



# Mannering Colliery

**Independent Environmental Audit for  
PA 06\_0311**

Delta Coal

20 June 2022

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# 1. Introduction

## 1.1 Introduction and purpose of this report

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

Mannering Colliery was granted project approval (MP06\_0311) under Part 3A of the EP&A Act on 12 March 2008 and, as modified, permits the extraction of up to 1.1 Mtpa of ROM coal until 30 June 2022. It also permits the handling of up to 1.3 Mtpa ROM coal with that coal transported via a dedicated overland conveyor to Delta Coal Electricity's Vales Point Power Station (VPPS) for domestic energy generation.

Mannering Colliery is subject to PA 06\_0311. In 2013 the mine lodged an application for the Chain Valley Colliery Mining Extension 1 Project (PA 06\_0311) under Part 4 of the EP&A Act, which was approved on 23 December 2013.

This audit covers a period of time from 10 April 2019 to 2 May 2022. The site inspection component of the IEA was conducted 2 May 2022. This report provides an outline of the audit methodology and results and provides recommended actions for achieving full compliance with environmental approvals.

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

Schedule 6, Condition 9 of PA 06\_0311 requires an IEA to be commissioned by the end of February 2022, and every three years thereafter. Schedule 6, Condition 9 constitutes the audit scope and requires that:

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

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

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

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

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

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

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

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

As required by Schedule 6, Condition 9 of PA 06\_0311 the audit team was approved by the Department of Planning and Environment (DPE) to undertake the audit on 23 February 2022 (see Appendix A).

## 1.2 Scope of the audit

The audit took the following form:

- An initial start-up teleconference was held with relevant Delta Coal representatives to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring on the Mine, documentation for review and to schedule a date for the Mine inspection.
- Relevant agencies and the Community Consultative Committee chair (CCC chair), including the Department of Planning and Environment (DPE), DPE – Water, Department of Primary Industries – Fisheries (DPI – Fisheries), Environment Protection Authority (EPA), Biodiversity Conservation Division (BCD), the NSW Resources Regulator, Lake Macquarie City Council (LMCC), and Central Coast Council (CC Council) were requested to provide comment on the performance and/or compliance of the project with relevant requirements and/or approvals.
- A review of available key documentation including the Environmental Assessment (EA) documentation, Development Consent, Environment Protection Licence (EPL) and other relevant site and environmental information (such as correspondence with relevant agencies and management plans and/or monitoring results) was undertaken prior to interviews with Delta Coal representatives and the Mine inspection. Additional documents were reviewed during and following the interviews with Delta Coal representatives and the Mine inspection.
- A one-day site inspection, including interviews, to assess the general environmental performance of site and discuss Development Consent and EPL compliance with key site-based personnel.
- Preparation of a draft audit report for Delta Coal to review.
- Finalisation of the audit report and submission to Delta Coal.

## 1.3 Audit participants

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

*Table 1.1      Audit team members*

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

## 1.4 Limitations

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

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

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

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

## **2. Methodology**

### **2.1 Audit inception**

An initial start-up teleconference for the audit was held on 11 March 2022 with relevant Delta Coal representatives to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring on site, documentation for review and to schedule a date for the site inspection.

### **2.2 Document review**

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

- Road Transport Protocol, including Traffic Management Plan (TMP) and Code of Conduct
- Noise Management Plan (NMP)
- Air Quality Greenhouse Gas Management Plan (AQGGMP)
- Water Management Plan (WMP)
- Non-Indigenous Heritage Management Plan (NIHMP)
- Aboriginal Cultural Heritage Management Plan (ACHMP)
- Pollution Incident Response Management Plan (PIRMP)
- Land Management Plan (LMP)
- Environmental Management Strategy (EMS)
- Mining Operations Plan (MOP)
- PA 06\_0311
- EPL 191
- Mining lease (ML) 1781 (formerly Consolidated Coal Lease (CCL) 719) and ML 1783 (formerly CCL 721)
- EA documentation
- Correspondence to/from relevant agencies and Community Consultative Committee (CCC) Chairperson

Additional documents were provided during and following the audit as evidence of compliance with PA 06\_0311, the EPL, and relevant lease(s).

### **2.3 Agency consultation**

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

- DPE
- NSW Resources Regulator
- DPE – Water
- BCD
- EPA
- LMCC
- CC Council
- DPI – Fisheries
- The CCC Chairperson

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

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

## 2.4 Site inspection and interviews

### 2.4.1 Opening and closing meeting

GHD undertook a site visit of Mannering Colliery on 2 May 2022. The audit team used the site inspection to review compliance with various environmental requirements of the Mine.

Conditions on the day of the site inspection were noted to be up to 22.3 degrees Celsius (°C), with wind gusts up to 17 km/hr, from the south-east.

The opening meeting was held at Mannering Colliery, with the closing meeting being held at Chain Valley Colliery. The list of participants is provided in Table 2.1.

**Table 2.1** Opening and closing meeting attendees

Audit team members	Organisation	Role
Elliot Holland	GHD	Lead Auditor
Lachlan Taylor	GHD	Assistant auditor
Lachlan McWha	Delta Coal	Environmental Compliance Coordinator
Pieter Van Rooyen	Delta Coal	Environment and Community Relations Superintendent

Following the opening meeting, a site inspection was undertaken of the Mine and operations. The objectives of the closing meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

### 2.4.2 Audit interviews

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

### 2.4.3 Data collection and verification

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

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

### 2.4.4 Site inspection

A detailed site inspection of Mannering Colliery was undertaken on 2 May 2022. The following locations were inspected:

- Above ground tanks and bunding
- Oily water separator
- Workshop
- Hazardous and dangerous goods storage area
- Coal stockpile area
- Coal handling preparation plant (CHPP) facilities
- Water storage dams
- EPL licensed discharge location



## 2.5 Reporting

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

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

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

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

## 2.6 Definitions

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

## Compliant

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

## Non-Compliant

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

Table 2.3 details the risk levels for non-compliances.

**Table 2.3** Risk level for non-compliances

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

## Not triggered

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

## Note

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

*Note: while 'note' was not identified as a relevant descriptor, a number of conditions of PA 06\_0311, EPL 191, and relevant leases do not have any relevant compliance requirements. Therefore, note has been used to identify these conditions where no assessment of compliance is applicable.*

### 3. Previous independent audit and status

The recommendations made in the 2019 IEA prepared by SLR Consulting Australia Pty Ltd (2019), and the status of recommendations as at 2 May 2022 are in Table 3.1 below.

