 20210521 - Notification of Entitlement to Noise Mitigation measures</p> <p>20220328 - Notification of entrance & road upgrade</p> <p>20220510 - Contractor Notification Letter Tahmoor Mine Intersection</p>	<p>Night time construction works for the construction of the mine site entrance road intersection approved for a period of 10 weeks.</p> <p>No noise complaints or exceedances.</p> <p>Notification letters issued to residents highlighting potential noise impacts from road upgrade activities.</p>																																																																																																																																																												
Reject Emplacement																																																																																																																																																																
B6.	<p>Prior to the implementation of noise mitigation measures, the Applicant must ensure that:</p> <p>(a) reject emplacement in the REA does not occur at heights above RL 300m, except in areas identified as Stages 1 and 5 (see Figure 2 in Appendix 2) where reject material may be emplaced up to a height of RL 310 m; and</p> <p>(b) the emplacement of rejects above RL 300 m in the areas specified in (a) above does not occur concurrently with ventilation shaft construction activities.</p>	Not triggered	N/A	Mining operations approved by SSD 8445 MOD 1 have not commenced.																																																																																																																																																												
Noise Management Plan																																																																																																																																																																
B7.	<p>The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with the EPA;</p> <p>(c) describe the measures to be implemented to ensure:</p> <p>(i) compliance with the noise criteria and operating conditions in this consent;</p> <p>(ii) best practice noise management is being employed;</p> <p>(iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions;</p> <p>(d) describe the noise management system in detail;</p> <p>(e) include a noise monitoring program that:</p> <p>(i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;</p> <p>(ii) monitors noise at the nearest and/or most affected receivers;</p> <p>(iii) enables and facilitates reporting of perceived noise exceedances by potentially affected receivers;</p> <p>(iv) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;</p> <p>(v) adequately supports the noise management system;</p> <p>(vi) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.</p>	Compliant	<p>Noise management plan version 4 dated 28 February 2022</p> <p>Email with undated DPE approval letter, dated 14 April 2022.</p>	Noise management plan version 4 dated 28 February 2022, which addresses the requirements of this condition, approved by DPE on 14 April 2022.																																																																																																																																																												
B8.	The Applicant must not commence construction until the Noise Management Plan is approved by the Planning Secretary.	Compliant	Email with undated DPE approval letter, dated 14 April 2022.	DPE approval received 14 April 2022, which is prior to commencement of construction on 16 May 2022.																																																																																																																																																												
B9.	The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.	Compliant	Site interviews and complaints register	No noise complaints received as part of construction indicating effective implementation of noise management measures during construction. Mining operations approved by SSD 8445 MOD 1 have not commenced therefore implementation of the Noise Management Plan for operations not triggered.																																																																																																																																																												
AIR QUALITY AND GREENHOUSE GAS																																																																																																																																																																
Odour																																																																																																																																																																
B10.	The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	Compliant	Site interviews and complaints register	No odour complaints as part of construction. Mining operations approved by SSD 8445 MOD 1 have not commenced.																																																																																																																																																												

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action													
Air Quality Criteria																		
B11.	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 3 at any receivers on privately-owned land.</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a < 25 µg/m³</td> </tr> <tr> <td>24 hour</td> <td>^b 50 µg/m³</td> </tr> <tr> <td rowspan="2">Particulate matter < 2.5 µm (PM_{2.5})</td> <td>Annual</td> <td>^a < 8 µg/m³</td> </tr> <tr> <td>24 hour</td> <td>^b 25 µg/m³</td> </tr> </tbody> </table> <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 development on its own). ^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.</p>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	Annual	^a < 25 µg/m ³	24 hour	^b 50 µg/m ³	Particulate matter < 2.5 µm (PM _{2.5})	Annual	^a < 8 µg/m ³	24 hour	^b 25 µg/m ³	Compliant	<p>Continuous Dust - May 2022</p> <p>Air Quality and Greenhouse Gas Management Plan, rev V2 dated March 2022, approved 17 March 2022.</p> <p>Email correspondence from Tahmoor Coal dated 16 September 2022</p>	<p>Continuous Dust - May 2022 report provided confirming compliance with PM₁₀ criteria. The report is also published on the site's website.</p> <p>The approved Air Quality and Greenhouse Gas Management Plan notes that PM_{2.5} has not previously been monitored at the site and that two PM₁₀/PM_{2.5} continuous monitors will be installed prior to the commencement of secondary extraction. The site advised on the 16 September (following the site inspection but prior to completion of the audit report) that the new monitors have recently been installed onsite but were not installed during the road upgrade construction period. Tahmoor Coal has used a PM_{2.5} simulation using PM₁₀ data to confirm compliance during the audit period.</p>	
Pollutant	Averaging period	Criterion																
Particulate matter < 10 µm (PM ₁₀)	Annual	^a < 25 µg/m ³																
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Particulate matter < 2.5 µm (PM _{2.5})	Annual	^a < 8 µg/m ³																
	24 hour	^b 25 µg/m ³																
B12.	The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant receiver or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Not triggered	Site interviews	No agreements in place.														
Mine-owned Land																		
B13.	<p>Particulate matter emissions generated by the development must not exceed the criteria listed in Table 3 at any occupied residence on mine-owned land (including land owned by another mining company) unless:</p> <p>(a) the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART D of this consent;</p> <p>(b) the tenant of any such land that is owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days' notice;</p> <p>(c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and</p> <p>(d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.</p>	Not triggered	Air Quality and Greenhouse Gas Management Plan version 2 dated 28 March 2022, approved by DPE on 17 March 2022.	The approved AQGHGMP states that this is currently not required.														
Air Quality Operating Conditions																		
B14.	<p>The Applicant must:</p> <p>(a) take all reasonable and feasible steps to:</p> <p>(i) minimise odour, fume, and particulate matter (including PM₁₀ and PM_{2.5}) emissions of the development, paying particular attention to minimising odour from ventilation shafts, wheel-generated haul road emissions, and emissions from the REA and stockpiles;</p> <p>(ii) eliminate or minimise the risk of spontaneous combustion;</p> <p>(iii) improve energy efficiency and reduce fugitive greenhouse gas emissions of the development;</p> <p>(iv) implement greenhouse gas abatement measures (including beneficial reuse and/or flaring) with respect to methane produced by underground coal mining;</p> <p>(v) minimise visible off-site air pollution generated by the development; and</p> <p>(vi) minimise to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site at any given point in time;</p> <p>(b) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent and to respond to any air quality readings that exceed the 24 hour criteria specified in Table 3, irrespective of whether those exceedances are on a total or incremental basis;</p> <p>(c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above);</p> <p>(d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and</p> <p>(e) regularly assess the air quality monitoring data and modify operations on the site to ensure compliance with the relevant conditions of this consent.</p>	Compliant	<p>Weekly report 1 - Water Cart for Dust Suppression</p> <p>Continuous Dust - May 2022</p>	<p>Intersection upgrade weekly report lists water cart usage.</p> <p>No dust complaints.</p> <p>Operational requirements not triggered</p> <p>No dust exceedances recorded.</p>														
Spontaneous Combustion Management Plan																		
B15.	The Applicant must prepare a Spontaneous Combustion Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	Compliant	Spontaneous Combustion Management Plan approval letter dated 2 May 2022.	Spontaneous combustion management plan approved 2 May 2022. Mining operations approved by SSD 8445 MOD 1 have not commenced.														
B16.	The Applicant must not commence second workings under this consent until the Spontaneous Combustion Management Plan is approved by the Planning Secretary.	Compliant	Spontaneous Combustion Management Plan approval letter dated 2 May 2022.	Spontaneous combustion management plan approved 2 May 2022. Mining operations approved by SSD 8445 MOD 1 have not commenced.														
B17.	The Applicant must implement the Spontaneous Combustion Management Plan as approved by the Planning Secretary.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.														
Air Quality and Greenhouse Gas Management Plan																		
B18.	<p>The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with the EPA, NSW Health, Clean Energy Regulator and the CCC;</p> <p>(c) describe the measures to be implemented to ensure:</p> <p>(i) compliance with the air quality criteria and operating conditions in this consent;</p> <p>(ii) best practice management is being employed (including in respect to energy efficiency and the minimisation of greenhouse gas emissions from the site); and</p> <p>(iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;</p> <p>(d) describe the air quality management system in detail;</p> <p>(e) describes the measures to be implemented to:</p> <p>(i) minimise the carbon dioxide equivalent of greenhouse gases released from the site, consistent with Condition B19; and</p> <p>(ii) ensure that air quality impacts on nearby receivers associated with the flaring or venting of gases are minimised to the greatest extent practicable; and</p> <p>(f) include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2016) or its latest version, that:</p> <p>(i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations, including two continuous particulate monitors located near the closest receivers:</p> <ul style="list-style-type: none"> • west of the main surface facilities; and • north-east of the REA; <p>(ii) adequately supports the air quality management system;</p> <p>(iii) includes a protocol for identifying an air quality incident and notifying the Department and relevant stakeholders of any such incident; and</p> <p>(iv) provides for annual public reporting of Scope 1 and 2 GHG emissions, including the 3 year rolling average specified in Condition B19</p>	Compliant	<p>Air Quality and Greenhouse Gas Management Plan version 2 dated 28 March 2022, approved by DPE on 17 March 2022.</p> <p>DPE approval letter dated 17 March 2022.</p>	Air Quality and Greenhouse Gas Management Plan version 2 dated 28 March 2022, which addresses the requirements of this condition, approved by DPE on 17 March 2022.														
B19.	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that greenhouse gas emissions generated by the development are minimised, and must:</p> <p>(a) within two years of the development consent being granted (and each third year after that), commission and prepare a study, prepared to the satisfaction of the Planning Secretary, to determine whether there are any reasonable and feasible measures that can be implemented to further reduce the abated Scope 1 and 2 GHG emissions;</p> <p>(b) if the study required by Condition B19 (a) finds there are reasonable and feasible measures, implement these measures in a timeframe determined in consultation, and to the satisfaction of, the Planning Secretary;</p> <p>(c) ensure that the development does not exceed the Scope 1 and 2 GHG emissions in Appendix 9, based on a 3 year rolling average;</p> <p>(d) monitor and report actual GHG emissions, (including both annual figures and 3 year rolling average), on an annual basis to the Planning Secretary and publicly in accordance with the Air Quality and Greenhouse Gas Management Plan required by Condition B18;</p> <p>(e) ensure that any exceedances of the forecast Scope 1 and 2 GHG emissions (based on a 3 year rolling average) are offset by a mechanism to address the exceedances to the satisfaction of the Planning Secretary (this mechanism may take into account any exceedances already offset under other applicable Commonwealth or State requirements);</p> <p>(f) ensure that appropriate annual returns are made under the National Greenhouse and Energy Reporting legislation.</p>	Not triggered		Not triggered as not required until two years from grant of development consent.														
B20.	The Applicant must not commence construction until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.	Compliant	DPE approval letter dated 17 March 2022.	DPE approval received 17 March 2022, which is prior to commencement of construction on 16 May 2022.														
B21.	The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.														
METEOROLOGICAL MONITORING																		
B22.	<p>Prior to the commencement of construction and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:</p> <p>(a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2016); and</p> <p>(b) is capable of measuring meteorological conditions in accordance with the NSW Noise Policy for Industry (EPA, 2017), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.</p>	Compliant	Air Quality and Greenhouse Gas Management Plan version 2 dated 28 March 2022, approved by DPE on 17 March 2022.	Meteorological station located at the pit top. Location listed in the AQGHGMP.														
WATER																		
Water Supply																		
B23.	The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.	Compliant	<p>Staging approval letter from DPIE dated 3/12/2021.</p> <p>Site interviews</p>	<p>Letter from DPIE dated 3/12/2021 approving staging of the Water Management Plan.</p> <p>For the purpose of construction the only water requirement was a water cart which used an offsite water hydrant as its water source.</p>														

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
B24.	The Applicant must report on water captured, intercepted or extracted from the site each year (direct and indirect) in the Annual Review. This is to include water take where a water licence is required and where an exemption applies. Where a water licence is required the water take needs to be reviewed against existing water licences. Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and following mine closure.	Not triggered	Site interviews	No Annual Review has yet been prepared under this consent. No water was captured during construction. No sediment basins etc constructed.	
Compensatory Water Supply					
B25.	Prior to the commencement of second workings under this consent, the Applicant must complete a bore census for all licensed privately-owned groundwater bores that are predicted to have a drawdown of greater than 2 metres as a result of the development providing: (a) notification of bore owners, including an indication of the level of risk of impact to their water supply; (b) ongoing engagement and consultation with bore owners in accordance with the Make Good Strategy contained in the EIS; (c) detailed baseline data regarding groundwater levels, yield and quality for privately-owned groundwater bores; and (d) a condition assessment of existing groundwater bores and monitoring equipment, to the satisfaction of the Planning Secretary.	Not triggered	Site interviews	Works on this have commenced as part of the Extraction Plan. Not triggered as not required until prior to commencement of second workings.	
B26.	The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with NRAR and DPE Water, and to the satisfaction of the Planning Secretary.	Not triggered	Site interviews	No compensatory agreements yet in place for SSD 8445 MOD 1 operations.	
B27.	The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner. The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.	Not triggered	Site interviews	No compensatory agreements yet in place for SSD 8445 MOD 1 operations.	
B28.	If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews	No compensatory agreements yet in place for SSD 8445 MOD 1 operations.	
B29.	If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide compensation to the affected land owner, to the satisfaction of the Planning Secretary. Note: • The Water Management Plan (see condition B34) is required to include trigger levels for investigating potentially adverse impacts on water supplies	Not triggered	Site interviews	No compensatory agreements yet in place for SSD 8445 MOD 1 operations.	
Water Treatment					
B30.	Prior to 31 December 2023, the Applicant must commission the WTP required under Special Condition E1.1 of EPL 1389.	Not triggered	Site interviews	Not triggered as not required until 31 December 2023. Work is progressing with a signed contract in place.	
B30A.	Within six months of the approval of Modification 1, and at six monthly intervals until the WTP is commissioned, the Applicant must submit a Progress Report to the Department and the EPA. The Progress Report must include: (a) an update on the shipping and delivery schedule of the WTP components; (b) a description of the WTP construction to date; (c) a revised WTP project timeline; and (d) forecasted completion date of the WTP commissioning.	Not triggered		Not triggered as not required until 19 January 2023.	
B30B.	The Applicant must provide an update on the progress of the WTP construction and commissioning and Tea Tree Hollow water quality monitoring results at the CCC meeting until the WTP is commissioned.	Compliant	Update on progress of the WTP construction and commissioning: Items 8.4 and 10.6 in June 2021 CCC minutes Item 10.5 in September 2021 CCC minutes Item 11.5 in December 2021 CCC minutes Item 12.5 in March 2022 CCC minutes Item 11.5 in June 2022 CCC minutes Tea Tree Hollow water quality monitoring results: Item 10.4 in June 2021 CCC minutes Item 10.4 in September 2021 CCC minutes Item 11.4 in December 2021 CCC minutes Item 12.4 in March 2022 CCC minutes Item 11.4 in June 2022 CCC minutes	Update on progress of the WTP construction and commissioning and Tea Tree Hollow water quality monitoring results discussed in all CCC meetings since issue of this consent. The minutes for the June 2022 CCC meeting were not available prior due or during the site inspection as they were subject to approval. They were published prior to finalisation of the audit report and have been included as evidence of compliance.	
Off-site Water Discharges and Transfers					
B31.	The Applicant must ensure that all surface discharges from the site comply with all relevant provisions of the POEO Act, including any discharge limits (both volume and quality) set for the development in any EPL.	Not triggered		Ongoing monitoring under the EPL. ESC from the construction works in place. Discharges within the stormwater drains from the road and council verge not Tahmoor Coal's responsibility.	
Off-site Mine Water Transfer					
B32.	This consent does not permit the transfer of water to and from the underground workings and goaf areas of the Tahmoor North Mine. Nothing in this consent prevents appropriate consent being granted for such transfers of water.	Note			

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action																								
Water Management Performance Measures																													
B33.	The Applicant must comply with the performance measures in Table 5.																												
	<table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td>Water management – General</td> <td> <ul style="list-style-type: none"> Maintain separation between clean and dirty (including both sediment-laden water and mine water) water management systems Minimise the use of clean and potable water on the site </td> </tr> <tr> <td></td> <td> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td></td> <td> <ul style="list-style-type: none"> Maximise water recycling, reuse and sharing opportunities to the extent that is reasonable and feasible Maximise the capture and reuse of mine water and dirty water to meet operational demands for water to the extent that is reasonable and feasible Minimise the use of make-up water from external sources Design, install, operate and maintain water management systems in a proper and efficient manner Minimise risks to the receiving environment and downstream water users </td> </tr> <tr> <td>Aquatic and riparian ecosystems</td> <td> <ul style="list-style-type: none"> Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000) and Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2006) </td> </tr> <tr> <td>Erosion and sediment control works</td> <td> <ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls in accordance with the guidance series Managing Urban Stormwater: Soils and Construction including Volume 1: Blue Book (Landcom, 2004), Volume 2A: Installation of Services (DECC, 2008), Volume 2C: Unsealed Roads (DECC, 2008), Volume 2D: Main Road Construction (DECC, 2008) and Volume 2E: Mines and Quarries (DECC, 2008) Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for Controlled Activities on Waterfront Land (DPI Water, 2012) Design, install and maintain any new creek crossings generally in accordance with the Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013) and Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003). Ensure all works on waterfront land are consistent with the guidance series for Controlled Activities on Waterfront Land (DPI Water, 2012) </td> </tr> <tr> <td>Clean water diversions and storage infrastructure</td> <td> <ul style="list-style-type: none"> Design, install and maintain any new components of the clean water system to capture and convey the 100 year ARI flood Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site </td> </tr> <tr> <td>Sediment dams</td> <td> <ul style="list-style-type: none"> Design, install and/or maintain sediment dams to prevent off-site discharges to surface waters, except as may be permitted under condition B31 Design, install and maintain sediment dams in accordance with the guidance series Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008) and the requirements under the POEO Act </td> </tr> <tr> <td>Above ground mine water storages</td> <td> <ul style="list-style-type: none"> Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water Ensure adequate freeboards within all mine water storage dams at all times to minimise the risk of discharge to surface waters New on-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and maintained, including being lined to comply with a permeability standard of $< 1 \times 10^{-9}$ m/s </td> </tr> <tr> <td>Reject management</td> <td> <ul style="list-style-type: none"> Restrict emplacement of any reject material to the REA in a manner that is consistent with the EIS Design and maintain tailings storage areas to prevent the movement of tailings seepage/leachate outside the REA </td> </tr> <tr> <td>Chemical and hydrocarbon storage</td> <td> <ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard </td> </tr> </tbody> </table> </td> <td>Compliant</td> <td> <p>J&J Methodology Tahmoor South Mine Intersection works, May 2022</p> <p>J&J Management System Manual</p> <p>J&J Toolbox Talk - Erosion controls</p> <p>J&J Safety, Health, Environmental & Quality System Statement</p> </td> <td> <p>Most requirements not triggered during construction.</p> <p>ESC for construction implemented on site. ESC details presented in J&J Earthmoving documents.</p> <p>Site inspection indicated no water management issues associated with the construction area.</p> <p>Regarding chemical and hydrocarbon storage, the following Statement was provided:</p> <p><i>There was no permanent chemical storage set up onsite due to the size of the project. When vehicles required refuelling, a small ute mounted fuel cell was used. 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Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
Water Management Plan					
B34.	<p>Prior to the commencement of construction activities, the Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person's whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with DPE Water and EPA;</p> <p>(c) describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 4);</p> <p>(d) utilise existing data from nearby mines and build on existing monitoring programs, where practicable;</p> <p>(e) include a:</p> <p>(i) Site Water Balance that includes details of:</p> <ul style="list-style-type: none"> • predicted annual inflows to and outflows from the site; • sources and security of water supply for the life of the development (including authorised entitlements and licences); • water storage capacity; • water use and management on the site, including any water stored underground in goaf areas of Tahmoor North Mine; • licensed discharge points and limits; and • reporting procedures, including the annual preparation of a site water balance; <p>(ii) Salt Balance that includes details of</p> <ul style="list-style-type: none"> • sources of saline material on the site; • saline material and saline water management on the site; • measures to minimise discharge of saline water from the site; and • reporting procedures, including the annual preparation of an updated salt balance; <p>(iii) Erosion and Sediment Control Plan that:</p> <ul style="list-style-type: none"> • is consistent with the requirements of Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008); • identifies activities that could cause soil erosion or generate sediment; • describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters; • describes the location, function and capacity of erosion and sediment control structures; and • describes what measures would be implemented to maintain (and if necessary, decommission) the structures over time; <p>(iv) Surface Water Management Plan that includes:</p> <ul style="list-style-type: none"> • detailed baseline data on channel stability, water flows and water quality in the sections or parts of watercourses and/or water bodies potentially impacted by the development (including Tea Tree Hollow, Dog Trap Creek, Bargo River and all associated tributaries); • a detailed description of the surface water management system; • detailed plans, design objectives and performance criteria for water management infrastructure including: <ul style="list-style-type: none"> <input type="checkbox"/> any approved creek restoration works associated with the development; <input type="checkbox"/> water run-off diversions and catch drains; <input type="checkbox"/> erosion and sediment controls, including sediment dams; <input type="checkbox"/> any water storages, including mine water management systems; <input type="checkbox"/> water treatment plant required under the EPL; <input type="checkbox"/> compliance with the objectives for aquatic and riparian river systems set out in Table 4; <input type="checkbox"/> the sewage treatment plant; and <input type="checkbox"/> reinstated drainage networks on rehabilitated areas of the site; • surface water performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development for: <ul style="list-style-type: none"> <input type="checkbox"/> water supply for other water users; <input type="checkbox"/> downstream surface water flows and quality; <input type="checkbox"/> stream and riparian vegetation health; and <input type="checkbox"/> post-mining water pollution from rehabilitated areas of the site; • a program to monitor and evaluate: <ul style="list-style-type: none"> <input type="checkbox"/> compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan; <input type="checkbox"/> controlled and uncontrolled discharges and seepage/leachate from the site; <input type="checkbox"/> impacts on water supply for other water users; <input type="checkbox"/> surface water inflows, outflows and storage volumes, to inform the Site Water Balance; <input type="checkbox"/> the effectiveness of the surface water management system, and the measures in the Erosion and Sediment Control Plan; <input type="checkbox"/> reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; <input type="checkbox"/> a trigger action response plan to respond to any exceedances of the performance measures in Table 5, and to repair, mitigate and/or offset any adverse surface water impacts of the development, including measures to provide compensatory water supply to affected water users under condition B26; and • a program to periodically update and validate the stream flow water balance model; and <p>(v) Groundwater Management Plan that includes:</p> <ul style="list-style-type: none"> • detailed baseline data regarding groundwater levels, yield and quality for privately-owned groundwater bores (as required under condition B25(a)) and the condition of GDEs (including Thirimere Lakes) potentially impacted by the development; • a program to periodically review and update data regarding groundwater levels, yield and quality at privately-owned groundwater bores in the vicinity of the development, including any bores potentially impacted by cumulative groundwater drawdown; • a detailed description of the groundwater management system, including commitments to: <ul style="list-style-type: none"> <input type="checkbox"/> install an additional monitoring bore in the footprint of Tahmoor North to monitor post-mining groundwater level and quality; <input type="checkbox"/> install additional monitoring bores (minimum of four) at or near the Thirimere Lakes; <input type="checkbox"/> install bores above the initial longwalls to define profile fracturing and depressurisation in the Hawkesbury Sandstone and Bulgo Sandstone; <input type="checkbox"/> monitor shallow groundwater within the Hawkesbury Sandstone; <input type="checkbox"/> monitor volumetric take (mine inflow), including inflows to the underground mine; and <input type="checkbox"/> regularly review the monitoring program to ensure robust and reliable monitoring is undertaken, including reviewing the performance of vibrating wire piezometers; • groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development, on: <ul style="list-style-type: none"> <input type="checkbox"/> regional and local aquifers (alluvial and hard rock); and <input type="checkbox"/> groundwater supply for other users such as licensed privately-owned groundwater bores; • uncertainty analysis of the potential impacts of mining the proposed longwalls on the water levels in Thirimere Lakes, based upon results from the current Thirimere Lakes Research Program and other ongoing monitoring and investigations; • a program to monitor and evaluate: <ul style="list-style-type: none"> <input type="checkbox"/> compliance with the relevant performance measures listed in Table 4 and the performance criteria of this plan; <input type="checkbox"/> water loss/seepage from water storages into the groundwater system; <input type="checkbox"/> groundwater inflows, outflows and storage volumes, to inform the Site Water Balance; <input type="checkbox"/> impacts on water supply for other water users; <input type="checkbox"/> impacts on GDEs (including Thirimere Lakes); <input type="checkbox"/> the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development; and <input type="checkbox"/> the effectiveness of the groundwater management system; • reporting procedures for the results of the monitoring program, including notifying other water users, the NSW Office of Environment and Heritage and Thirimere Lakes Research Program of any elevated results; • a trigger action response plan to respond to any exceedances of the relevant performance measures and groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development, including impacts on Thirimere Lakes; <p>• a Groundwater Modelling Plan that:</p> <ul style="list-style-type: none"> <input type="checkbox"/> provides details for the future groundwater model re-build and recalibration which must be completed within 2 years of the commencement of development under this consent; <input type="checkbox"/> is independently third-party reviewed; <input type="checkbox"/> provides for the incorporation of the outcomes of the findings of the Thirimere Lakes Research Program and other relevant research on the Thirimere Lakes; <input type="checkbox"/> considers field data and the outcomes of subsidence monitoring; <input type="checkbox"/> provides for periodic validation and where necessary recalibration, of the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and • a plan to respond to any exceedances of the performance measures in Table 4. <p>(vi) Long-term Water Management Strategy for the whole Tahmoor mining complex that:</p> <ul style="list-style-type: none"> • includes detailed modelling of the potential water impacts of the mining complex as water levels recover following the cessation of mining operations within the complex and rehabilitation of these operations; • identifies the measures that would be implemented at each of these mining operations to minimise any adverse water impacts; • includes a water licencing strategy for the ongoing take of any water over time; and • includes a program to monitor and review the water impacts of the mining complex over time 	Compliant	<p>Water Management Plan V2, dated 14 March 2022 as approved by DPE on 14 April 2022.</p> <p>Surface Water Management Plan Rev 1 dated 18 March 2022 as approved by DPE on 14 April 2022 via email with an undated approval letter.</p> <p>Groundwater Management Plan V1 dated 2 November 2021 approved by DPE on 14 April 2022.</p> <p>Staging approval letter from DPE dated 3 December 2021.</p>	<p>The Water Management Plan is being prepared in a staged manner, as approved by DPE on 3/12/2021.</p> <p>WMP V2 dated 14 March 2022 approved by DPE on 14 April 2022.</p> <p>Surface Water Management Plan Rev 1 dated 18 March 2022 approved by DPE on 14 April 2022.</p> <p>Groundwater Management Plan V1 dated 2 November 2021 approved by DPE on 14 April 2022.</p>	
B35.	The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary.	Compliant	<p>Water Management Plan V2, dated 14 March 2022 as approved by DPE on 14 April 2022.</p> <p>Surface Water Management Plan Rev 1 dated 18 March 2022 as approved by DPE on 14 April 2022 via email with an undated approval letter.</p> <p>Groundwater Management Plan V1 dated 2 November 2021 approved by DPE on 14 April 2022.</p> <p>Staging approval letter from DPE dated 3 December 2021.</p>	<p>The Water Management Plan is being prepared in a staged manner, as approved by DPE on 3 December 2021.</p> <p>WMP V2 dated 14 March 2022 approved by DPE on 14 April 2022.</p> <p>Surface Water Management Plan Rev 1 dated 18 March 2022 approved by DPE on 14 April 2022.</p> <p>Groundwater Management Plan V1 dated 2 November 2021 approved by DPE on 14 April 2022.</p>	