Table 3.1 2019 IEA findings/recommendations

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
<b>Non-compliance recommendations from 2019 Audit</b>			
EPL 191 – L1.1	Continue to undertake mitigation measures to comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i>	Several exceedances of criteria occurred during the reporting period. As a result, <b>Corrective action 1</b> has been made in this audit.	Open
EPL 191 – L2.4	Continue to undertake water quality monitoring. If a water quality exceedance is detected undertake measures to improve water quality.	Several exceedances of water quality criteria occurred during the reporting period. As a result, <b>Corrective action 2</b> has been made in this audit.	Open
EPL 191 – O1.1 and PA 06_0311 Schedule 3 Condition 23	<ul style="list-style-type: none"> <li>– Finish sorting out the piles of reject and rubbish at the pit top area.</li> <li>– Undertake contaminated sites/waste material assessment at the waste stockpile area.</li> <li>– SLR recommends none of the waste from the stockpile material is removed from site for waste disposal until an assessment on the waste is undertaken.</li> <li>– Install signage at the landfarm material at the pit top.</li> </ul>	During the conduct of the audit, documentation reviewed, and the site inspection indicates that the site is being operated generally in compliance with the requirements of this condition.	Closed
EPL 191 – O4	2019 IEA Recommendation: Update the PIRMP to include: <ul style="list-style-type: none"> <li>– Current site contacts</li> <li>– Email details for government contacts</li> <li>– Figures that clearly show the location of hazardous substances and where pollution response equipment is stored</li> </ul>	A review of the PIRMP found that the recommendations of the 2019 IEA have been incorporated and are closed out.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
EPL 191 – L5 and PA 06_0311 – Schedule 3 Condition 2	Continue to undertake noise monitoring.	Noise monitoring continued over the reporting period. Frequency was increased from quarterly monitoring to monthly reporting in Q4 2019.	Closed
	Undertake follow-up actions if noise exceedances occur.	Noise mitigation projects have been undertaken.	Closed
	Continue to manage noise complaints.	A response to community complaints dated 2 October 2020 was viewed. The response from Delta Coal was adequate and thorough. DPIE were also informed of the response.	Closed
	Provide DPE with EMM Noise Mitigation Study dated March 2019.	Provided to DPIE as an Appendix to the 2019 Annual Review.	Closed
EPL 191 – M5.2	Include in the Complaints Register: <ul style="list-style-type: none"> <li>– Time of the complaint</li> <li>– Personal details of the complainant</li> <li>– Method by which the complaint was made</li> </ul>	The internal and website published complaints and incident registered were viewed during the site audit. Whilst the website published register did not contain all the requirements of this condition, the internal register contained the full details required.	Closed
EPL 191 – M6.2	With the new ownership an advertisement should be placed in the paper providing a link to the Delta Coal website and outlining the complaint management details.	The Community Newsletter from July 2019 fulfilled the 2019 IEA recommendation.	Closed
EPL 191 – M6.4	Update the details of designated representatives of the company in the PIRMP.	The PIRMP has been updated since the previous audit and contains the contact details of the current representees of the company.	Closed
EPL 191 – R1.3	LakeCoal prepare an Annual Return for the period commencing on the first day of the reporting period (1 January 2019) and ending on the date the application for the transfer of the licence to the new licensee is granted (1 April 2019). Delta Coal prepare an Annual Return for the period commencing on the date the application for the transfer of EPL191 is granted (1 April 2019) and ending on the last day of the reporting period (31 December 2019).	The EPL was transferred from LakeCoal to Delta Coal on 1 April 2019, outside the scope of the reporting period. Delta Coal produced an Annual Return for the 2019 reporting year for the months of April to December.	Closed
PA 06_0311 – Schedule 2 Condition 8	Develop and implement a plan to update Mannering's Strategies, Plans and Programs.	This condition was removed in MOD5 and therefore compliance against the previous audit recommendation has not been assessed.	Closed
PA 06_0311 – Schedule 2 Condition 11	Ensure that all plant and equipment used on site is operated in a proper and efficient manner.	Workorders for routine maintenance on the Ash Analyser were produced upon request during the site inspection. The workorder tracking system, PULSE, was also viewed.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
PA 06_0311 – Schedule 2 Condition 12	Ensure VPA payments are made prior to the due date.	No coal has been produced by the site over the reporting period, and therefore VPA payments are not required.	Closed
PA 06_0311 – Schedule 3 Condition 8	The WMP needs to be updated.	The WMP was (rev 6.1) was updated on 3 February 2020. The plan included an updated Figure 1 as per the previous audit corrective action.	Closed
	Replace Figure 1 in the WMP with clear figures showing clean and dirty water management (i.e. replace with Figures 2.10 & Figure 2.11 from the 2018 Annual Review).		
PA 06_0311 – Schedule 3 Condition 9	The Water Balance in the WMP needs to be reviewed as it's out of date.	The water balance was updated during the audit period as per the previous audit recommendation.	Closed
PA 06_0311 – Schedule 3 Condition 11	Undertake visual assessment of the unnamed creek every 6 months, to monitor stability and erosion.	The recommendation of the previous audit to undertake visual assessment of the unnamed creek has been completed.	Closed
	A TARP should be developed in the next review of the WMP which outlines quantitative and qualitative triggers for the creek and erosion.	A TARP is included in Section 6.5.9 of the WMP closing out this recommendation.	Closed
	Include results of the visual assessment of the unnamed creek in Annual Reviews. Include a reference again previous results.	The recommendation of the previous audit to undertake visual assessment of the unnamed creek is reported on in the annual review documentation.	Closed
	Ensure monitoring undertaken at the "Downstream" monitoring location is undertaken every 12 months.	Monitoring has been undertaken at the Downstream location.	Closed
	Include analysis results from monitoring undertaken at the "Downstream" monitoring location in Annual Reviews.	Monitoring results for the Downstream location are included in the Annual Review.	Closed
PA 06_0311 – Schedule 3 Condition 12	Include in Section 9.4 of the Water Management Plan reporting of ground water results in Annual Reviews.	Groundwater volumes as discharge are reported in section 8 of the annual review.	Closed
PA 06_0311 – Schedule 3 Condition 14	Attach the Bushfire Management Plan to the Land Management Plan.	The Bushfire Management Plan has not been attached to the LMP. As a result, <b>Recommendation 1</b> has been made in this audit.	Open
PA 06_0311 – Schedule 3 Condition 16	Update the AQGGMP.	The AQGGMP was last updated in December 2019.	Closed
	Include in the updated AQGGMP a plan showing dust monitoring locations and the location of the weather station.	Dust monitoring locations are shown in the updated AQGGMP.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
PA 06_0311 – Schedule 3 Condition 18A	Update the ACHMP to make it reflective of the Mannering site only.	The ACHMP was updated on 4 December 2019, satisfying the recommendation of the previous audit.	Closed
	Update the Non-Indigenous Heritage Management Plan.	NICHMP were updated on 4 December 2019, satisfying the recommendation of the previous audit.	Closed
PA 06_0311 – Schedule 3 Condition 22	Assess the relevance of the Energy Savings Action Plan (ESAP) and whether it requires updating or incorporation into the sites Air Quality Management Plan (AQMP).	This condition was removed in MOD5 and therefore compliance against the previous audit recommendation has not been assessed.	Closed
PA 06_0311 – Schedule 5 Condition 1	Review the Environmental Management Strategy (EMS).	The EMS was updated in 2021, which incorporated the most recent project approval (MOD5) and the recommendations of the 2019 IEA.	Closed
	Include in the reviewed EMS the incorrect monitoring frequency for conductivity, TSS, pH and Oil & Grease.		
PA 06_0311 – Schedule 5 Condition 3	All management plans require updating due to the length of time since the previous reviews.	Most management plans were updated over the reporting period. The LMP was the only plan not updated during the audit period, however the auditor notes that this is in the process of being updated and would be assessed next audit period.	Open
	Ensure there is a cross referencing table covering this condition in management plans.	The reviewed management plans have included the cross-referencing table as recommended by the previous audit.	Closed
	Additional detail including Trigger, Action, Response Tables (contingency plan) should be developed in the next round of management plan updates.	Management plans generally included Trigger, Action, Response Tables. The AQGGMP did not include the Trigger, Action, Response Tables. Refer to the recommendation for Schedule 3 Condition 17.	Open
	Include in the LMP and ACHMP reporting mechanisms (i.e. Annual Review).	Annual review reporting mechanisms are included in the ACHMP. As discussed above, the LMP is in the process of being updated and would be assessed next audit period.	Open
	Include in the WMP 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.	A contingency plan has not been included in the WMP. This recommendation therefore still remains open.	Open
	Include in the WMP a protocol for managing and reporting any incidents, complaints, non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria.	A reporting procedure is included in the WMP.	Closed
	Include a complaints handling procedure in the include ACHMP.	A complaint handling procedure is included in the ACHMP.	Closed
	Include a protocol for periodic review of the ACHMP.	A process for periodic review is included in the ACHMP.	Closed

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
	Ensure all management plans required under PA 06_0311 detail and consider the management condition.	The management plans reviewed were generally compliant with this condition. Some administrative non-compliances were identified. Refer to Table 5.1 and Table 5.2 for corrective actions.	Open
PA 06_0311 – Schedule 5 Condition 5	Include statement in future Annual Reviews stating that Management Plans have been reviewed and state which management plans will or will not be updated within 3 months.	Revision planning, and tracking is included in the 2021 Annual review, therefore closing out the recommendations of the previous IEA.	Compliant
	Develop and implement a plan to update Mannering's Strategies, Plans and Programs.		
PA 06_0311 – Schedule 5 Condition 6	Ensure all incidents are reported within the required timeframe.	A review of incident reports provided by Delta Coal have found that appropriate action was where the EPA and DPIE (where relevant) were notified upon discovery of the incident.	Closed
	Ensure the complaints/incidents register includes all incidents.	Whilst not a non-compliance against this condition, the complaints and incidents register provided by Delta Coal was missing incidents from May 2019 to December 2019. The recommendation of the previous IEA has therefore not been followed though. As a result, <b>Corrective action 8</b> has been made in this audit.	Open
PA 06_0311 – Schedule 5 Condition 8	Ensure Annual Reviews are submitted to DPE by 31 March.	Annual Reviews have been submitted by 31 of March for each reporting year over the audit period. However, this is a requirement of PA 06_0311 and is not viewed as a necessary ongoing recommendation. Therefore, this audit has considered it closed.	Closed
	Future Annual Reviews should clearly state noise and water quality performance criteria, and provide monitoring results against these.	Annual Reviews present data to the requirements of this recommendation.	Closed
	Include in future Annual Reviews: <ul style="list-style-type: none"> <li>– Requirements of plans/programs required under PA 06_0311 for noise and water quality</li> <li>– The monitoring results of previous years, for noise and water</li> <li>– The relevant predictions in environmental assessments for air quality, noise and water</li> <li>– Trends in the monitoring data for air quality, noise and water, over the life of the project</li> <li>– Discrepancies between the predicted impacts in the EAs for air quality, noise and water, and actual impacts of the project</li> </ul>	Delta Coal have generally closed this comment during the reporting period. The inclusion of data trends for noise monitoring has not been included in the Annual Reviews. As a result, <b>Corrective action 7</b> has been made in this audit.	Open

Reference	2019 findings/recommendations	2022 status	Status (closed/open)
	The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines.	Table of Contents in Annual Reviews have been updated to reflect the DPE Annual Review Guidelines.	Closed
	IEA Actions Plans should be included in every Annual Review going forward.	IEA Action Plans are included in Appendix 8 of the Annual Review.	Closed
PA 06_0311 – Schedule 5 Condition 10	Ensure future IEA reports are submitted within the required timeframe.	The 2019 IEA was submitted within 3 months of the audit being undertaken.	Closed
PA 06_0311 – Schedule 5 Condition 13	<p>Include the following documentation on the project website:</p> <ul style="list-style-type: none"> <li>– The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4).</li> <li>– Up-to-date Complaints Register. The Register only includes complaints up to February 2019.</li> <li>– CCC minutes for 2017, 2017 and 2019.</li> <li>– 2016 Audit Action Plan.</li> <li>– Noise monitoring data not included in the Monthly Website Report.</li> <li>– 2018 - 2020 MOP.</li> </ul>	The recommendations of the 2019 IEA have been addressed, except for the recommendation that noise monitoring be included in the monthly environmental reports. Noise monitoring is presented in a separate report located beneath the monthly environmental reports which is considered satisfactory to close out the 2019 IEA recommendations.	Closed
Statement of commitments recommendations	Prepare a report to determine what further actions can be undertaken to reduce noise exceedances and noise complaints.	EMM completed a Noise Compliance Study in 2019, which identified the rotary breaker was emitting elevated noise emissions. This has subsequently been removed.	Closed
	Include European heritage aspects in the “Lake Coal Surface Generic Surface Induction” and “Environmental Awareness Training” Assessment.	European heritage information is not included in the Environmental Awareness Training. This remains open from the previous audit.	Open
	Update the Environmental Monitoring Program to incorporate any commitments made in the Environmental Assessments (EAs) for Mod 1, Mod 2, Mod 3 & Mod 4, and any additional consent conditions (for these modifications).	The Environmental Monitoring Program was updated in 2021 and satisfied the recommendation from the previous audit.	Closed
CCL 721 – Condition 5	Report against compliance with the MOP in future Annual Reviews.	A review of the Annual Reviews found this recommendation has been closed.	Closed
CCL 721 – Condition 6	Ensure all additional environmental reports on specific surface disturbing operations are provided to the RR as required.	Review of documentation available on MinView confirms relevant reporting has been conducted in accordance with this condition.	Closed



Reference	2019 findings/recommendations	2022 status	Status (closed/open)
CCL 721 – Condition 18	Ensure all practicable measures are undertaken to reduce noise and water quality exceedances (refer to specific recommendations relating to noise and water quality).	Two noise mitigation projects have been undertaken over the reporting period: – Rotary breaker removal – CHPP enclosure undertaken Noise management measures are considered appropriate. There have been some water quality exceedances over the reporting period. Refer to <b>Corrective actions 1 and 2</b> .	Open
CCL 719 – Condition 3	Prepare Annual Rehabilitation Reports.	Review of documentation available on MinView confirms relevant reporting has been conducted in accordance with this condition.	Closed
	Include in Annual Reviews any non-compliances with the MOP, during the reporting period.	Non-compliances are presented in the Annual Review.	Closed
CCL 719 – Condition 8	Ensure an adequate security deposit is provided as a group security.	Review of relevant documentation indicates the security deposit was amended for the current approved MOP.	Closed
	Ensure group security has been approved by RR.		Closed
Additional recommendations	It provided difficult for Delta Coal to provide requested information in a timely manner. SLR recommends a review of the management system to ensure information is correctly filed and readily available.	Delta Coal provided information in a timely manner for this audit.	Closed
	Little information was provided to SLR prior to the audit which resulted in numerous additional information requests. Additional time is required by Delta Coal to prepare for the next IEA. An internal audit is recommended prior to the next IEA to ensure information and evidence is available to the Independent Environmental Auditor.	Delta Coal provided information in a timely manner for this audit.	Closed
	A separate subsidence impact assessment report should be prepared annually and appended to the Annual Review. This report should be prepared or peer reviewed by a subsidence specialist. This should assess subsidence performance measures from the Project Approval.	An annual subsidence report is prepared and appended to the Annual Review.	Closed