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action																							
B36.	The Applicant must implement the Water Management Plan as approved by the Planning Secretary. Note: Some components of the Water Management Plan, such as the Long-term Water Management Strategy can be staged in accordance with Conditions A29 to A31.	Compliant	Water Management Plan V2, dated 14 March 2022 as approved by DPE on 14 April 2022. Surface Water Management Plan Rev 1 dated 18 March 2022 as approved by DPE on 14 April 2022 via email with an undated approval letter. Groundwater Management Plan V1 dated 2 November 2021 approved by DPE on 14 April 2022. Staging approval letter from DPIE dated 3 December 2021.	Most requirements not triggered during construction. ESC for construction implemented on site. ESC details presented in J&J Earthmoving documents. Site inspection indicated no water management issues associated with the construction area. Regarding chemical and hydrocarbon storage, the following Statement was provided: <i>There was no permanent chemical storage set up onsite due to the size of the project. When vehicles required refuelling, a small ute mounted fuel cell was used. Machinery grease was also use kept on the ute and brought to site as required.</i>																								
BIODIVERSITY																												
Biodiversity Credit Requirements																												
B37.	Within 2 years of the date of commencement of development under this consent, unless otherwise agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in Table 6 below or as recalculated to the satisfaction of the BCT. The retirement of credits must be carried out in consultation with BCS and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.	Not triggered		Not triggered as not required yet. Based on site interviews, the credits have been secured but this has not yet been closed out (administrative actions outstanding).																								
	<table border="1"> <thead> <tr> <th>Credit Type</th> <th>Total Credits Required</th> </tr> </thead> <tbody> <tr> <td colspan="2">Ecosystem Credits</td> </tr> <tr> <td>PCT1395 Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest</td> <td>455</td> </tr> <tr> <td>PCT1081 Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin</td> <td>399</td> </tr> <tr> <td colspan="2">Species Credits</td> </tr> <tr> <td>Small-flower grevillea (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>)</td> <td>770</td> </tr> <tr> <td>Bargo geebung (<i>Persoonia Bargoensis</i>)</td> <td>77</td> </tr> <tr> <td>Koala (<i>Phascolarctos cinereus</i>)</td> <td>107</td> </tr> <tr> <td>Large-eared pied bat (<i>Chalinolobus dwyeri</i>)</td> <td>54</td> </tr> <tr> <td>Large-footed myotis (<i>Myotis Macropus</i>)</td> <td>91</td> </tr> <tr> <td>Eastern cave bat (<i>Vespudeilus troughtoni</i>)</td> <td>54</td> </tr> <tr> <td>Eastern pygmy-possum (<i>Cercartetus nanus</i>)</td> <td>82</td> </tr> </tbody> </table> <p>Notes: • The credits in Table 5 were calculated in accordance with Framework for Biodiversity Assessment of the NSW Biodiversity Offset Policy for Major Projects (OEH, 2014) and need to be converted to reasonably equivalent 'biodiversity credits', within the meaning of the BC Act. • The available credit retirement options for the development include purchase and retirement of open market available biodiversity credits, payment into the Biodiversity Conservation Fund or establishment of a Biodiversity Stewardship Site.</p>	Credit Type	Total Credits Required	Ecosystem Credits		PCT1395 Narrow-leaved Ironbark - Broad-leaved Ironbark - Grey Gum open forest	455	PCT1081 Red Bloodwood - Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin	399	Species Credits		Small-flower grevillea (<i>Grevillea parviflora</i> subsp. <i>parviflora</i>)	770	Bargo geebung (<i>Persoonia Bargoensis</i>)	77	Koala (<i>Phascolarctos cinereus</i>)	107	Large-eared pied bat (<i>Chalinolobus dwyeri</i>)	54	Large-footed myotis (<i>Myotis Macropus</i>)	91	Eastern cave bat (<i>Vespudeilus troughtoni</i>)	54	Eastern pygmy-possum (<i>Cercartetus nanus</i>)	82			
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B38.	The Applicant must prepare a Biodiversity Management Plan for all areas of the development, to the satisfaction of the Planning Secretary. This plan must: (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with BCS; (c) describe the short, medium, and long term measures to be undertaken to retain and manage the remnant vegetation and fauna habitat on the site; (d) describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Plan referred to in condition B60; (e) describe the measures to be implemented within the approved disturbance areas to: (i) minimise the amount of vegetation clearing, in particular, by micro-siting surface infrastructure to avoid impacts to minimise clearing of CEECs; (ii) minimise impacts on fauna, including undertaking pre-clearance surveys; (iii) provide for the salvage, transplanting and/or propagation of threatened flora found during pre-clearance surveys, in accordance with the Guidelines for the Translocation of Threatened Plants in Australia (Commander et al., 2018), where feasible; and (iv) maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement; (v) re-establish habitat for the Koala, as well as other threatened fauna; (f) describe the measures to be implemented on the site to: (i) minimise impacts to threatened ecological communities listed under the BC Act and EPBC Act, and contribute to conservation strategies for these communities; (ii) minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees; (iii) enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata; (iv) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows, and promote the use of these introduced habitat features by threatened fauna species; (v) manage any potential conflicts with Aboriginal heritage values; (vi) protect vegetation and fauna habitat outside of the approved disturbance areas; (vii) manage the collection and propagation of seed from the local area; (viii) control weeds, including measures to avoid and mitigate the spread of weeds; (ix) control feral pests with consideration of actions identified in relevant threat abatement plans; (x) control erosion; (xi) control access to vegetated or revegetated areas; and (xii) manage bushfire hazards; (g) include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and identify improvements that could be implemented to improve biodiversity outcomes; (h) identify the potential risks to the successful implementation of the Biodiversity Management Plan, and include a description of the contingency measures to be implemented to mitigate against these risks; and (i) include details of who would be responsible for monitoring, reviewing, and implementing the plan.	Compliant	Biodiversity Management Plan Rev 5 dated 14 March 2022 approved by DPE on 14 April 2022.	Biodiversity Management Plan Rev 5 dated 14 March 2022 approved by DPE on 14 April 2022.																								
B39.	The Applicant must not commence construction until the Biodiversity Management Plan is approved by the Planning Secretary.	Compliant	Biodiversity Management Plan Rev 5 dated 14 March 2022 approved by DPE on 14 April 2022.	DPE approval received 14 April 2022, which is prior to commencement of construction on 16 May 2022.																								
B40.	The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary. Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated to ensure biodiversity objectives are achieved through rehabilitation of the site.	Not triggered		Not triggered for construction.																								
HERITAGE																												
B41.	The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item, beyond those predicted in the EIS. Note: Identified heritage items are listed in Appendix 4.	Not triggered	Site interviews	No heritage items within the construction footprint.																								
Protection of Aboriginal Heritage																												
B42.	If any previously unknown Aboriginal object is discovered on the site, or suspected to be on the site: (a) all work in the immediate vicinity of the object or place must cease immediately; (b) a 10m buffer area around the object or place must be cordoned off; and (c) Heritage NSW must be contacted immediately.	Not triggered	Site interviews	No unexpected finds during construction works.																								
B43.	Work in the immediate vicinity may only recommence if: (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place; or (b) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.	Not triggered	Site interviews	No unexpected finds during construction works.																								
B44.	If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.	Not triggered	Site interviews	No unexpected finds during construction works.																								
B45.	The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.	Not triggered	Site interviews	No unexpected finds during construction works.																								
Protection of Historic Cultural Heritage																												
B46.	The Applicant must not commence second workings until the Historic Heritage Plan required under condition C8 is approved by the Planning Secretary. The Applicant must implement the Historic Heritage Plan as approved by the Planning Secretary.	Not triggered	Site interviews	Mining operations approved by SSD 8445 MOD 1 have not commenced. Plan has been prepared and submitted with the EP under C8 of SD 8445 MOD 1.																								