## 4. Audit findings

### 4.1 Context of compliance assessment

Mannering Colliery operates under PA 06\_0311 which initially provided approval for the following activities:

- Mining operations to take place until 2027
- The approved maximum rate of production of 1.1 million tonnes per annum (Mtpa)
- The approved maximum rate of coal transport of 2.1 Mtpa
- Transport of coal via overland conveyor to Vales Point Power Station

PA 06\_0311 has been modified five times during the operation of the mine:

- **Modification 1 (approved 25 October 2012):** The modification allowed for the extension of mining activities at Mannering Colliery:
  - Extension of underground mining operations within the Fassifern Seam beyond the existing approved 2008 Project Approval boundary using bord and pillar mining methods
  - Extension of underground mining operations into the Great Northern Seam using bord and pillar mining methods
  - Provide full time employment for a total of 170 personnel
- **Modification 2 (approved 2 November 2014):** Development of an underground linkage between Chain Valley Colliery and Mannering Colliery
- **Modification 3 and Modification 5 (approved 16 December 2015):** Allowed for the following changes to the Mannering Colliery operations:
  - An increase in the rate of ROM coal handling at, and transport from, MC from 1.1 Mtpa to a maximum of 1.3 Mtpa
  - An extension of the project approval period from 31 March 2018 to 30 June 2022
  - Minor vegetation clearing/disturbance adjacent to some infrastructure at MC's pit top to enable the extension/establishment of asset protection zones (APZs) for bushfire protection purposes
- **Modification 4 (approved 18 August 2016):** Allowed for the use of the rotary breaker in coal processing.
- **Modification 5 (approved 26 June 2020):** Allowed for the following changes to the Mannering Colliery operations:
  - Increasing the amount of ROM coal that can be transferred from Chain Valley Colliery to Mannering Colliery from 1.3 Mtpa to 2.1 Mtpa
  - Resource recovery through the broader use of bord and pillar mining methods within the approved consent boundary
  - An extension to the duration of Mannering Colliery consent to align with the duration of approved operations at Chain Valley Colliery and enable ongoing handling and processing of coal and a more flexible extraction regime across the sites
  - Greater flexibility in the approved layout of bord and pillar workings at Mannering Colliery
  - Minor changes to infrastructure at Mannering Colliery, including the addition of a new underground coal crusher

The site is regulated by EPL191 which was most recently reissued on 14 April 2021.

Mannering Colliery is regulated by two mining leases (formerly consolidated coal licenses):

- ML 1781 (formerly CCL 719 – sublease B). Granted 10 March 2022 with a lease expiry of 3 July 2031:
  - Sub-lease from Centennial Mannering for Mannering Colliery (subject to application to transfer to Delta Coal)

- ML 1782 (formerly CCL 721). Granted 24 January 2022 with a lease expiry of 29 July 2026:
  - Incorporates part of the approved mining area, Part sublease to Delta Coal, incorporated into Chain Valley Colliery holding. Includes Mannering surface facilities

## 4.2 Summary of compliance

- 12 non-compliances associated with PA 06\_0311, including:
  - Three deemed to represent a low risk
  - Nine deemed administrative non-compliances (ANC)
- Eight non-compliances associated with EPL 191, including:
  - Four deemed to represent a low risk
  - Four deemed ANC

### 4.2.1 General environmental compliance

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

#### 4.2.1.1 Air quality

The AQGGMP was revised in January 2022 to cover both Mannering and Chain Valley sites. A review of the plans and annual review documentation identified that monitoring was being undertaken in accordance with the requirements of EPL 191 and PA 06\_0311. During the audit period, MC experienced a number of exceedances of air quality criteria, which were all attributed to contamination of dust gauges and not activities at the site. These exceedances are therefore not considered non-compliances. This notwithstanding, they were reported as incidents and are covered in Section 4.2.3.

Two increases of greater than 2 g/m<sup>2</sup>/month were observed between November 2019 and December 2019 and August 2021 and September 2021. These exceedances were not identified by Delta Coal at the time and have been identified as low risk non-compliances by this audit, as a result **corrective action 7** has been made.

Several complaints were made against the site in relation to dust in 2019 and 2020. The auditor believes the response taken by Delta Coal is satisfactory. There were no dust related complaints in 2021 and 2022 at the time of audit, indicating that adaptive management practices have been acceptable.

#### 4.2.1.2 Noise

Noise monitoring identified several non-compliances in 2019 and 2020 against criteria in EPL 191 and PA 06\_0311. These non-compliances were prior to Delta Coal removing the rotary breaker, undertaking maintenance of crushing hammers at the CHPP and enclosing, the CHPP. In addition, since the rotary breaker was decommissioned, initial crushing and sizing occurs underground before being conveyed to Mannering Colliery pit-top for further sizing and screening in the CHPP.

No noise exceedances have occurred since these changes. However, the majority of complaints received against Mannering Colliery during the reporting period were in relation to noise and vibration (28 during 2019, 45 during 2020, and 36 during the 2021 reporting period. Complaints were primarily received from one group of receivers close to the site. A review of the complaints register indicates that complaints received have decreased between 2020 and 2022.

Delta Coal have been active in reducing their noise through the removal of the rotary breaker and enclosure of the CHPP in noise mitigating material. Furthermore, the increase in complaints during 2020 (44) and 2021 (36) (versus 2019) are noted to have been received from the same complainant who has since moved away from the local area (as at February 2022). Since this time, only one noise complaint has been received during Quarter 1 of 2022. The response to this complaint was noted to have been proactive, with additional:

- Consultation undertaken with the complainant by senior Delta management.
- Maintenance conducted on the CHPP after inspection by senior Delta management (i.e. replacement of rock crushing hammers).

#### **4.2.1.3 Water management**

Water generated at the site is a mixture of groundwater and surface water runoff. Water is retained in sediment dams at the site prior to being discharged at the EPL licenced discharge point. Sediment ponds and the discharge point were viewed during site inspection.

Several non-compliances against criteria in EPL 191 were recorded during the reporting period. Exceedances included Total Suspended Solids (TSS), pH limit and oil and grease limits. These exceedances are discussed further in Section 4.2.3. These exceedances constitute a 'pollution' of waterways under the POEO Act and were identified as a low-risk non-compliance.

Water monitoring was undertaken in a way that was generally compliant with the requirements of PA 06\_0311 and EPL 191. Six samples in late 2020 that were not analysed for conductivity as per the requirements of EPL 191, therefore constituting a non-compliance.

Delta Coal holds a groundwater bore license WAL40461 under the *Water Act, 1912*, which permits the industrial dewatering of groundwater up to volume of 450 megalitres (ML) per year. Based on the information in the Annual Reviews for the audit period, the site was within extraction licence limits allowed by WAL40461.

Wash bays and water traps viewed on site were in operational condition. One occurrence of daily volume discharge being above limits in EPL 191 was recorded during the reporting period. However, this was not deemed to be an exceedance, as operation of Condition L3.2 permits exceedances in certain conditions of which Delta Coal complied with.

#### **4.2.1.4 Biodiversity**

The project footprint has not been amended during the reporting period, and therefore no clearing works have been undertaken. Weed management is ongoing at the site and will continue into next reporting period.

#### **4.2.1.5 Heritage**

No incidents or any other things of note involving Aboriginal or non-Aboriginal Heritage have occurred over the reporting period.

#### **4.2.1.6 Visual**

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

#### **4.2.1.7 Waste**

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

Waste systems were viewed on site during the site inspection. There were adequate, clearly marked receptacles placed around the site for waste; however, it was observed that staff were not segregating waste appropriately. This therefore constitutes a non-compliance with a number of conditions of EPL 191 and PA 06\_0311.

**Corrective action 3** is proposed to address the low-risk non-compliance.

#### **4.2.1.8 Rehabilitation**

Review of the current approved MOP indicates minimal rehabilitation is proposed during the MOP period, with rehabilitation goals generally related to mine closure and addressing subsidence impacts, the consent allows operation up to 31 December 2027; therefore, closure planning in accordance with PA 06\_0311 is not required to commence until 31 December 2022.

The site is currently in the process of preparing a Rehabilitation Management Plan (RMP) and Annual Rehabilitation Report and Forward Program (as now required by the NSW Resources Regulator instead of a MOP from 2 July 2022). As part of the RMP preparation, it is also recommended that this document discuss topsoil storage and estimated volumes required for rehabilitation.

## 4.2.2 Complaints

Review of incidents records for Mannering Colliery identified complaints is summarised in Table 4.1 below, with the auditor noting Delta Coal were responsive to community complaints and adapted operations to minimise potential impacts on the community, where applicable.

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

Date	Nature of complaint	Description	Action taken
2019			
25/04/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Sleep disturbance 11:26 PM.	Following investigation process with Dept. of Planning - Compliance.
26/04/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Sleep disturbance 11:26 PM.	Following investigation process with Dept. of Planning - Compliance.
12/06/2019	Noise	Complaint received from residents in Macquarie Shores Retirement Village. Sleep disturbance between 12:00 and 7:00 am. Residents requested to be provided with ear plugs.	Following investigation process with Dept. of Planning - Compliance. Ear plugs were provided to residents.
20/06/2019	Noise	Complaint received from residents in Macquarie Shores Retirement Village. Sleep disturbance 12:00 am and 7:00 am.	Technical Services alerted Mannering Colliery Production Supervisors and Control Room of current coal processing times and requested to minimise running Mannering Colliery outside of night-time hours where possible.
4/7/2019	Noise and Dust	Group complaint listing received from the manager of Macquarie Shores Retirement Village. Complainants were individually contacted to understand their concerns/major issues.	Residents were followed up with a phone call and main concerns were recorded. Residents were advised of the noise compliance monitoring and reporting process and noise mitigation works conducted and proposed. Manager was later contacted to let him know of the outcome of phone calls.
	Noise and Dust	Resident was contacted - the main concern was the noise impacts particularly at 10:00 pm. Can hear loud alarms, rumbling noises. Also reported having black dust on cars and windows.	Residents were followed up with a phone call and main concerns were recorded. Residents were advised of the noise compliance monitoring and reporting process and noise mitigation works conducted and proposed.
	Noise and Dust	Resident was contacted - Complainant mentioned that they were not personally affected but the complaint is regarding the power station which sometimes sounds like a jet plane going over and reports of dust in the air from the ash dam.	Residents were followed up with a phone call and main concerns were recorded. Residents were advised of the noise compliance monitoring and reporting process and noise mitigation works conducted and proposed.
	Noise	Resident was contacted - Complainants main concern was the increase in noise during night time in the last 3-6months.	Residents were followed up with a phone call and main concerns were recorded. Residents were advised of the noise compliance monitoring and reporting process and noise mitigation works conducted and proposed.

Date	Nature of complaint	Description	Action taken
	Noise and Dust	Resident was contacted - Complainants main concern was dust impacts on the community in particular the air quality to children's health. Also reported sleep disturbance cause by loud noises.	Residents were followed up with a phone call and main concerns were recorded. Residents were advised of the noise compliance monitoring and reporting process and noise mitigation works conducted and proposed.
	Noise and Vibration	Resident was contacted - Complainants main concern was the loud noises and vibrating/shaking at night. Has been woken up by house shaking and vibrating.	Residents were followed up with a phone call and main concerns were recorded. Residents were advised of the noise compliance monitoring and reporting process and noise mitigation works conducted and proposed.
15/07/2019	Noise	Sleep disturbance noises are still prevailing and have been bad particularly between midnight and 7:00 am in the morning and during the weekend.	Following investigation process with Dept. of Planning - Compliance. Resident was advised of the noise monitoring and reporting process and noise mitigation works conducted and proposed.
18/07/2019	Noise	Complaint received from residents in Macquarie Shores Retirement Village. Unbearable banging, clanging and thumping caused sleep disturbance between 12:00 am and 7:00 am.	Site inspection was conducted immediately after receiving complaint to check operations at Mannering Colliery. The coal processing plant or loader were not running at the time of complaint or at all during that day. A site inspection was also carried out at Macquarie Shores Retirement Village, where no audible noise could be heard from either Mannering Colliery or Vales Point Power station. Complainant's residence was visited but complainant did not respond.
19/07/2019	Noise and Vibration	Complaint received from resident in Macquarie Shores Retirement Village, regarding noise and vibrations and also reported via the EPA Officer.	Informed the EPA on current DPIE Noise Compliance Report process, to help the EPA to inform the redacted name of the complainant.
22/07/2019	Noise and Vibration	Complaint received from resident in Macquarie Shores Retirement Village. Noise vibrating through windows during 10:00 pm 19/7/2019 till Monday 22/7/2019. Loud clanging, buzzing, machinery, roaring from turbines etc, heard 24/7.	Visual amenity assessment survey conducted at 3:30 am on morning of complaint. No audible noise heard emanating from Mannering Colliery at this time.
11/08/2019	Noise	Complaint received from resident Macquarie Shores Retirement Village. Loud clanging, thumping, stumping, tapping, engine and coal turbine roaring and buzzing have become worse and unbearable.	Resident was advised of the noise monitoring and reporting process and noise mitigation works conducted and proposed. Complainant was also advised that an unattended noise logger has been installed with results reported to Dept. of Planning on completion of study.
13/08/2019	Noise and Vibration	Complaint received from resident in Macquarie Shores Retirement Village. Loud vibrating sounds including thumping, stumping and machinery noises between 1:00 am - 4:55 am. Bubbling noises were heard at 5:23 am.	Resident was advised of the noise monitoring and reporting process and noise mitigation works conducted and proposed. Complainant was also advised that an unattended noise logger has been installed with results reported to Dept. of Planning on completion of study.

Date	Nature of complaint	Description	Action taken
26/08/2019	Dust	Complaint received via EPA representative. Dust issue at Delta Coal Mannering Colliery in relation to EPL 191. Complainant said that water trucks are not being used in recent month and the dust is increasingly affecting residents nearby	Investigation was undertaken and email response to the allegation provided to the NSW EPA officer. The response outlined the current dust reduction measures that are in place including: a street sweeper for sealed roads, dust suppression spray used in the coal handling plant, coal conveyors are covered, use of sprinklers when needed in the car park of CVC to minimise airborne dust.  The EPA officer was also informed of further upcoming dust reductions measures, including an application of dust suppressant chemical for site unsealed roads which is organised for the following week and also the use of a contracted water cart while a replacement cart is being sourced by Delta Coal.  Ongoing monthly depositional dust gauge monitoring results are in compliance with the limits.
05/09/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Noise noted between night time and 7:00 am from 4/09/19 and 5/09/19.	Resident previously advised of the noise monitoring and reporting process and noise mitigation works conducted and proposed. Delta Coal representative spoke to complainant on 6/09/19 to further understand nature of complaint. Further investigations were being undertaken. Checked Mannering Colliery operations and no CHP or loader operation between 11:30 pm 3/9/19 and 6:30 am 5/9/19. Ongoing communication.
09/09/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Noise noted: Saturday 7/9/2019 5:33 am, Sunday 8/9/2019 10:24 pm and 9/9/2019 between 1:00 am and 7:00 am particularly 4:33 am the noises had been exceptionally loud. Vibrating thumping noises, conveyor belt noises and roaring engine. On Sunday a siren was noted.	Resident previously advised of the noise monitoring and reporting process and noise mitigation works, ongoing communication.
11/09/2019	Noise	Noises (banging, thumping, conveyor belt and loud roaring loader engine) were exceptionally loud from 4:25 am 11/9/2019.	Resident previously advised of the noise monitoring and reporting process and noise mitigation works, ongoing communication.
26/09/2019	Noise	Complaint received via email from resident in Macquarie Shores Retirement Village. Noise noted between 12:00 am and 7:00 am, and in particular from 6:00 am.	Resident was advised that the MC coal handling plant did not operate from 5:25 pm on 25 September until 6:50 am on 26 September 2019. Surface operations at MC during the nominated period were limited to a single person on the surface undertaking cleaning activities (hosing down and shovelling). A start-up alarm would have sounded at 6:50 am on 26 September to warn personnel of the start-up of the plant as part of the commencement of operations.
07/10/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Noise noted between 12:00 am and 6:00 am on 7/10/19. Intermittent low pitch thumping, buzzing and low pitch bass clanging noises could be heard.	Email sent to complainant acknowledging receipt of email. Operations to be reviewed.

Date	Nature of complaint	Description	Action taken
09/10/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village in relation to sleep disturbance. Noise noted at 4:20 am on 9/10/19. Clang, thumping, buzzing and stumping vibrating noises could be heard.	Email sent to complainant on 11/10/19 acknowledging receipt of email. Complainant advised that the CHPP was operating continuously during the complaint period, and no irregularities were noted. In addition, the loader is not operated at night. Further discussions to take place during upcoming community meeting.
21/10/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Noise noted between from 4:00 am on 19/10/19 and 20/10/19 and from 6:20am on 21/10/19.	Email sent to complainant on 23/10/19 acknowledging receipt of email. Complainant advised that the CHPP was operating continuously during the complaint period, and no irregularities were noted at this time or during regular maintenance. Further discussions to take place during upcoming community meeting.
19/11/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Noise noted between 3:00 am and 4:00 am on 28/10/19.	Email sent to complainant on 29/10/19 acknowledging receipt of email. Complainant was advised that the CHPP was operating during the complaint period, but no abnormal sounds were noted during an inspection undertaken by DC staff on 29/10/19. Data from continuous noise monitor to be reviewed. Further feedback to be provided if additional information comes to light. Further discussions to take place during upcoming community meeting.
04/12/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Loud noises (knocking and clanging) between 11:30 pm 3/12 until the morning 4/12. Complainant also requested an update on the 24 hr unattended noise logger.	Email sent to complainant on 11/12/19 acknowledging receipt of emails. Complainant was advised that the monitoring data during this period was reviewed, Mannering CHP was operational, with no loader activities during this period. The Complainant was also advised that feedback from EMM was sought and provided noise monitoring results from the week prior which stated, "site noise was inaudible at all locations during the evening and night measurements". The complaint was advised that Delta Coal are working to achieve the continuous noise monitoring at Macquarie shores, in line with the commitments addressed in the most recent Noise Management plan for Mannering Colliery.
16/12/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Loud noises (humming, buzzing. Clanging) were heard between Sunday 15/12 to Monday 16/12. The noises between 12:00 am and 7:00 am on 16/12 were the worst.	Follow up phone call received from complainant on 16/12/19. Complainants' observations and concerns were discussed.
30/12/2019	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Dumping and clanging noise from midnight and particularly 1:25 am Sunday 29/12/2019. Between midnight and 7:00 am in the morning is of primary concern.	Email sent to complainant on 6/1/2020 acknowledging receipt of email. Complainant was advised that production ceased prior to 7:00 am on the 24/12/2019 with CHP operations ceasing by 1:00 pm 24/12/2019. No production or CHP operations have occurred since this point. Activities have been limited to maintenance works during daylight hours only.



Date	Nature of complaint	Description	Action taken
2020			
21/01/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. A siren was heard and loud clanging noises from 5:40 am Tuesday 28/01/20.	Email sent to complainant on 21/01/2020 acknowledging receipt of email. Complainant was advised that during an investigation of the complaint they were able to confirm that there were no emergency phone calls made, all Mannering Colliery plant was functioning and no faults evident, the VPPS conveyor did fault at the time reported and that all alarms at Mannering are all operating at minimum volumes (per Australian standards). The complainant was also advised that there is reason to think that this sound may be coming from Vales Point Power station and therefore forwarded the complaint on to them for investigation. Vales Point Power Station has reviewed the alarm levels on the conveyor route.
12/03/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Clanging, humping and engine rapping could be heard between 12:00 am – 7:00 am, Tuesday 9/03/20, Wednesday 10/03/20 and Thursday 11/03/20.	Email sent to complainant on 12/03/20 acknowledging receipt of email. Complainant was advised that stockpiling activities at Mannering have not occurred on any of these noted periods and have been limited to day shift only (start at 7:00 am). The complainant was also advised that attended noise monitoring was conducted on 17/2/20 while the loader stock pile was operating and during this period noise contributions satisfied the relevant noise limits.
18/03/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village Loud noises were heard at 2:55 am.	Email sent to complainant on 20/03/20 acknowledging receipt of email. Complainant was advised that CHP operations were occurring at Mannering from well before the period mentioned by complainant to a little after 5:00 am. The complainant was also advised that no coal stockpile or loader was operating overnight on 18/03/2020.
20/03/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village Loud thumping, engine noise and clanging was heard between 4:30 am – 8:30 am.	Email sent to complainant on 20/03/20 acknowledging receipt of email. Complainant was advised that Delta Coal were not conducting any CHP or coal stockpile activities overnight. The Vales Point conveyor last operated at 10:57 am on 19/03/20 and the Mannering CHP was last operated at 6:42 am on 19/03/20.
1/04/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Continuous engine roaring could be heard from 2:55 am on 1/04/2020.	Email sent to complainant on 1/04/2020 acknowledging receipt of email. The complainant was advised that the coal plant was operational during the time period. The real time noise monitor at MACQUARIE SHORES RETIREMENT VILLAGE. showed directional levels well below the (night) noise limit LAeq of 43 dB detailed in the consent.
6/04/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village Loud, low, bass vibrating, stumping and clanging noises were heard between 1:24 am – 7:00 am on 6/04/2020.	Email sent to complainant on 27/04/20 acknowledging receipt of email. Complainant was advised that the loader was in use during this time period. The real time noise monitor at Macquarie Shores Retirement Village showed levels well below the (night) noise limit of LAeq 43 dB detailed in the consent.