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
VISUAL					
Visual Amenity and Lighting					
B47.	The Applicant must: (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development; (b) take all reasonable steps to shield views of mining operations and associated equipment from users of public roads and privately-owned residences; (c) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure; (d) ensure mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes); (e) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of Australian Standard AS4282 (INT) 2019 – Control of Obtrusive Effects of Outdoor Lighting; and (f) ensure that the visual appearance of any new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.	Compliant	Complaints register. Construction Environmental Management Plan - Intersection Upgrade dated 15 March 2022 Photo of night works in Statement.	No lighting or visual complaints during construction. Visual amenity and lighting management measures in the CEMP. Photo of night works provided.	
WASTE					
B48.	The Applicant must: (a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development; (b) classify all waste in accordance with the Waste Classification Guidelines (EPA, 2014); (c) dispose of all waste at appropriately licensed waste facilities or as permitted in an applicable EPL; (d) manage on-site sewage treatment and disposal in accordance with the requirements of EPA and Council; and (e) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E13.	Non-compliant	Site interviews EPL 1389 <i>The Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014, The excavated public road material exemption 2014.</i> <i>Clause 39 of Schedule 1 of the POEO Act</i> Evidence of legal advice provided to Tahmoor Coal in relation to the potential non-compliance.	(a) Site personnel advised during the site inspection that minimal waste was generated by road construction. Waste receipts were requested by the Auditor but not provided. (b) no evidence of waste from road construction being classified. (c) non-compliant based on legal advice provided to Tahmoor Coal (refer below); (d) not triggered (e) not triggered Based on site communications asphalt and road base were used on the mine site to resurface roads around the stockpiles at the CHPP. On this basis, the use of the excavated public road material from the road upgrade on the mine site was considered by the Auditor to be a potential non-compliance with this approval condition and also possibly a non-compliance with EPL 1839 and the Protection of the Environment Operations (Waste) Regulation 2014, and recommended that Tahmoor Coal seek legal advice on the matter. Tahmoor Coal provided the following advice that they subsequently received: <i>Tahmoor Coal does not consider that it has breached the Protection of the Environment Operations Act 1997, nor any subordinate legislation including the Protection of the Environment Operations (Waste) Regulation 2014.</i> <i>The asphalt and road base material that was applied onsite at Tahmoor Coal from less than 200 tonnes of building and demolition waste. Being less than 200 tonnes, clause 39 of Schedule 1 of the POEO Act does not apply such as to deem the activity a schedule activity, and hence there is no contravention of s48 of the POEO Act and an EPL is not required.</i> <i>We note that paragraph (c) of condition B48 does not address the situation where an EPL is not required for the disposal of waste. Whilst Tahmoor Coal's activities may technically not comply with paragraph (c) of condition B48 for this reason, we intend to explain this situation to the Planning Secretary and seek a direction that any references in the Development Consent to complying with an applicable EPL will be deemed to include permission to conduct an activity if an EPL is not required for such activity.</i>	Explain the situation in relation to Condition B48 (c) to the Planning Secretary and the EPA and seek a direction that any references in the Development Consent to complying with an applicable EPL will be deemed to include permission to conduct an activity if an EPL is not required for such activity.
B49.	Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the Protection of the Environment Operations (Waste) Regulation 2014, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.	Compliant	Site interviews EPL 1389 <i>The Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014, The excavated public road material exemption 2014.</i> Evidence of legal advice provided to Tahmoor Coal in relation to the potential non-compliance.	Based on site communications, reclaimed asphalt and road base from road upgrade works were used on the mine site to resurface roads around the stockpiles at the CHPP. The location of the construction activities, being the road upgrade, is outside the EPL 1389 premises boundary and there are no conditions in EPL 1389 permitting the receipt of waste at the premises. The Resource Recovery Exemption titled <i>The Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014, The excavated public road material exemption 2014</i> , permits exemptions for users of excavated public road material from certain requirements of under the <i>Protection of the Environment Operations Act 1997 (Waste)</i> . Condition 7.1 of the exemption states: <i>The excavated public road material can only be applied to land within the road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.</i> Condition 7.3 of the exemption states: <i>The excavated public road material cannot be applied to private land.</i> On this basis, the use of the excavated public road material from the road upgrade on the mine site was considered by the Auditor to be a potential non-compliance with this approval condition and also possibly a non-compliance with EPL 1839 and the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> , and it was recommended that Tahmoor Coal seek legal advice on the matter. Tahmoor Coal sought legal advice prior to the audit report being finalised, with the following response being provided: <i>As above, Tahmoor Coal does not consider that it has breached the Protection of the Environment Operations Act 1997, nor any subordinate legislation including the Protection of the Environment Operations (Waste) Regulation 2014, as an EPL was not required due to the volume of material handled and the application of clause 39 of Schedule 1 of the POEO Act.</i> <i>In any event, the Reclaimed Asphalt Pavement Exemption 2014 issued by the EPA under clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 provides an exemption that Tahmoor Coal also relies upon in relation to the application of reclaimed asphalt pavement that was included in the materials obtain by Tahmoor Coal from the road works.</i> <i>In view of the above:</i> <i>-The application of reclaimed asphalt to roads within Tahmoor Coal's premises is directly in compliance with Condition B49.</i> <i>-The application of reclaimed road base to road within Tahmoor Coal's premises is technically not in accordance with Condition B49, but only because Condition B49 does not deal with the situation where an EPL is not required.</i> Based on receipt of this advice, the condition has been noted as compliant.	Liaise with the EPA to confirm Tahmoor Coal's interpretation of the requirements of condition B49 as it relates to import of road upgrade materials to the Site.
Sewage Treatment					
B50.	Prior to the commencement of second workings under this consent, the Applicant must commission the Sewage Treatment Plant.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced. Based on site communications, this is on schedule for completion prior to commencement of second workings.	
DANGEROUS GOODS					
B51.	The Applicant must ensure that the storage, handling and transport of: (a) dangerous goods is carried out in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and (b) explosives are managed in accordance with the requirements of the Resources Regulator.	Compliant	Construction Environmental Management Plan - Intersection Upgrade dated 15 March 2022. J&J Methodology Tahmoor South Mine Intersection works, May 2022 J&J Safety, Health, Environmental & Quality System Statement Site inspection	CEMP, J&J SHE&Q System and J&J Methodology Tahmoor South Mine Intersection Works discuss appropriate storage and handling of dangerous goods. J&J work method state. Regarding chemical and hydrocarbon storage, the following Statement was provided: <i>There was no permanent chemical storage set up onsite due to the size of the project. When vehicles required refuelling, a small ute mounted fuel cell was used. Machinery grease was also use kept on the ute and brought to site as required.</i> No evidence of spillages during site inspection.	
BUSHFIRE MANAGEMENT					
B52.	The Applicant must: (a) ensure that the development: (i) provides for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2019) guideline; and (ii) ensure that there is suitable equipment to respond to any fires on the site; and (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.	Compliant	Bushfire Management Plan V1.2 dated 16 February 2022 approved by DPE 9 March 2022.	Bushfire Management Plan V1.2 dated 16 February 2022 approved by DPE 9 March 2022. General measures listed in the BMP applicable to construction.	
B53.	Prior to commencing construction under this consent, the Applicant must prepare a Bushfire Management Plan for the development in consultation with RFS. This plan must include a: (a) contact person and 24 hour contact phone number; (b) schedule and description of proposed bushfire mitigation works, including: (i) location of managed and unmanaged vegetation within the site; (ii) location of water supply; and (iii) internal access roads; (c) plan identifying the location and storage of bulk flammable liquids and materials; (d) hot works management plan, including: (i) circumstances when 'hot works' are limited or prohibited; and (ii) safety measures to be implemented when 'hot works' are being conducted; and (e) emergency/evacuation plan in accordance with the Guidelines for the Preparation of Emergency/Evacuation Plans (RFS) and Australian Standard AS3745 Planning for Emergencies in Facilities.	Compliant	Bushfire Management Plan V1.2 dated 16 February 2022 approved by DPE 9 March 2022.	Bushfire Management Plan V1.2 dated 16 February 2022 approved by DPE 9 March 2022.	
B54.	The Applicant must implement the Bushfire Management Plan in consultation with RFS.	Compliant	Section 3.3 of Bushfire Management Plan V1.2 dated 16 February 2022 approved by DPE 9 March 2022. Sub Committee Meeting Minutes 7 April 2022 BFMC Meeting Minutes 7 April 2022	Section 3.3 of Bushfire Management Plan discusses consultation with RFS. Evidence provided confirming ongoing consultation with the RFS.	
MINOR SURFACE INFRASTRUCTURE					
Gas Drainage					
B55.	The Applicant must ensure that all gas drainage pipelines (other than connection points, monitoring points, dewatering facilities, regulation or isolation points) between gas drainage plants are buried, unless otherwise agreed with the relevant landowner or unless burial is inappropriate for safety or other reasons, to the satisfaction of the Planning Secretary.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.	