Date	Nature of complaint	Description	Action taken
19/04/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Vibrating, knocking and thumping noises were heard around 3:30 am on 19/04/2020.	Email sent to complainant on 22/04/20 acknowledging receipt of email. The complainant was advised that the real time noise monitor at Macquarie Shores Retirement Village showed levels well below the (night) noise limit of LAeq 43 dB detailed in the consent.
24/04/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Loud vibrating and buzzing was heard from 12:00 am – 7:00 am 24/04/2020.	Email sent to complainant on 27/04/20 acknowledging receipt of email. The complainant was advised that the loader was in use during this time period. The real time noise monitor MACQUARIE SHORES RETIREMENT VILLAGE. showed levels well below the (night) noise limit of LAeq 43 dB detailed in the consent.
3/05/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Loud noise was heard from 2:46 am 03/05/2020.	Email sent to complainant on 06/05/20 acknowledging receipt of email. The complainant was advised that the complaint was investigated, and noise limits were below the consented limits during the time of the complaint.
5/05/2020	Noise, Dust and Vibration	The EPA received a complaint from a resident in Macquarie Shores Retirement Village. Excessive noise and vibrations from Chain Valley Colliery.	An email was sent to the EPA on 6/05/2020 acknowledging receipt of email. The EPA was advised that complainant may have been referring to Mannering Colliery as it is Macquarie Shores Retirement Village. s closest neighbour. Noise at Chain Valley Colliery has been dramatically reduced as there is no longer runs the ROM coal processing plant is no longer in operation and has drastically reduced stockpiling equipment. Minor levels of coal transport occur during day shift only and directly between Chain Valley Colliery to Vales Point Power Station via internal access/haul roads. The EPA was also advised that monitoring of depositional dust is done routinely and has generally been within the limits, excluding vandals. There is also access to an onsite water cart and is used when required, it was not used on the day complaint was recorded because there had been rain on 5/5.
28/05/2020	Noise and Vibration	Complaint received from resident in Macquarie Shores Retirement Village. Knocking clanging, banging and alarms were reportedly heard between 4:30 am and 5:00 am.	The complainant requested that a review of directional noise data and a summary of this data be tabulated and sent to him for review. A response was provided to the complainant by the Technical Services Manager providing a summary of site operations (Mannering Colliery plant and conveyors were operating normally without stoppages). Directional Noise logger data indicated that noise emissions from the direction of Mannering Colliery was not exceeding the consented noise limit value.
16/06/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village, noting engine and 'thumping' noises between 12:00 pm and 7:00 am. The complainant also requested a update regarding the decommissioning status of the rotary breaker on site.	The Delta Coal Technical Services Manager provided update to the complainant on the 22/06/2020 noting the Rotary Breaker was no longer in commission, providing photographs of the removal of the rotary breaker from the coal handling and preparation plant (CHPP).

Date	Nature of complaint	Description	Action taken
26/06/2020	Noise	Complaint Received from resident in Macquarie Shores Retirement Village Loud noises were heard within between 2:00 am and 6:00 am.	An email was sent to the complainant on 03/07/2020 acknowledging receipt of their complaint. The complainant was provided with data detailing unattended directional continuous noise monitoring undertaken by Delta Coal to identify noise sourcing from Mannering Colliery. The complainant was also provided data detailing meteorological conditions for the time of their complaint. The complainant was informed that for the period, meteorological conditions may have enhanced noise sourcing from Mannering Colliery received by Macquarie Shores Retirement Village, however Mannering Colliery was within night-time noise compliance limits imposed by the site's development consent (monitoring indicated Mannering Colliery's contribution to noise at the receiver was approximately 30 dB while noise limits are 43 dB).
2/07/2020	Noise	Complaint Received from resident in Macquarie Shores Retirement Village. Loud noises were heard within between 12:00 am and 10:00 am.	An email was sent to the complainant on 03/07/2020 acknowledging receipt of their complaint. The complainant was provided with data detailing unattended directional continuous noise monitoring undertaken by Delta Coal to identify noise sourcing from Mannering Colliery. The complainant was also provided data detailing meteorological conditions for the time of their complaint. The complainant was informed that for the period, meteorological conditions would not propagate noise toward Macquarie Shores Retirement Village from Mannering Colliery and Mannering Colliery was within night-time noise compliance limits imposed by the site's development consent (monitoring indicated Mannering Colliery's contribution to noise at the receiver was between 0 to 30 dB while noise limits are 43 dB).
6/07/2020	Noise	Complaint Received from resident in Macquarie Shores Retirement Village. Low frequency thumping noise was heard from 11:30 pm. The complainant questioned the status of noise mitigation works being undertaken at the site.	An email was sent to the complainant on 13 July 2020 acknowledging receipt of their complaint. The complainant was informed that the site was operating within consented noise limits based upon data continuous directional loggers. The complainant was provided updates on noise mitigation projects, indicating that they were nearing completion.
14/07/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. Low frequency engine type noise was heard from 11:30 pm. The complainant described eardrum soreness, impacts to mental health and sleep habits, suggesting the noise originated from the sites mine loader. The complainant questioned the status of noise mitigation works being undertaken at the site.	An email was sent to the complainant on 16 July 2020 acknowledging receipt of their complaint. The complainant was informed that the loaders at the site were not operational on 14/7 or 15/7 during the evening/night and that meteorological conditions for both evenings were less likely to propagate noise from mannering colliery toward Macquarie Shores Retirement Village. The complainant was informed that the rotary breaker had been decommissioned.
20/07/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing vibrating, clanging and suspected loader noises from 8:45 pm (19/7) until 9:00 am (20/7).	Complaint responded to on the 23/07. The complainant was informed that the colliery had not had production between the 18/07 to the 21/07 due to a belt outage. Continuous directional noise logger data indicated Mannering Colliery's contribution to noise levels at the Macquarie Shores Retirement Village at the referenced time within the complaint was between 16 to 28 db(A) during the evening and night. The complainant was informed the loader at Mannering Colliery was operational.

Date	Nature of complaint	Description	Action taken
4/08/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing loud 'stumping, thumbing and clanging noises' emitting from Mannering Colliery at 4:30 am. The complainant requested a review of recorded noise, operational and meteorological data be undertaken for the period of 00:00-10:00 am 04/08.	The complainant was responded to on 04/08 and was provided with requested review. The review indicated that the mine was not producing coal for the time period referenced and that no coal was moving from the stockpile to VPPS from 2:58 am to 8:00 am. CCTV footage indicated the mine loader was not operational for the period of the complaint until 8:30 am. Continuous directional noise logger data for the early morning period (2:00-5:00 am) was indicated an LAeq of 15 dB (A) adhering to the sites 42 dB(A) limit at the receptor.
21/08/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing ticking and thumping at 3:15 am.	The complainant was provided a letter on the 28/08 following internal investigation for the complaints in the period of 21/08 - 28/08. Data was provided from Mannering Colliery's directional noise monitor and meteorological station, as well as a summary of site activity. It is noted that for the 11 periods highlighted, the site was active with exception of 3 time periods, where no operations were occurring at Mannering Colliery, comprising greater than 25% of the complaint periods, suggesting the complainant is also impacted by noise sources other than Mannering Colliery. The review indicated that Mannering Colliery noise emissions were below approved site limits during all periods of complaints based on directional noise data.
22/08/2020	Noise	Complaint received from resident in Macquarie Shore Home Village referencing ticking, clanging, low frequency banging at 4:00 am, 10:00 pm and 11:45 pm.	
23/08/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing ticking, clanging, low frequency banging at 5:30 am and 9:30 pm.	
24/08/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing ticking, clanging, low frequency banging at 3:00 am, 5:40 am and 11:20 pm.	
25/08/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing ticking, clanging, low frequency banging at 3:00 am, 5:40 am and 11:20 pm.	
27/08/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing "stamping and banging" at 2:40 am.	
6/09/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village referencing 'banging and clanging' noises at 12:05 am and 5:02 am.	The complainant was provided with a letter on the 9/09/2020 following internal investigation for the complaint period. The report identified that Mannering Colliery CHPP and Drift Belt was operational at the time of the complaint. It was noted that directional noise data for the periods of the complaints indicated that site operations were within consented noise limits. It was noted that meteorological conditions were considered noise enhancing for Mannering Colliery noise.

Date	Nature of complaint	Description	Action taken
12/09/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. citing "vibrating thumb together with humping noise from VPPS" for periods 2:21 am and 5:45 am.	The complainant was provided with a letter on the 18/09/2020 following internal investigation for the complaints made within the period of 12 to 20 September 2020. The colliery was noted to be operational, a review of directional noise logger data installed at Macquarie Shores Retirement Village indicated the Mannering Colliery was operating within consented noise limits.
13/09/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village citing "vibrating thumb together with humping noise from VPPS" for period 4:30 am.	
14/09/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village citing "vibrating thumb together with humping noise from VPPS" for period 1:00 am and 2:00 am.	The complainant was provided with a letter on the 18/09/2020 following internal investigation for the complaints made within the period of 12 to 20 September 2020. The colliery was noted to be operational, a review of directional noise logger data installed at Macquarie Shores Retirement Village indicated the Mannering Colliery was operating within consented noise limits.
14/09/2020	Noise	Complaint received from resident in Macquarie Shores Retirement Village. citing audible machinery and humming noises. Complainant requested information around Mannering Colliery noise reduction projects.	Complaint was responded to via e-mail informing them of recent noise reduction projects including decommissioning of the rotary breaker and enclosure of the Coal Handling Plant. The complainant was also informed regarding recent reviews of continuous noise loggers and attended noise monitoring indicating the colliery was operating within consented noise limits.
19/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing "clanging and thumbing" noise at 4:20 am.	The complainant was provided with a letter on the 18/09/2020 following internal investigation for the complaints made within the period of 12 to 20 September 2020. The colliery was noted to be operational, a review of directional noise logger data installed at Macquarie Shores Retirement Village indicated the Mannering Colliery was operating within consented noise limits.
20/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing "very bad thumbing" for periods of 00:12 am and 6:00 am	The complainant was provided with a letter on the 18/09/2020 following internal investigation for the complaints made within the period of 12 to 20 September 2020. The colliery was noted to be operational at 00:12 am however was not producing or loading coal at or around 6:00 am. A review of directional noise logger data installed at Macquarie Shores Retirement Village indicated the Mannering Colliery was operating within consented noise limits, when operational.
22/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing "thumbing, humping, and vibrating noises" at 3:50 am.	The complainant was provided with a letter on 2 October 2020 following internal investigation for complaints made within the period of 22 - 28 September 2020. The colliery was noted to be operational during all periods of complaints. The review of directional noise logger data attended noise monitoring results and metrological conditions indicate that the colliery was satisfying consented noise limits (Project Approval MP06_0311). It was noted on 26 September at 6:15 am, noise limits did not apply to Mannering Colliery due to wind speeds greater than 3m/s.
23/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing "thumbing and clanging conveyor noise" at 4:00 am.	
23/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing "banging, thumbing and clanging noises" between 10:15 pm and 12:00 am.	