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action																										
REHABILITATION																															
Rehabilitation Objectives																															
B56.	The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the EIS (and shown conceptually in the Rehabilitation Plan in Appendix 5), and must comply with the objectives in Table 6																														
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or damage is fully restored, <u>repaired</u> or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i> </td> </tr> <tr> <td>Cliffs, minor cliffs, rock face features and steep slopes</td> <td> <ul style="list-style-type: none"> No additional risk to public safety compared to prior to mining </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects associated with mine closure </td> </tr> </tbody> </table>	Feature	Objective ^a	All areas of the site affected by the development	<ul style="list-style-type: none"> Safe, stable and non-polluting Fit for the intended post-mining land use/s Achieve the final landform and post-mining land use/s as soon as practicable after cessation of mining operations Minimise post-mining environmental impacts 	Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> Establish/restore self-sustaining native woodland ecosystems, with a focus on establishing local plant community types, as described in the EIS and in Table 5 Establish: <ul style="list-style-type: none"> habitat, feed and foraging resources for threatened fauna <u>species</u>; local vegetation connectivity and wildlife corridors, as far as is reasonable and feasible 	Final Landform	<ul style="list-style-type: none"> Stable and sustainable for the intended post-mining land use/s Consistent with surrounding topography to <u>minimise</u> visual impacts Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion to the greatest extent practicable 	Feature	Objective ^a	Surface infrastructure of the development	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Resource Regulator agrees otherwise All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment 	Portals and vent shafts of the development	<ul style="list-style-type: none"> To be decommissioned and made safe and stable 	Watercourses subject to mine water discharges	<ul style="list-style-type: none"> Hydraulically and geomorphologically stable Aquatic ecology and riparian vegetation that is the same or better than prior to grant of this consent 	Watercourses damaged by subsidence impacts	<ul style="list-style-type: none"> Restore pre-mining surface flow and pool holding capacity as soon as reasonably practicable Hydraulically and geomorphologically stable, with riparian vegetation and aquatic ecology that is the same or better than prior to secondary extraction 	Water quality	<ul style="list-style-type: none"> Water retained on the site is fit for the intended post-mining land use/s Water discharges are consistent with the regional catchment management water quality objectives 	Built features damaged by mining operations	<ul style="list-style-type: none"> Repair to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> owner agrees otherwise; 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No other rehabilitation has occurred in relation to SSD 8445 MOD 1.	
Feature	Objective ^a																														
All areas of the site affected by the development	<ul style="list-style-type: none"> Safe, stable and non-polluting Fit for the intended post-mining land use/s Achieve the final landform and post-mining land use/s as soon as practicable after cessation of mining operations Minimise post-mining environmental impacts 																														
Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> Establish/restore self-sustaining native woodland ecosystems, with a focus on establishing local plant community types, as described in the EIS and in Table 5 Establish: <ul style="list-style-type: none"> habitat, feed and foraging resources for threatened fauna <u>species</u>; local vegetation connectivity and wildlife corridors, as far as is reasonable and feasible 																														
Final Landform	<ul style="list-style-type: none"> Stable and sustainable for the intended post-mining land use/s Consistent with surrounding topography to <u>minimise</u> visual impacts Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion to the greatest extent practicable 																														
Feature	Objective ^a																														
Surface infrastructure of the development	<ul style="list-style-type: none"> To be decommissioned and removed, unless the Resource Regulator agrees otherwise All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment 																														
Portals and vent shafts of the development	<ul style="list-style-type: none"> To be decommissioned and made safe and stable 																														
Watercourses subject to mine water discharges	<ul style="list-style-type: none"> Hydraulically and geomorphologically stable Aquatic ecology and riparian vegetation that is the same or better than prior to grant of this consent 																														
Watercourses damaged by subsidence impacts	<ul style="list-style-type: none"> Restore pre-mining surface flow and pool holding capacity as soon as reasonably practicable Hydraulically and geomorphologically stable, with riparian vegetation and aquatic ecology that is the same or better than prior to secondary extraction 																														
Water quality	<ul style="list-style-type: none"> Water retained on the site is fit for the intended post-mining land use/s Water discharges are consistent with the regional catchment management water quality objectives 																														
Built features damaged by mining operations	<ul style="list-style-type: none"> Repair to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> owner agrees otherwise; or damage is fully restored, <u>repaired</u> or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i> 																														
Cliffs, minor cliffs, rock face features and steep slopes	<ul style="list-style-type: none"> No additional risk to public safety compared to prior to mining 																														
Community	<ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects associated with mine closure 																														
Progressive Rehabilitation																															
B57.	The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated. Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.	Compliant	Site inspection	Based on the site inspection, the areas disturbed by the construction works have been stabilised and hydromulched to prevent erosion and dust generation.																											
Rehabilitation Strategy																															
B58.	The Applicant must prepare a Rehabilitation Strategy for the site to the satisfaction of the Planning Secretary. This strategy must: <ol style="list-style-type: none"> be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; be prepared in consultation with the Resources Regulator, DPE Water, BCS and Council; be submitted to the Planning Secretary for approval within six months of the date of commencement of development under this consent; build upon the Rehabilitation Objectives in Table 6, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform, post-mining land use/s and water management; align with strategic rehabilitation and mine closure objectives and address the principles of the Strategic Framework for Mine Closure (ANZMEC and MCA, 2000); describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B38; describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure; include details of: <ol style="list-style-type: none"> target vegetation communities and species to be established within the proposed revegetation areas, including habitat for threatened fauna eg. Koala; the design of the surface water drainage network on the final landform; and the capping design of the REA as well as the quantity and source of capping material; investigate opportunities to refine and improve the final landform over time, including the configuration of the REA; include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site, that: <ol style="list-style-type: none"> align with regional and local strategic land use planning objectives and outcomes; support a sustainable future for the local community; utilise existing mining infrastructure, where practicable; and avoid disturbing self-sustaining native ecosystems, where practicable; include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes; investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and include a program to report on the outcomes of the investigations required under this condition and review and update this strategy at least every five years. 	Not triggered	Post Approval Form_20211216053247	Not triggered as not required to be submitted until 6 months after commencement of the development. Based on site interviews the Rehabilitation Strategy has been submitted (confirmed by evidence of submission) but not yet approved..																											
B59.	The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.	Not triggered		Not triggered as the Rehabilitation Strategy has not yet been approved by the Secretary.																											

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
Rehabilitation Management Plan					
B60.	<p>The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This plan must:</p> <p>(a) include a life of mine rehabilitation and mining schedule which outlines the key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;</p> <p>(b) include Rehabilitation Objectives, Rehabilitation Completion Criteria and a Final Landform and Rehabilitation Plan;</p> <p>(c) include detailed performance indicators and completion criteria for each rehabilitation domain, and triggers for remedial actions, including actions to be undertaken in the event that vegetation establishment is impacted by spontaneous combustion;</p> <p>(d) include an overview of the identified risks to achieving successful rehabilitation;</p> <p>(e) describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 6 and to address the identified risks;</p> <p>(f) include a program to monitor, independently audit and report on progress against the criteria in paragraph (c)</p> <p>(g) and the effectiveness of the measures in paragraph (e);</p> <p>(h) describe any further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes; and</p> <p>(i) outline intervention and adaptive management techniques to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.</p> <p>Notes:</p> <ul style="list-style-type: none"> The Rehabilitation Management Plan should address all land impacted by the development. The Rehabilitation Management Plan may be combined with a Mining Operations Plan, or similar plan, required under mining lease/s granted for the development. The Biodiversity Management Plan and Rehabilitation Management Plan require substantial integration to achieve the biodiversity objectives for the rehabilitated site. 	Not triggered		Outside of the scope of the construction aspects of the audit.	
TRANSPORT					
Monitoring of Coal and Reject Transport					
B61.	<p>The Applicant must:</p> <p>(a) keep accurate records of the:</p> <p>(i) amount of coal and rejects transported to and from the site (on a daily basis);</p> <p>(ii) date and time of each truck movement to and from the site;</p> <p>(iii) date and time of each train movement generated by the development; and</p> <p>(b) publish these results in the Annual Review.</p>	Not triggered		Coal or reject transport approved by SSD 8445 MOD 1 have not commenced.	
Transport Operating Conditions					
B62.	<p>The Applicant must:</p> <p>(a) ensure that all laden trucks entering or exiting the site have their loads covered;</p> <p>(b) only transport product coal by road to end users without rail access; and</p> <p>(c) take all reasonable steps to minimise traffic safety issues and disruption to local road users.</p> <p>Notes:</p> <ul style="list-style-type: none"> Truck movements to and from the site are also controlled by the conditions specified in A7, A11 and A15. 	Compliant	Email correspondence from Tahmoor Coal following the site inspection	<p>Coal or reject transport approved by SSD 8445 MOD 1 have not commenced.</p> <p>Site personnel advised during the site inspection that material recovered during the road upgrade works (bitumen and road base) was transported from the public road onto Site. Tahmoor Coal advised that they interpret the term 'laden trucks' in this condition to refer specifically to the transport of coal. Further, they have advised that they are relying on the definition of 'Site' in SSD 8445 MOD 1, being <i>The land defined in Appendix 1</i>, to determine applicability of this condition during the audit period. It is the Auditor's understanding that the public road alignment, whereby the road upgrade occurred and the material was transported from, is not listed within the Schedule of Land in Appendix 1 of SSD 8445 MOD 1, and is therefore not part of the Site.</p> <p>It is acknowledged that this condition is unclear as to the definition of a laden truck and whether this is referring exclusively to coal transport or to all truck movements. There is no definition of laden truck in SSD 8445 MOD 1. A definition of laden train is provided, being <i>Trains transporting product coal from the site</i>. On this basis, it is reasonable for Tahmoor Coal to assume that laden trucks refers to coal transport by truck, and the compliance status has been noted as compliant for this reason.</p> <p>Despite this compliance assessment outcome, Tahmoor Coal does have generic heavy vehicle obligations under the Chain of Responsibility law, as both the consignee and consignor, irrespective of the load being transported. There is potential that the intent of the condition is to address these obligations. The Auditor, therefore, recommends that Tahmoor Coal seek clarification from DPE on the definition of laden trucks to remove ambiguity and ensure compliance in the future.</p>	Seek clarification from DPE on the definition of laden trucks.
Road Maintenance					
B63.	<p>The Applicant must:</p> <p>(a) prepare a pre-dilapidation survey of the transport route/s prior to the commencement of any construction, road haulage or decommissioning works, or other timeframe agreed by the appropriate roads authority;</p> <p>(b) prepare a post-dilapidation survey of the transport route/s within 1 month of the completion of construction, road haulage or decommissioning works, or other timeframe agreed by the applicable roads authority; and</p> <p>(c) rehabilitate and/or make good any development-related damage identified in the post-dilapidation survey prepared under paragraph (b) within 2 months of completing the post-dilapidation survey, or other timing as may be agreed by the applicable roads authority, to the satisfaction of the applicable roads authority.</p>	Compliant	Pre-dilapidation surveys. Dilapidation Survey Rockford Road - Wellers Rd (1/4/2022)	<p>Evidence of the pre dilapidation surveys provided.</p> <p>No post dilapidation report to date. Required by 1 month of completion. To be taken from practical completion which was 8 August 2022.</p>	
B64.	If the construction, road haulage and/or decommissioning of the development is to be staged, the obligations in condition B63 apply to each stage.	Note		No staging of works during audit period.	
B65.	If there is a dispute about the scope of any remedial works or the implementation of the works, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered		Not triggered as no post dilapidation report works completed yet.	
Road Upgrades					
B66.	<p>Prior to the commencement of second workings, the Applicant must upgrade the intersections of Remembrance Driveway and the Mine Access Road and Remembrance Driveway and Olive Lane, to the satisfaction of the relevant roads authority.</p> <p>Notes:</p> <ul style="list-style-type: none"> The road upgrade works identified above include all road furniture and safety requirements required to meet relevant road standards, to the satisfaction of the appropriate roads authorities. If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution. 	Compliant	Certificate of Practical Completion - Tahmoor Coal Intersection Upgrade Works, Tahmoor, dated 9 August 2022 (ref. 201.2022.00000024.001)	<p>Practical completion letter received Tuesday 9 August 2022 from WSC stating practical completion pending 5 points to be completed as soon as possible.</p> <p>Mining operations approved by SSD 8445 MOD 1 have not commenced.</p>	
Traffic Management Plan					
B67.	<p>The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person's whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with TNSW and Council;</p> <p>(c) include details of:</p> <p>(i) key transport routes and traffic types to be used for development-related traffic; and</p> <p>(ii) the processes in place for the control of truck movements entering and exiting the site;</p> <p>(d) include a protocol for undertaking pre and post-dilapidation surveys and repairing any roads identified in the dilapidation surveys to have been damaged during construction, road haulage and/or decommissioning works;</p> <p>(e) include details of the measures to:</p> <p>(i) ensure compliance with the traffic operating conditions and transport-related conditions of consent;</p> <p>(ii) minimise traffic safety issues and disruption to local road users during the construction and operational phases of the development, including:</p> <ul style="list-style-type: none"> avoiding or minimising construction and mining-related traffic during school drop off / pick-up and peak traffic periods; periodically assess the performance of the Avon Dam Road and Remembrance Driveway intersection and minimise the development-related traffic impacts on the operating capacity of this intersection; notifying the local community about development-related traffic impacts; implementing temporary traffic controls, including detours and signage (where required); responding to any emergency repair requirements or maintenance during construction and/or decommissioning; managing any over-dimensional vehicles; and minimising potential for conflict with school buses; <p>(f) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:</p> <p>(i) adhere to posted speed limits or other required travelling speeds;</p> <p>(ii) adhere to the designated transport routes and travel times; and</p> <p>(iii) implement safe driving practices.</p>	Compliant	Traffic Management Plan Rev V2 dated February 2022 approved by DPE on 7 February 2022.	Traffic Management Plan Rev V2 dated February 2022 approved by DPE on 7 February 2022.	
B68.	The Applicant must not commence construction until the Traffic Management Plan is approved by the Planning Secretary.	Compliant	Traffic Management Plan Rev V2 dated February 2022 approved by DPE on 7 February 2022.	Traffic Management Plan Rev V2 dated February 2022 approved by DPE on 7 February 2022, which is prior to commencement of construction on 16 May 2022.	
B69.	The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.	Compliant	Traffic Management Plan Rev V2 dated February 2022 approved by DPE on 7 February 2022. Tahmoor Mine Int Upgrade - Photos WSC Permit No. 201.2022.00000024.001	Traffic Management Plan Rev V2 dated February 2022 approved by DPE on 7 February 2022, which is prior to commencement of construction on 16 May 2022. Evidence of the traffic control plans provided. WSC permit approved for works signed off by WSC on 18 May 2022	
Social Impact Management Plan					
B70.	<p>The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified and experienced person's, whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with Council, the CCC, local affected communities and other interested stakeholders;</p> <p>(c) be submitted to the Planning Secretary for approval within six months of commencing development under this consent;</p> <p>(d) identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally;</p> <p>(e) identify and build upon adaptive management and mitigation measures outlined in the EIS to avoid, minimise, and/or mitigate negative social impacts, including specific measures to minimise stress-related impacts on residents that may be affected by subsidence;</p> <p>(f) identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities;</p> <p>(g) include a Community Engagement Strategy to ensure that residents affected by subsidence are given proactive advice and to inform them on how to engage with the Community Consultative Committee;</p> <p>(h) include a stakeholder engagement plan to guide the evaluation and implementation of social impact management and mitigation measures, and</p> <p>(i) include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.</p>	Not triggered	Site interviews	Not triggered as not required to be submitted until 6 months after commencement of the development. The plan has been submitted.	
B71.	The Applicant must not commence second workings until the Social Impact Management Plan is approved by the Planning Secretary.	Not triggered	Site interviews	Not triggered as not required to be submitted until 6 months after commencement of the development. The plan has been submitted.	
B72.	The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.	Not triggered	Site interviews	Not triggered as not required to be submitted until 6 months after commencement of the development. The plan has been submitted.	