Date	Nature of complaint	Description	Action taken
25/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing "thumping, banging and thumping" at 2:20 am and 6:25 am.	
26/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing loud thumping and banging noises at 6:15 am.	
27/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing loud thumping and banging noises at 1:30 am and 5:30 am.	
28/09/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing "clanging and thumping" noise at 4:40 am.	
28/10/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing engine and conveyor noise from 5:00 am.	The complainants email was acknowledged, investigation undertaken on site indicated that: Delta Coal operated conveyors, the coal handling and preparation plant and Mannering Colliery loader was not operational, which was further confirmed with review of unattended directional noise monitoring data for the period.
7/11/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing low-bass buzzing loader noise, vibrating and thumping noise 1:00-2:07 am.	The complaint was acknowledged to the complainant via e-mail on the 9/11/2020. A letter report was issued to the complainant on the 18/11/2020 detailing the results of unattended noise monitoring during the periods of the complaints as well as meteorological monitoring.
12/11/2020	Noise	Complaint received from resident of Macquarie Shores Retirement Village citing loud 'thumping' banging and vibrating from 1:00 am.	The complaint was acknowledged to the complainant via e-mail on the 13/11/2020. A letter report was issued to the complainant on the 18/11/2020 detailing the results of unattended noise monitoring during the periods of the complaints as well as meteorological monitoring.
23/11/2020	Noise	<p>A complaint was received from a resident of Macquarie Shores Retirement Village at approximately 11:06 am via txt to the Environmental Compliance Coordinator, noting that the noise they could hear occurring at 3:00 am that evening was occurring at the current time.</p> <p>The complainant also submitted a complaint citing a loud thumping noise that was vibrating in nature could be heard from Mannering Colliery at 3:15 am 23/11/2020.</p>	<p>The Environmental Compliance Coordinator attended Mannering Colliery at to confirm production was occurring as per normal and there were no noisy defects at 11:15 am (23/11/2020), noise did not appear unusual at the colliery.</p> <p>With no change in production rates at MC, the Environmental Compliance Coordinator attended Macquarie Shores Retirement Village, no noise was audible from Mannering Colliery at the time. The complainant was contacted to ask if the reported noise was still occurring, however the complainant reported it had ceased, assuming production at the colliery had ceased. Throughout the period of 11:00 am to 12:00 pm there were no considerable changes to attended noise monitoring records and production records.</p> <p>A letter report was issued to the complainant on the 14/12/2020 detailing the results of unattended noise monitoring during the periods of the complaints as well as meteorological monitoring.</p>

Date	Nature of complaint	Description	Action taken
7/12/2020	Noise	A Complaint was received from a resident of Macquarie Shores Retirement Village, via text message to the Environmental Compliance Coordinators mobile number. The complaint stated "thumping noise could be heard and has been very bad this morning from 6:30 am. Can you please check directional noise logger".	<p>"A review of the site data detailing site production and trends indicated that production of coal at Mannering Colliery had ceased at 4:30 am on the morning of 7 November 2020, and the following noise producing activities were NOT functional at the time specified in the complaint:</p> <ul style="list-style-type: none"> <li>– Conveyor belts operated by Delta Coal were operational, including the primary drift belt</li> <li>– The Coal Handling and Processing Plant</li> <li>– The Mannering Colliery Coal Stockpile Loader</li> </ul> <p>There have been no other identified sources of noise from Mannering Colliery audible at Macquarie Shores Home Village. The complainant was given this information via e-mail report on 14 December 2020".</p>
22/12/2020	Noise	A complaint was received from a resident of Macquarie Shores Retirement Village noting "loud thumping and vibrating noises from 5:00 am, Can you please check if the noises were from Mannering Colliery".	<p>"The complainant was acknowledged upon receipt of their email, that a formal response would be provided. On 01/02/2021 Delta Coal provided the complainant with a formal response detailing site operation, site consented noise limits, directional noise logger data and meteorological conditions for the times specified in the complaint.</p> <p>Investigation identified that between 5:00 am and 7:00 am on 22/12/2020 Mannering Colliery's primary noise sources (Drift Belts, Coal handling and preparation plant and rubber tyred loader) were not operational. Directional noise data indicated the sites noise contribution was significantly below development consent limits."</p>
23/12/2020	Noise	A complaint was received from a resident of Macquarie Shores Retirement Village noting "from 5:00 am thumping, banging and clanging coming from Mannering end".	<p>"The complainant was acknowledged upon receipt of their email, that a formal response would be provided. On 01/02/2021 Delta Coal provided the complainant with a formal response detailing site operations, site consented noise limits, directional noise logger data and meteorological conditions for the times specified in the complaint.</p> <p>Investigation identified that between 5:00 am and 7:00 am on 23/12/2020 production was occurring at Mannering Colliery with the drift belts and coal handling and preparation plant operational. Directional noise logger data indicated Mannering Colliery was operating within consented noise limits by a significant margin."</p>
2021			
12/02/2021	Noise	Resident of Macquarie Shores Retirement Village emailed a complaint to the Delta Coal Environmental Compliance Coordinator (ECC) on 12 February 2021, indicating "exceptionally loud vibrating and thumping noise suddenly came back from 3:27 am 12/2/2021".	<p>There were no notable changes in Delta Coal operations or plant during the complaint period. The complaint was acknowledged to the complainant. The complainant was provided with a graphical representation of the data captured by the directional noise logger installed at Macquarie Shores Retirement Village from which analysis indicated that Mannering Colliery (MC) was operating within consented noise limits during the complaint period. Attended noise monitoring was undertaken on the evening of 12/2/2021 during similar meteorological and operational conditions.</p>

Date	Nature of complaint	Description	Action taken
26/02/2021	Noise	Resident of Macquarie Shores Retirement Village emailed through a complaint to the ECC on 26 February 2021, indicating "at 6:30 am the noise level was just unbearable. We could hear vibrating thumb and clan noises emitting from overland conveyor presumably the YE1 whilst transporting coal to your sister company VPPS".	<p>An e-mail response was provided to the complainant on the 26th of February 2021 which detailed the following:</p> <ul style="list-style-type: none"> <li>– Review of noise logger data provided results indicate compliance (significantly under consented levels).</li> <li>– The YE1 conveyor was unlikely to be the source of noise at Macquarie Shores Retirement Village. based upon a review of attended noise monitoring results conducted over the last 12 months and discussions with our noise consultant, having not previously identified the YE1/YE2 system as a source of industrial noise at Macquarie Shores Retirement Village.</li> <li>– The drift belt was initiated at 6:30am, this was likely the cause of noise observed at Macquarie Shores Retirement Village from MC, it was noted that MC cannot feasibly commit to being inaudible at all times at Macquarie Shores Retirement Village.</li> <li>– The complainant was provided with a summary of noise reduction works undertaken at Mannering Colliery within the 2020 period.</li> </ul>
5/03/2021	Noise	Resident of Macquarie Shoes Retirement Village emailed a complaint to the Delta Coal ECC on 5 March 2020, describing "loud vibrating thumb and clang noises have been waking us up". The complainant requested a graphical analysis be provided from the Delta Coal directional noise logger installed at Macquarie Shoes Retirement Village.	The complaint was acknowledged to the complainant following receipt of the complaint. On 22 March a formal response was provided to the complainant detailing the operations of MC during the complaint period and the results of the directional noise logger. It was noted that during the specified complaint period coal was being transported from underground via the MC drift belt and Coal Handling and Preparation Plant, however the Macquarie Shoes Retirement Village. directional logger all pass and low pass data was significantly below the consented MC noise limits, indicating that the site was likely operating in compliance with consented noise limits.
24/03/2021	Noise	Resident of Macquarie Shoes Retirement Village emailed a complaint to the Delta Coal ECC on 24 March 2021 describing "loud thumbing and vibrating noise".	The complaint was acknowledged and provided with a graphical representation of the directional data logger for the complaint period. The directional logger data indicated that the low-frequency noise sourcing from the direction of Mannering Colliery was around 30 dB(A), based on this data it was considered likely that the site was operating within consented noise limits.
25/03/2021	Noise	The DPIE contacted the Delta Coal ECC on 25 March regarding a noise complaint received from a resident of Macquarie Shores Retirement Village for the period of 12:00 am to 9:00 am and requested to review the data from the directional noise logger, noting it is not a tool to measure compliance however can be used for indicative purposes.	<p>A response was provided to the DPIE on 1 April 2021 which outlined the following:</p> <ul style="list-style-type: none"> <li>– Attended noise monitoring was undertaken at Macquarie Shoes Retirement Village on 25 March 2021 at 2:00 am and noted the site was compliant with consented noise levels.</li> <li>– Directional noise monitoring recorded similar levels to attended noise monitoring, indicating compliance with consented noise limits for MC.</li> </ul>



Date	Nature of complaint	Description	Action taken
18/04/2021	Noise	Resident of Macquarie Shoes Retirement Village emailed a complaint to the Delta Coal ECC on 19 April 2021, describing a load roaring low-bass frequency loader noise running intermittently.	Response provided to the complainant on 22/04/2021 detailing that loader operations had been occurring within the timeframe stipulated within the complaint. It was noted that the use of a loader on Mannering Colliery's coal stockpile can be imperative to site operations. Attended monitoring was undertaken at Macquarie Shores Retirement Village on 20/04/2020 from midnight and did not identify exceedances of noise limits.
23/04/2021	Noise	Resident of Macquarie Shoes Retirement Village acknowledged Delta Coals previous response and made a complaint for the morning of 23/04/2021, from 1:15 am. Noise was described as "low bass loader engine buzzing and thumping noise".	Both complaints were acknowledged immediately to the complainant and a formal response was provided on 26/04/2021. It was noted that the loader was generally operational during the complaint periods. Direction noise monitoring data did not indicate any likely exceedances of noise criteria. It was noted that the unattended directional noise monitor is utilised to indicate the sites noise emissions however is not a tool of compliance monitoring.
26/04/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint against Mannering Colliery for 26/04/21 for the period of midnight, 2:10 am and 4:00 am.	
17/05/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint for the time frame of 14/05/2021 - 17/05/2021 against Mannering colliery citing loud thumping, clanging and roaring noises.	The complaint was acknowledged immediately, and a letter response was provided to the complainant on 24/05/2021. The letter detailed directional noise logger results and site operations in respect to the noises observed for the complaints period. It was noted that directional data and recent attended monitoring did not indicate Mannering Colliery was in exceedance of its consented noise limits during routine site operations.
20/05/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint for the time frame of 20/05/2021 against Mannering colliery citing thumping and vibrating noises, additionally noting nearby turbine noise was also particularly loud.	The complaint was acknowledged on 20/05/2021 and the complaint timeframe was included on in the letter response provided on 24/05/2021.
21/05/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint for the time frame of 21/05/2021 against Mannering colliery citing thumping noise.	The complaint was acknowledged on 20/05/2021 and the complaint timeframe was included on in the letter response provided on 24/05/2021.
28/05/2021	Noise	Resident of Macquarie Shoes Retirement Village text messaged Delta Coal ECC and noted excessive noise during the hours of 12:00 am to 7:00 am, requesting the data form the Directional Logger be provided.	The residents message was logged and a response provided immediately provided 800 Hz filtered noise levels from the direction of Mannering Colliery as 37.5 dB(A) and 38.5 dB(A) (LAeq 15 minute) being the peaks in complaint period. The complainant requested that evidence of attended monitoring being undertaken in the complaint period to measure compliance, the complainant was referred to 12/02/2021 and noted a formal response would be provided within 7 days.
1/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of noise early around 5:50 am on 1 June 2021.	The complaint was acknowledged immediately, and a formal response was provided on 7 June 2021, detailing operations at the time of the complaint and available noise logger data. A review of available data did not indicate a likelihood of the site exceeding noise criteria.

Date	Nature of complaint	Description	Action taken
8/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 5:40 am.	The complaint was acknowledged and the complainant was notified that the colliery was not in operation the evening or morning due to a fire on the YE1 overland conveyor on 06/06/2021 which at that time was still unavailable. No loader operations were observed reviewing CCTV data. the complainant was provided with directional noise logger data for the period also. It was considered the complainant was likely hearing nearby industrial noise unrelated to Mannering Colliery. The complainant responded but did not acknowledge that MC was not operational.
11/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 7:00 am.	The complaint was acknowledged on receipt (24/6 submitted by complainant) and the complainant was informed that: <ul style="list-style-type: none"> <li>– Mannering Colliery was operational during the period of complaint.</li> <li>– At 7:00 am the low-pass directional LAEQ noise level was close to 25 dB(A) and Mannering Colliery has a noise contribution limit of 40 dB(A) LAEQ at Macquarie Shoes Retirement Village.</li> <li>– All pass directional noise was 35.5 dB(A).</li> <li>– Between midnight and 7:00 am on 11/6/2021 the low pass directional peaked at 34 dB(A).</li> <li>– Available data indicated the site was compliant with noise limits.</li> </ul>
12/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 5:35 am.	The complaint was acknowledged on 28/6 receipt (24/6 submission by the complainant) and the complainant was informed that: <ul style="list-style-type: none"> <li>– Mannering Colliery was operational during the period of complaint.</li> <li>– At ~5:35 am the low-pass directional LAEQ noise level was 25.5 dB(A) and Mannering Colliery has a noise contribution limit of 40 dB(A) LAEQ at Macquarie Shores Retirement Village.</li> <li>– All pass directional noise was 28 dB(A).</li> <li>– Between midnight and 7:00 am on 12/6/2021 the low pass directional peaked at 29.5 dB(A).</li> <li>– Available data indicated the site was compliant with noise limits.</li> </ul>
17/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 3:55 am.	The complaint was acknowledged on 28/6 (complainant submitted 24/6) and the complainant was informed that: <ul style="list-style-type: none"> <li>– Mannering Colliery was operational during the period of complaint.</li> <li>– At ~3:55 am the low-pass directional LAEQ noise level was 22.4 dB(A) and Mannering Colliery has a noise contribution limit of 40 dB(A) LAEQ at Macquarie Shoes Retirement Village.</li> <li>– All pass directional noise was 25.1 dB(A).</li> <li>– Available data indicated the site was compliant with noise limits.</li> </ul>

Date	Nature of complaint	Description	Action taken
24/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 5:10 am.	<p>The complaint was acknowledged on 28/6 (complainant submitted 24/6) and the complainant was informed that:</p> <ul style="list-style-type: none"> <li>– Mannering Colliery was operational during the period of complaint.</li> <li>– Wind directions at the time were considered not to enhance MC noise.</li> <li>– At ~5:10 am the low-pass directional LAEQ noise level was 0.1 dB(A) and Mannering Colliery has a noise contribution limit of 40 dB(A) LAEQ at Macquarie Shoes Retirement Village.</li> <li>– All pass directional noise was 23.2 dB(A).</li> <li>– Available data indicated the site was compliant with noise limits.</li> </ul>
26/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 5:15 am.	<p>The complaint was acknowledged on 28/6 (complainant submitted 28/6) and the complainant was informed that:</p> <ul style="list-style-type: none"> <li>– Mannering Colliery was operational during the period of complaint.</li> <li>– At ~5:15 am the low-pass directional LAEQ noise level was 33.6 dB(A) and Mannering Colliery has a noise contribution limit of 40 dB(A) LAEQ at Macquarie Shoes Retirement Village.</li> <li>– All pass directional noise was 35.1 dB(A).</li> <li>– Available data indicated the site was compliant with noise limits.</li> </ul>
27/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 3:11 am.	<p>The complaint was acknowledged on 28/6 (complainant submitted 28/6) and the complainant was informed that:</p> <ul style="list-style-type: none"> <li>– Mannering Colliery was operational during the period of complaint.</li> <li>– At ~3:11 am the low-pass directional LAEQ noise level was 26.1 dB(A) and Mannering Colliery has a noise contribution limit of 40 dB(A) LAeq at Macquarie Shoes Retirement Village.</li> <li>– All pass directional noise was 36.6 dB(A).</li> <li>– Available data indicated the site was compliant with noise limits.</li> </ul>
28/06/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint requesting a review of Mannering Colliery operations and logger data for 4:52 am.	<p>The complaint was acknowledged on 28/6 (complainant submitted 28/6) and the complainant was informed that:</p> <ul style="list-style-type: none"> <li>– Mannering Colliery was operational during the period of complaint.</li> <li>– At ~4:52 am the low-pass directional LAEQ noise level was 28.8 dB(A) and Mannering Colliery has a noise contribution limit of 40 dB(A) LAeq at Macquarie Shoes Retirement Village.</li> <li>– All pass directional noise was 33.1 dB(A).</li> <li>– Available data indicated the site was compliant with noise limits.</li> </ul>

Date	Nature of complaint	Description	Action taken
30/07/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 30/07/2021 requesting a review of Mannering Colliery operations and data logger noting loud vibrating and thumping noises between the hours of 12:00 am and 7:00 am.	<p>The complaint was acknowledged on 30/07/2021. A response was provided to the complainant outlining that:</p> <ul style="list-style-type: none"> <li>– The coal handling plant and Overland Conveyor were operational during the complaint period, however the loader was not.</li> <li>– The directional noise logger at Macquarie Shoes Retirement Village indicated a peak low frequency LAEQ (15 min) of 38dB(A) at 3:45 am.</li> <li>– The directional noise logger at Macquarie Shoes Retirement Village indicated a peak LAEQ (15 min) of 38dB(A) at 12:45 am and 3:45 am.</li> <li>– Met data indicated that meteorological conditions were likely to be noise enhancing hence why MC was more audible than in other meteorological condition.</li> <li>– Attended noise monitoring undertaken on 27 July 2021 during equivalent site operations did not identify exceedance of Mannering Colliery's consented noise limits (Project Approval 06_0311 as modified).</li> <li>– Available data did not indicate a probable exceedance of Mannering Colliery's noise limits at Macquarie Shoes Retirement Village.</li> </ul>
31/07/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 30/07/2021 requesting a review of Mannering Colliery operations and data logger noting loud vibrating and thumping noises between the hours of 12:00 am and 7:00 am.	<p>The complaint was acknowledged on 30/07/2021. A response was provided to the complainant outlining that:</p> <ul style="list-style-type: none"> <li>– The coal handling plant and Overland Conveyor were operational during the complaint period; however, the loader was not.</li> <li>– The directional noise logger at Macquarie Shoes Retirement Village indicated a peak low frequency Laeq (15 min) of 38dB(A) at 3:45 am.</li> <li>– The directional noise logger at Macquarie Shoes Retirement Village indicated a peak Laeq (15 min) of 38dB(A) at 12:45 am and 3:45 am.</li> <li>– Met data indicated that meteorological conditions were likely to be noise enhancing hence why MC was more audible than in other meteorological condition.</li> <li>– Attended noise monitoring undertaken on 27 July 2021 during equivalent site operations did not identify exceedance of Mannering Colliery's consented noise limits (Project Approval 06_0311 as modified).</li> <li>– Available data did not indicate a probable exceedance of Mannering Colliery's noise limits at Macquarie Shoes Retirement Village.</li> </ul>