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action																																						
PART C SPECIFIC ENVIRONMENTAL CONDITIONS – UNDERGROUND MINING																																											
SUBSIDENCE																																											
Performance Measures – Natural and Heritage Features etc.																																											
C1.	<p>The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 7.</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2">Water Resources</td> </tr> <tr> <td>All watercourses within the Subsidence Area</td> <td> <ul style="list-style-type: none"> No greater subsidence impact or environmental consequences to water quality, water flows (including baseflow) or stream health (including riparian vegetation), than predicted in the EIS </td> </tr> <tr> <td>Other watercourses</td> <td> <ul style="list-style-type: none"> Negligible environmental consequences including beyond those predicted in the EIS, including: <ul style="list-style-type: none"> negligible diversion of flows or changes in the natural drainage behaviour of pools; negligible decline in baseline channel stability; negligible gas releases and iron staining, and negligible increase in water turbidity </td> </tr> <tr> <td>GDEs including Thirlmere Lakes</td> <td> <ul style="list-style-type: none"> Negligible impacts including: <ul style="list-style-type: none"> negligible change in groundwater levels; 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C2.	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 Planning Secretary will be the final arbiter.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.																																							
Additional Offsets																																											
C3.	If the Applicant exceeds the performance measures in Table 7 and the Planning 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 an offset to compensate for the subsidence impact or environmental consequence, that is proportionate to the significance of the subsidence impact or environmental consequence, following consultation with BCS and/or Heritage NSW and to the satisfaction of the Planning Secretary.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.																																							
C4.	The offset required under condition C3 must give priority to like-for-like physical environmental offsets, but may also consider other offsets under the Biodiversity Offsets Scheme of the BC Act, such as the Biodiversity Conservation Fund established by BCT, or funding or implementing supplementary measures, such as: (a) actions outlined in threatened species recovery programs; (b) actions that contribute to threat abatement programs; (c) biodiversity research and survey programs; and/or (d) rehabilitating degraded habitat.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.																																							

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action																
Performance Measures – Built Features																					
C5.	<p>The Applicant must ensure that the development meets the performance measures in Table 8.</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2">Public Infrastructure</td> </tr> <tr> <td> Key public infrastructure: <ul style="list-style-type: none"> Main Southern Railway Remembrance Drive M31 Motorway Moomba to Sydney Gas Pipeline Gorodok Ethane Pipeline Bargo Waste Management Centre </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 investigated and repaired at the cost of the Applicant </td> </tr> <tr> <td> <ul style="list-style-type: none"> All other public infrastructure including roads, culverts, bridges, viaducts, water supply pipelines, sewerage mains, gas pipelines, electrical and telecommunication infrastructure and survey control marks </td> <td> <ul style="list-style-type: none"> Always safe Serviceability should be maintained wherever practicable Loss of serviceability must be fully compensated Damage must be fully repairable, and must be fully investigated and repaired or else replaced or fully compensated at the cost of the Applicant </td> </tr> <tr> <td colspan="2">Other Built Features</td> </tr> <tr> <td> <ul style="list-style-type: none"> Public amenities including schools, churches and community centres Industrial, commercial and business premises Bargo Cemetery Warrumbirra Sanctuary Privately-owned residences Other privately-owned built features and improvements, including petrol stations, sheds, garages, farm dams, tanks, swimming pools, tennis courts, roads, tracks and fences </td> <td> <ul style="list-style-type: none"> Always safe Serviceability should be maintained wherever practicable Loss of serviceability must be fully compensated Damage must be fully repairable, and must be fully investigated and repaired or else replaced or fully compensated at the cost of the Applicant </td> </tr> <tr> <td colspan="2">Public safety</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> <p><i>Notes:</i></p> <ul style="list-style-type: none"> These performance measures apply to all mining taking place after the date of this consent. The Applicant is required to define more detailed performance measures in the Built Features Management Plans or Public Safety Management Plan (see condition C8). Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining. Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017. 	Feature	Performance Measures	Public Infrastructure		Key public infrastructure: <ul style="list-style-type: none"> Main Southern Railway Remembrance Drive M31 Motorway Moomba to Sydney Gas Pipeline Gorodok Ethane Pipeline Bargo Waste Management Centre 	<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 investigated and repaired at the cost of the Applicant 	<ul style="list-style-type: none"> All other public infrastructure including roads, culverts, bridges, viaducts, water supply pipelines, sewerage mains, gas pipelines, electrical and telecommunication infrastructure and survey control marks 	<ul style="list-style-type: none"> Always safe Serviceability should be maintained wherever practicable Loss of serviceability must be fully compensated Damage must be fully repairable, and must be fully investigated and repaired or else replaced or fully compensated at the cost of the Applicant 	Other Built Features		<ul style="list-style-type: none"> Public amenities including schools, churches and community centres Industrial, commercial and business premises Bargo Cemetery Warrumbirra Sanctuary Privately-owned residences Other privately-owned built features and improvements, including petrol stations, sheds, garages, farm dams, tanks, swimming pools, tennis courts, roads, tracks and fences 	<ul style="list-style-type: none"> Always safe Serviceability should be maintained wherever practicable Loss of serviceability must be fully compensated Damage must be fully repairable, and must be fully investigated and repaired or else replaced or fully compensated at the cost of the Applicant 	Public safety		<ul style="list-style-type: none"> Public Safety 	<ul style="list-style-type: none"> Negligible additional risk. 	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.	
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C6.	Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 8 is to be settled by the Planning Secretary, following consultation with the Resources Regulator. Any decision by the Planning Secretary shall be final.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.																	
First Workings																					
C7.	<p>The Applicant may carry out first workings within the area of the 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, and do not generate more than 20 mm of vertical subsidence, except insofar as they may be impacted by approved second workings.</p> <p>Note: The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.</p>	Not triggered	Notification letter dated 11 November 2021.	<p>Mining operations approved by SSD 8445 MOD 1 have not commenced.</p> <p>Notification letter to DPE dated 11 November 2021 stated:</p> <p><i>Pursuant to Condition A19 of the Tahmoor South Development Consent, Tahmoor Coal hereby advises the Department that the commencement of first workings of the development is forecast to occur in September 2022.</i></p>																	

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
Extraction Plan					
C8.	<p>The Applicant must prepare an Extraction Plan for all second workings on the site of the development to the satisfaction of the Planning Secretary. Each Extraction Plan must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with the Resources Regulator, DPE Water and SANSW; (c) include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures; (d) include adequate consideration of mine roof and floor conditions which has been undertaken in consultation with the Resources Regulator; (e) 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; (f) describe in detail the performance indicators to be implemented to ensure compliance with the performance measures in Table 7 and Table 8, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B56; (g) include a: <ul style="list-style-type: none"> (i) Subsidence Monitoring Plan 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 ensuing environmental consequences; and • inform the adaptive management process; (ii) 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: <ul style="list-style-type: none"> • has also been prepared in consultation with: <ul style="list-style-type: none"> <input type="checkbox"/> the owners of potentially affected features; <input type="checkbox"/> the Technical Committee required under condition C14; <input type="checkbox"/> the EPA in relation to the Bargo Waste Management Centre; and <input type="checkbox"/> the NSW Department regulating the Pipelines Act 1967 in relation to the licensed gas pipelines; • addresses in appropriate detail all items of key public infrastructure (with particular consideration of public roads and rail lines, including any associated bridges and culverts, gas pipelines and waste facilities), 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 an alternative standard agreed with the infrastructure owner), and provides for annual auditing of compliance and effectiveness during extraction which may impact the infrastructure; (iii) Water Management Plan which has been prepared in consultation with DPE Water and BCS and is consistent with the Water Management Plan required under condition B34, which provides for the management of potential impacts and environmental consequences of the proposed underground workings on watercourses and aquifers, including: <ul style="list-style-type: none"> • detailed baseline data on: <ul style="list-style-type: none"> <input type="checkbox"/> surface water flows, quality and geomorphic conditions of watercourses and/or water bodies that could be affected by subsidence; and <input type="checkbox"/> groundwater levels, yield and quality in the region, including for privately-owned licensed bores; • detailed surface and groundwater impact assessment criteria, including specific trigger levels for: <ul style="list-style-type: none"> <input type="checkbox"/> investigating any potentially adverse impacts on water resources or water quality; <input type="checkbox"/> active remediation of geomorphic and erosional impacts (including supporting justification for the selected triggers); and <input type="checkbox"/> providing compensatory water supply to affected water users under condition B26 of this Schedule; • a surface water monitoring program to monitor and report on: <ul style="list-style-type: none"> <input type="checkbox"/> stream flows and quality; <input type="checkbox"/> stream and riparian vegetation; <input type="checkbox"/> channel and bank stability; and <input type="checkbox"/> the effectiveness of remediation measures in controlling geomorphic and erosional impacts; • a groundwater monitoring program to monitor and report on: <ul style="list-style-type: none"> <input type="checkbox"/> groundwater inflows to the underground mining operations; <input type="checkbox"/> the height of groundwater depressurisation; <input type="checkbox"/> height of fracturing above indicative longwall panels following mining; <input type="checkbox"/> background changes in groundwater yield/quality against mine-induced changes, in particular, on privately-owned groundwater bores in the vicinity of the site; <input type="checkbox"/> permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; and <input type="checkbox"/> impacts of the development on GDEs (including Thirlmere Lakes); • 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 • a plan to respond to any exceedances of the surface water and groundwater assessment criteria, including a Watercourse Corrective Action Management Plan as detailed in Condition C12. (iv) Biodiversity Management Plan which is consistent with the Biodiversity Management Plan required under condition B38: <ul style="list-style-type: none"> • has been prepared in consultation with BCS; • establishes baseline data for existing habitat within the subsidence area, including water table depth, vegetation condition, stream morphology, key fish habitat and threatened species habitat; and • provides for the adaptive 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/CEECs and water dependent ecosystems; (v) Land Management Plan which: <ul style="list-style-type: none"> • has been prepared in consultation with any affected public authorities; • 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 steep slopes; and • is informed by a detailed slope stability assessment prepared by a suitably qualified and experienced person/s; (vi) Heritage Management Plan which is consistent with the requirements of conditions B42 to B47: <ul style="list-style-type: none"> • has been prepared in consultation with Heritage NSW, Council and relevant stakeholders for both Aboriginal heritage and non-Aboriginal heritage items; • includes a pre-mining assessment of the condition and structure of local and State significant heritage items within the subsidence area; • describes the measures to be implemented to: <ul style="list-style-type: none"> <input type="checkbox"/> protect, monitor and manage potential environmental consequences of the proposed second workings on identified Aboriginal objects and Aboriginal places and local and State significant heritage items, in accordance with the commitments made in the EIS; <input type="checkbox"/> manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; <input type="checkbox"/> ensure compliance with the requirements under conditions B41 to B46 inclusive and the subsidence impact performance measures in Table 7; and <input type="checkbox"/> facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage sites within the subsidence area; (vii) Public Safety Management Plan which has been prepared in consultation with the Resources Regulator, which ensures public safety and manages access on the site; (viii) Trigger Action Response Plan/s addressing all features in Table 7 and Table 8, which contain: <ul style="list-style-type: none"> • appropriate triggers to warn of increased risk of exceedance of any performance measure; • 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 measures in Table 7 and/or Table 8, or where any such exceedance appears likely; and (ix) Contingency Plan that expressly provides for: <ul style="list-style-type: none"> • adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 7 and/or Table 8, or where any such exceedance appears likely; • an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures; (h) propose appropriate revisions to the Rehabilitation Management Plan required under condition B60; and (i) include a program to collect sufficient baseline data for future Extraction Plans. 	Not triggered		First extraction plan for 6 long walls (A series) submitted 16 May 2022 but not yet approved.	
C9.	The Applicant must not undertake second workings until the relevant Extraction Plan is approved by the Planning Secretary.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.	
C10.	The Applicant must implement the Extraction Plan as approved by the Planning Secretary.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.	
Payment of Reasonable Costs					
C11.	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		No request made by the Department during the audit period.	

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action				
Watercourse Corrective Action Management Plan(s)									
C12.	The Applicant must prepare a Watercourse Corrective Action Management Plan(s) for watercourses damaged by subsidence impacts associated by the development, to the satisfaction of the Planning Secretary. This plan(s) must: (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with the Resources Regulator, DPE Water, BCS and Council; (c) be submitted to the Planning Secretary for approval prior to undertaking any watercourse remediation works; (d) describe the: - nature of the watercourse impact to be remediated; - outcomes of investigations, including watercourse and pool mapping, hydrology and geomorphology assessment and ground/strata characterisation; - remediation options analysis; - proposed remediation strategy, including rehabilitation objectives and completion criteria, required to meet the rehabilitation objectives in Table 8; - remediation methods, site access, materials, equipment and environmental controls; - timeframes for watercourse remediation;	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.					
C13.	The Applicant must implement any Watercourse Corrective Action Management Plan(s) approved by the Planning Secretary	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.					
Technical Committee for the Bargo Waste Management Centre									
C14.	Prior to commencing second workings, the Applicant must establish a Technical Committee for the Bargo Waste Management Centre, comprising engineering and geotechnical specialists and a representative of Council, whose appointment has been endorsed by the Planning Secretary, the Applicant and Council. The Technical Committee must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary. The role of the Technical Committee is to: (a) provide input into the preparation and implementation of the Built Features Management Plan; (b) consult with relevant statutory agencies, including the EPA and SA NSW; (c) identify all potential mechanisms for impacts of the development on the Bargo Waste Management Centre, including from non-conventional subsidence; (d) undertake a risk assessment to identify the level of subsidence induced risks; (e) recommend appropriate pre-mining mitigation measures required to reduce subsidence impacts; (f) recommend appropriate remedial measures and measures to investigate, mitigate, repair, replace or compensate predicted impacts and associated cost sharing responsibilities; and (g) recommend monitoring programs, trigger action response plan(s) and communication plans, to ensure the development meets the performance measures in Table 8. Note: • Technical Committees may also be established for other public infrastructure assets listed in Table 10.	Not triggered	Site interviews	Technical committee has been submitted for endorsement however, condition not triggered until commencement of secondary workings..					
Subsidence Acquisition Rights									
C15.	The Applicant must offer acquisition rights to any landowner on privately owned land where a residence is subject to: (a) subsidence damage category R4 or R5; and/or (b) continuous cracking in bricks >5 mm in width on one or more locations in the total external façade; and/or (c) slippage along the damp proof course of >5mm anywhere in the total external façade; and/or (d) tilt of greater than 10 mm/m; and/or (e) subsidence damage category R3 or more and has/will be impacted by more than one longwall, as a result of the development. Notes: • Subsidence damage categories referred to in this condition are defined in Appendix 6.	Not triggered		Not applicable to construction activities.					
C16.	Property acquisition required under this condition is to occur under the compensation provisions of the Coal Mine Subsidence Compensation Act 2017.	Not triggered	Site interviews	No property acquisitions during audit period.					
PART D ADDITIONAL PROCEDURES									
ACQUISITION UPON REQUEST									
D1.	Upon receiving a written request for acquisition from the owner of the privately-owned land listed in Table 9, the Applicant must acquire the land in accordance with the procedures in conditions D11 to D18, inclusive <table border="1" data-bbox="163 898 831 955"> <thead> <tr> <th>Acquisition Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>1426</td> </tr> </tbody> </table>	Acquisition Basis	Land	Noise	1426	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
Acquisition Basis	Land								
Noise	1426								
MITIGATION UPON REQUEST									
D2.	Upon receiving a written request for mitigation from: (a) the owner of any residence on the privately-owned land listed in Table 10 (unless the landowner has requested acquisition); or (b) a landowner listed in Table 10; or (c) the owner of any residence where subsequent noise monitoring shows the noise generated by the development is equal to or greater than the relevant mitigation criteria (except where a negotiated noise agreement is in place); the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations. <table border="1" data-bbox="163 1165 831 1291"> <thead> <tr> <th>Mitigation Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>966, 973, 975, 979, 982, 984, 987, 988, 989, 991, 1004, 1007, 1017, 1020, 1023, 1024, 1025, 1026, 1028, 1061, 1062, 1405, 1406, 1408, 1411, 1417, 1423, 1424, 1426, 1427, 1428, 1429, 1430, 1538, 1572, 1583, 1592, 1594, 1992, 1997, 1998, 1999, 2000, 2003, 2014, 2015, 2021, 2022, 2025, 2746</td> </tr> </tbody> </table>	Mitigation Basis	Land	Noise	966, 973, 975, 979, 982, 984, 987, 988, 989, 991, 1004, 1007, 1017, 1020, 1023, 1024, 1025, 1026, 1028, 1061, 1062, 1405, 1406, 1408, 1411, 1417, 1423, 1424, 1426, 1427, 1428, 1429, 1430, 1538, 1572, 1583, 1592, 1594, 1992, 1997, 1998, 1999, 2000, 2003, 2014, 2015, 2021, 2022, 2025, 2746	Not triggered	Site interviews	No written requests for mitigation received during the audit period.	
Mitigation Basis	Land								
Noise	966, 973, 975, 979, 982, 984, 987, 988, 989, 991, 1004, 1007, 1017, 1020, 1023, 1024, 1025, 1026, 1028, 1061, 1062, 1405, 1406, 1408, 1411, 1417, 1423, 1424, 1426, 1427, 1428, 1429, 1430, 1538, 1572, 1583, 1592, 1594, 1992, 1997, 1998, 1999, 2000, 2003, 2014, 2015, 2021, 2022, 2025, 2746								
D3.	If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews	No written requests for mitigation received during the audit period.					
NOTIFICATION OF LANDOWNERS/TENANTS									
D4.	Within one month of the date of this consent, the Applicant must: (a) notify in writing the owner of: (i) the residences on the land listed in Table 10 that they are entitled to ask the Applicant to install additional mitigation measures at the residence; and (b) notify the tenants of any mine-owned land of their rights under this consent.	Compliant	20210521 - Notification of Entitlement to Noise Mitigation measures. Email titled Confirming Tahmoor South Noise Mitigation letters have been dropped to Australia Post today, dated 21 May 2021.	Copy of letters dated 21 May 2021 and email evidence confirming that the letters had been posted provided as evidence.					
D5.	Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended noise criteria, the Applicant must advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Planning Secretary.	Compliant	Tahmoor Land and Property Procedure, dated 13 April 2022	Section 7.1 of the Tahmoor Land and Property Procedure, dated 13 April 2022, notes 250 Rockford Road, Tahmoor, as a property that is predicted to experience exceedances of recommended noise criteria and that Tahmoor Coal will advise a prospective tenants of this property of the rights they would have under the consent. Tahmoor Coal have advised that no tenancies have commenced since the consent was issued.					
NOTIFICATION OF EXCEEDANCES									
D6.	As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.	Not triggered		No monitoring exceedances recorded for SSD 8445 MOD 1 activities during the audit period.					
D7.	For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).	Not triggered		No monitoring exceedances recorded for SSD 8445 MOD 1 activities during the audit period.					
INDEPENDENT REVIEW									
D8.	If a landowner considers the development to be exceeding any relevant air quality or noise criterion in Part B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.	Not triggered		No request for independent review received during the audit period.					
D9.	If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.	Not triggered		No request for independent review received during the audit period.					
D10.	If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to: (i) consult with the landowner to determine their concerns; (ii) conduct monitoring to determine whether the development is complying with the relevant criteria in PART B or PART C; and (iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and (b) give the Planning Secretary and landowner a copy of the independent review; and (c) comply with any written requests made by the Planning Secretary to implement any findings of the review.	Not triggered		No request for independent review received during the audit period.					

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
LAND ACQUISITION					
D11.	Within 3 months of receiving a written request for acquisition from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on: (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the: (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and (ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise mitigation measures in condition D2; (b) the reasonable costs associated with: (i) relocating within the Wollondilly local government area, or to any other local government area determined by the Planning Secretary; and (ii) obtaining independent legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and (c) reasonable compensation for any disturbance caused by the land acquisition process.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
D12.	If, within two months of the binding written offer being made under condition D11, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
D13.	Upon receiving such a request, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to: (a) consider submissions from both parties; (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in condition D11; (c) prepare a detailed report setting out the reasons for any determination; and (d) provide a copy of the report to both parties.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
D14.	Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
D15.	However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition D11, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
D16.	Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
D17.	If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
D18.	The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions D11 to D17 inclusive, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	Not triggered	Site interviews	No written request for acquisition received during the audit period.	
PART E ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING					
ENVIRONMENTAL MANAGEMENT					
Environmental Management Strategy					
E1.	The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must: (a) provide the strategic framework for environmental management of the development; (b) identify the statutory approvals that apply to the development; (c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (d) set out the procedures to be implemented to: (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive record, handle and respond to complaints; (iii) resolve any disputes that may arise during the course of the development; (iv) respond to any non-compliance and any incident; (v) respond to emergencies; and (e) be consistent with and incorporate: (i) references to all relevant strategies, plans and programs approved under the conditions of this consent; and (ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.	Compliant	Environmental Management Strategy Rev V2 dated February 2022 approved by DPE on 10 February 2022.	Environmental Management Strategy Rev V2 dated February 2022 approved by DPE on 10 February 2022.	
E2.	The Applicant must not commence construction until the Environmental Management Strategy is approved by the Planning Secretary.	Compliant	Environmental Management Strategy Rev V2 dated February 2022 approved by DPE on 10 February 2022.	Environmental Management Strategy Rev V2 dated February 2022 approved by DPE on 10 February 2022, which is prior to commencement of construction on 16 May 2022.	
E3.	The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	Compliant	Site interviews Site inspection	Based on the findings of this audit, the EMS has generally been effectively implemented as it relates to the construction activities subject to the scope of this audit.	
Adaptive Management					
E4.	The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to offset or other provisions as specified in this consent and/or penalty or offence provisions under the EP&A Act or EP&A Regulation. Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity: (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; (c) within 14 days of the exceedance occurring (or other timeframe agreed by the Planning Secretary), submit a report to the Planning Secretary describing these remediation options and any preferred remediation measures or other course of action; and (d) implement reasonable remediation measures as directed by the Planning Secretary.	Not triggered		Mining operations approved by SSD 8445 MOD 1 have not commenced.	
Management Plan Requirements					
E5.	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: (a) a summary of relevant background or baseline data; (b) details of: (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c); (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (e) a program to monitor and report on the: (i) impacts and environmental performance of the development; and (ii) effectiveness of the management measures set out pursuant to condition E5(d); (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (g) a program to investigate and implement ways to improve the environmental performance of the development over time; (h) a protocol for managing and reporting any: (i) incident, non-compliance or exceedance of any impact assessment criterion or performance criterion; (ii) complaint; or (iii) failure to comply with other statutory requirements; (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and (j) a protocol for periodic review of the plan.	Compliant		Considered compliant on the basis of the management plans being approved by DPE.	
E6.	The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.	Compliant	Air Quality and Greenhouse Gas Management Plan version 2 dated 28 March 2022 approved by DPE on 17 March 2022. Surface Water Management Plan Rev 1 dated 18 March 2022 as approved by DPE on 14 April 2022 via email with an undated approval letter.	Air Quality and Greenhouse Gas Management Plan and Surface Water Management Plan consider the requirements of EPL 1389. DPE approvals of each management plan is taken as meeting the requirements of the consent.	
REVISION OF STRATEGIES, PLANS AND PROGRAMS					
E7.	Within three months of: (a) the submission of an incident report under condition E9; (b) the submission of an Annual Review under condition E13; (c) the submission of an Independent Environmental Audit under condition E15; (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or (e) notification of a change in development phase under condition A19; The suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.	Not triggered		Not triggered yet. First trigger will be the SSD 8445 MOD 1 approval (19 July 2022), requiring review of existing strategies, plans and programs by 19 October 2022.	

Condition Number	Condition	Compliance Status	Source of Evidence	Finding	Recommended Action
E8.	If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.	Not triggered		Not triggered yet. First trigger will be the SSD 8445 MOD 1 approval (19 July 2022), requiring review of existing strategies, plans and programs by 19 October 2022. Any required revisions must be submitted to the Planning Secretary for approval within 6 weeks of the review.	
REPORTING AND AUDITING					
Incident Notification					
E9.	The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 8.	Not triggered	Site interviews	No reported incidents during the audit period.	
Non-Compliance Notification					
E10.	The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.	Not triggered	Site interviews	No reported non-compliances during the audit period.	
E11.	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Not triggered	Site interviews	No reported non-compliances during the audit period.	
E12.	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Not triggered	Site interviews	No reported non-compliances during the audit period.	
Annual Review					
E13.	By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must: (a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year; (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the: (i) relevant statutory requirements, limits or performance measures/criteria; (ii) requirements of any plan or program required under this consent; (iii) monitoring results of previous years; and (iv) relevant predictions in the EIS. (c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence; (d) evaluate and report on: (i) the effectiveness of the noise and air quality management systems; and (ii) compliance with the performance measures, criteria and operating conditions of this consent; (e) identify any trends in the monitoring data over the life of the development and provide any raw monitoring data as requested by the Planning Secretary; (f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and (g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.	Not triggered		Not required during the audit period.	
E14.	Copies of the Annual Review must be submitted to Council and relevant agencies, and made available to the CCC and any interested person upon request.	Not triggered		Not required during the audit period.	
Independent Environmental Audit					
E15.	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).	Non-compliant	This audit report	This audit has been undertaken in accordance with the requirements of the IA PAR (2020). It was understood by the auditor that the audit was required to be undertaken by 16 August 2022. The audit was scheduled and undertaken on 10 August 2022 which was understood to be within the required period. During the preparation of the audit report it was identified that the required 12 week period following commencement of construction on 16 May 2022 ended on 8 August 2022, thus the site inspection was undertaken 2 days outside of the 12 week period. Tahmoor Coal has advised that they interpreted the wording of "12 weeks" as "3 months". This is considered to be a minor and administrative non-compliance. The audit report is required to be submitted within 2 months of the site inspection and will be submitted with a response to recommendations prior to 10 October 2022.	No further recommendations.
E16.	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	Compliant	DPE endorsement letter dated 11 July 2022	DPE provided approval for auditors Nathan Archer and Jill Johnson of IEMA on 11 July 2022.	
E17.	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Compliance Reporting Post Approval Requirements (2020), upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.	Note			
E18.	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must: (a) review and respond to each Independent Audit Report prepared under Condition C5 of this consent, or Condition C6 where notice is given by the Planning Secretary; (b) submit the response to the Planning Secretary; and (c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.	Not triggered		To occur after audit has been completed.	
E19.	Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.	Not triggered		To be submitted by 10 October 2022.	
E20.	Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.	Note			
Monitoring and Environmental Audits					
E21.	Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit. For the purposes of the condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.	Note			
E22.	Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.	Note			
ACCESS TO INFORMATION					
E23.	Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must: (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website: (i) the EIS; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged; (v) minutes of CCC meetings; (vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (viii) a summary of the current phase and progress of the development; (ix) contact details to enquire about the development or to make a complaint; (x) a complaints register, updated monthly; (xi) a register of incident and non-compliance notifications made to the Planning Secretary, updated monthly; (xii) the Annual Reviews of the development; (xiii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; (xiv) annual returns made under the National Greenhouse and Energy Reporting legislation (xv) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.	Compliant	http://www.simec.com/mining/tahmoor-coal-pty-ltd/	(a) (i) Link to the Department's Major Projects website for EIS (ii) All statutory approvals are provided (iii) The required management plans are provided (iv) Not triggered (v) CCC minutes available. The minutes for the June 2022 CCC meeting were not available prior due or during the site inspection as they were subject to approval. They were published prior to finalisation of the audit report and have been included as evidence of compliance. (vi) Annual Review and EPL reports available (vii) Annual Review and EPL reports available (viii) Resident Information Packs and Newsletters are provided (ix) 24 hour contact number provided as well as other contact details are provided (x) Complaints register is provided (xi) Incident register not available (xii) Annual Reviews available (xiii) Audit Reports available (xiv) NGER Reports available (xv) No other information required (b) The minutes for the June 2022 CCC meeting were not available prior due or during the site inspection as they were subject to approval. They were published prior to finalisation of the audit report and have been included as evidence of compliance. General comment - the website is difficult to navigate (in terms of logical location of documents) and has a hyperlink to the former Tahmoor South website (which was advised during the site interviews to be defunct, but isn't) that contains superseded documents. There were a number of items that were missing at the time of the site inspection that were subsequently updated prior to the audit report being completed, which made the site compliant with the condition.	Remove the link to the Department's Major Projects website for the EIS and provide the EIS itself on the Tahmoor Coal website. Remove hyperlink to former Tahmoor South website and ensure any relevant information on that website is transferred to the new website. Consider implementing a recurring trigger in the site's compliance management system to ensure the website content is kept up to date.

APPENDIX D

Photographs



Photo 1 - Re-sealed mine access road with concrete drains



Photo 2 - Temporary stabilisation applied to exposed areas




Photo 3 - Concrete and rock-lined drain with haybales for sediment control



Photo 4 - Concrete and turf lined drain with temporary stabilisation applied to exposed areas

APPENDIX E

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form	
Project Name	Tahmoor South Project
Consent No.	SSD 8445 MOD 1
Description of Project	Tahmoor South Project, being the extension of underground mining at Tahmoor Mine and some surface infrastructure upgrades.
Project Address	2975 Remembrance Driveway Tahmoor NSW 2573
Proponent	Tahmoor Coal Pty Ltd
Operator Address	PO Box 100 Tahmoor NSW 2573
Title of Audit	Tahmoor South Project Independent Audit 2022 SSD 8445 MOD 1
Date	27 September 2022
<p><i>I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> <i>i) The audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Compliance Requirements (Department 2019);</i> <i>ii) The findings of the audit are reported truthfully, accurately and completely;</i> <i>iii) I have exercised due diligence and professional judgement in conducting the audit;</i> <i>iv) I have acted professionally, objectively and in an unbiased manner;</i> <i>v) I am not related to any proponent, owner or operator of the project, neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;</i> <i>vi) I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;</i> <i>vii) Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and</i> <i>viii) I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p>Notes:</p> <ul style="list-style-type: none"> <i>a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and</i> <i>b) The Crimes Act 1990 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)</i> 	
Name of Auditor	Nathan Archer
Signature	
Qualifications	BSc M Env Mgt Certified Exemplar Global Lead Auditor (#133601)
Company	Integrated Environmental Management Australia Pty Ltd
Company Address	PO Box 3161, Merewether NSW 2291