Date	Nature of complaint	Description	Action taken
30/08/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 30/08/2021 citing a continuous thumping noise.	<p>The complaint was acknowledged on the 30/08/2021 and an investigation was undertaken by Delta Coal into the potential sources of noise and noise emissions from the site. Outcomes of the investigation were provided to DPIE and the complainant on 09/09/2021. Outcomes of the investigation were:</p> <ul style="list-style-type: none"> <li>– A review of the noise logger data (provided to the complainant) indicated that it was unlikely Mannering Colliery was exceeding its consented noise limits.</li> <li>– Attended monitoring undertaken at Macquarie Shoes Retirement Village at 3:00 am, 4:00 am, 5:00 am and 6:00 am indicated that while during some of the measurements the coal handling plant at Mannering Colliery were audible, they were not in exceedance of consented noise limits on 30 August 2021.</li> </ul>
1/09/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 01/09/2021 regarding noise experienced at 4:45 am.	<p>The complaint was acknowledged on 01/09/2021 and an investigation was undertaken by Delta Coal into the potential sources of noise and noise emissions from the site. Outcomes of the investigation were provided to DPIE and the complainant on 09/09/2021. Outcomes of the investigation were:</p> <ul style="list-style-type: none"> <li>– A review of the noise logger data (provided to the complainant) indicated that it was unlikely Mannering Colliery was exceeding its consented noise limits.</li> </ul>
20/09/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 20/09/2021 regarding noise experienced at 2:20 am and 6:30 am, (20/09/2021).	A response was provided to the complainant and DPIE-Compliance on 20 September 2021. The response detailed site operations, which was noted to be usual coal handling activities at 2:20 am however no site operations at 6:30 am. Noting the mine loader was not operational during the complaint period.
23/09/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 23/09/2021 regarding noise experienced at 12:05 am and 2:10 am - 2:30 am.	A response was provided to the complainant and DPIE-Compliance on 5 October 2021. The response detailed site operations and results from the directional noise logger as well as results taken from attended monitoring at 3:00 am - all available monitoring data indicated that Mannering Colliery was operating within compliance limits. Noise peaks from the logger during the complaint period indicated a peak of 34dB(A) $L_{Aeq15min}$ .
24/09/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 24/09/2021 regarding low-frequency thumping noises during the night.	A response was provided to the complainant and DPIE-Compliance on 27 September 2021. The response detailed site operations and results from the directional noise logger - all available monitoring data indicated that Mannering Colliery was operating within compliance limits. Noise peaks identified by the logger during the complaint period was approximately 14dB(A) $L_{Aeq15min}$ .
4/10/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 4/10/2021 regarding noise heard from 1:58 am. The resident noted a thumping noise with strong impact coming from Mannering Colliery.	A response was provided to the complainant on 5 October 2021, directional noise logger graphs were provided to the resident and the DPIE-Compliance. Available data indicated the logger was operational, calibrated and did not indicate a potential exceedance of the Mannering Colliery Project Approval noise limits.

Date	Nature of complaint	Description	Action taken
5/10/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 5/10/2021 regarding noise at 3:36 am and 5:25 am. The complainant noted a thumping noise that was loud and vibrating.	A response was provided to the complainant on 5 October 2021, directional noise logger graphs were provided to the resident and the DPIE-Compliance. Available data indicated the logger was operational, calibrated and did not indicate a potential exceedance of the Mannering Colliery Project Approval noise limits.
19/10/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 19/10/2021. The complainant noted that the noise was loud at 5:05 am and was thumping, clanging and strong impact and vibrating noise through the resident's window. The resident noted the noise source to be Mannering Colliery.	A response was provided to the complainant on 19 October 2021, directional noise logger graphs were provided to the resident and the DPIE-Compliance. Available data indicated the logger was operational, calibrated and did not indicate a potential exceedance of the Mannering Colliery Project Approval noise limits. at the complaint time a noise peak of 37.8 dB(A) LAeq 15 min was recorded. The limit for Mannering Colliery noise contribution at the monitoring location is 40 dB(A).
15/11/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 15/11/2021. Noted that some days noise had been good/tolerable however from 4:28 am on 15/11 the thumping noise came back.	Each complaint was immediately acknowledged to the complainant on the day of submission (15/11 and 16/11). Following notification of the complaints Delta Coal's Chief Executive Officer and Technical Services Manager met with the complainant the following week to discuss the impact of Mannering Colliery's noise emissions, Delta Coal committed to investigating and when reasonable and feasible, implementing proven noise mitigation measures. Investigations into the mitigation of noise sourcing from the site were commenced immediately and commitment was made to the complainant to continue to liaise regarding findings of the investigations and potential noise mitigation measures.
16/11/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 16/11/2021. Noted that thumping and clanging noises were audible between 10:52 pm (15/11) and 2:15 am (16/11).	
8/12/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 08/12/2021. Noted that thumping noises were audible throughout the night.	Delta Coal reviewed site operations, noise logger data and listened to hourly noise logger records in a review of the complaint period and potential noise emissions from Mannering Colliery. The investigation concluded Mannering Colliery, while operational during the complaint period, was not exceeding consented noise limits. Delta Coal environmental management team is meeting with the complainant in January following complaints made during December, to discuss the complaints and expectations of the complainant.
20/12/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 20/12/2021. Noted that thumping noises were particularly audible at 4:20 am.	Delta Coal reviewed site operations, noise logger data and listened to hourly noise logger recordings in a review of the complaint period and potential noise emissions from Mannering Colliery. The investigation concluded Mannering Colliery, while operational during the complaint period, was not exceeding consented noise limits. Delta Coal environmental management team is meeting with the complainant in January following complaints made during December, to discuss the complaints and expectations of the complainant.

Date	Nature of complaint	Description	Action taken
30/12/2021	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 30/12/2021. Noted that thumping noises were particularly audible at 6:28 am.	Delta Coal reviewed site operations, noise logger data and listened to hourly noise logger records in a review of the complaint period and potential noise emissions from Mannering Colliery. The investigation concluded that Mannering Colliery Coal Handling Plant and Drift Belt were not operational, and the site was not generating or transporting product coal.  A review of the hourly noise recording indicating the presence of industrial noise however was considered to be unrelated to Mannering Colliery due to the lack of operations and registered directional noise.
2022			
14/02/2022	Noise	Resident of Macquarie Shoes Retirement Village lodged a noise complaint on 14/02/2022. Noted that there had been an increase in ambient 'thumping' from mid night, particularly 3:15 am.	Delta Coal investigated the site operations at Mannering Colliery for which the Coal Handling and Preparation Plant and overland conveyor to VPPS were operational during the complaint period and reviewed noise logger data (directional to MC, low Pass, <800Hz at 21 dB[A] at 3:15 am).

### 4.2.3 Incidents

Review of incidents records for Mannering Colliery identified incidents is summarise in Table 4.2 below.

**Table 4.2** Summary of incidents during the audit period

Issue	Date(s)	Description
Water quality / discharge	21/03/2021	Exceedance of EPL 191 – Volumetric discharge limit. Deemed not to be a non-compliance as exceedances are permitted under certain circumstances under condition L3.2.
	18/09/2019	Exceedance of EPL 191 - TSS limit. The incident was reported to relevant authorities.
	04/11/2019	Exceedance of EPL 191 - pH limit. Water tested again for pH on 08/11/2019 and results were within the pH limit.
	31/12/2020	Non-compliance against EPL 191 - Missed analysis for conductivity in 6 samples. The incident was reported to relevant authorities.
	20/04/2021 24/11/2021	Exceedance of EPL 191 – Oil and grease limit. The incident was reported to relevant authorities.
Noise	05/05/2020	Exceedance of PA 06_0311 – noise limits. The incident was reported to relevant authorities.
Air quality	30/12/2019 30/09/2021	Exceedance of PA 06_0311 – Exceedance of criteria for monthly depositional dust increase. This exceedance was not reported at the time or within annual reviews. Refer to <b>Corrective action 7</b> .
	30/12/2020 13/06/2021	Exceedance of PA 06_0311 – Monthly criteria exceedance for depositional dust. The exceedance of monthly criteria was reported to relevant authorities.
	03/01/2022 06/01/2022 16/01/2022 18/01/2022 19/01/2022 20/01/2022 24/01/2022	Exceedance of PA 06_0311 – Monthly PM <sub>2.5</sub> limit. Investigation undertaken and operations at Mannering Colliery not determined to be contributing to exceedances.
Coal handling	31/12/2020	Exceedance of EPL 191 – Annual ROM Coal Handling. The incident was reported to relevant authorities. Subsequently, the EPL has been changed to be consistent with criteria in PA 06_0311.



## 4.2.4 Site inspection observations



**Plate 4.1**      *Emergency spill kit and oily rags receptacles*



**Plate 4.2**      *Hydrocarbon storage*



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



**Plate 4.4**      *Wash Bay*



**Plate 4.5** *Dangerous goods storage*



**Plate 4.6** *Sediment pond*



**Plate 4.7** *Noise mitigation cladding on CHPP*



**Plate 4.8** *CHPP in operation*





**Plate 4.9** Licensed discharge point for EPL 191



**Plate 4.10** Sediment Pond adjacent to the CHPP



**Plate 4.11** Former rotary breaker



**Plate 4.12** Waste segregation

## 4.3 Compliance with PA 06\_0311

### 4.3.1 Summary of non-compliances

The review of compliance with PA 06\_0311 identified 12 non-compliances. Three non-compliances were deemed to represent a low risk, while nine were deemed administrative in nature.

A summary of non-compliances is detailed in Table 4.3.

**Table 4.3** Summary of PA 06\_0311 non-compliances

Condition	Reason for non-compliance	Risk rating
Schedule 2 Condition 2	<p>The following conditions of the consent were identified as being non-compliant over the reporting period:</p> <ul style="list-style-type: none"> <li>– Schedule 2, Condition 16 (administrative)</li> <li>– Schedule 3, Condition 2 (low-risk)</li> <li>– Schedule 3, Condition 11 (administrative)</li> <li>– Schedule 3, Condition 12 (administrative)</li> <li>– Schedule 3, Condition 16 (low risk)</li> <li>– Schedule 3, Condition 17 (administrative)</li> <li>– Schedule 5, Condition 3 (administrative)</li> <li>– Schedule 5, Condition 5 (administrative)</li> <li>– Schedule 5, Condition 7 (administrative)</li> <li>– Schedule 5, Condition 8 (administrative)</li> <li>– Schedule 5, Condition 13 (administrative)</li> </ul> <p>As these conditions of the consent have not been complied with, this condition is also non-compliant.</p> <p>Refer to corrective actions and recommendations on each condition.</p>	Low
Schedule 2, Condition 16	<p>Plans were generally updated following the 2019 IEA and modification of development consent and are within the review dates and frequency, except for the WMP which has not been updated to reflect modification 5. This is required as per Schedule 5, Condition 5 of PA 06_311, therefore constituting a non-compliance against the requirements of this condition.</p> <p><b>Corrective action 4</b> has therefore been made to address the non-compliance.</p> <p>In addition, the LMP required under this consent has not been updated since the previous IEA period therefore constituting an administrative non-compliance with Schedule 5, Condition 5. The LMP is currently in the process of being updated, and therefore no corrective action is proposed.</p>	Administrative
Schedule 3, Condition 2	<p>A review of the noise monitoring and annual reviews identified the following noise exceedances over the reporting period:</p> <ul style="list-style-type: none"> <li>– Exceedance of the LAeq<sub>(15min)</sub> at R1 on 11 June 2019</li> <li>– Exceedance of the LAeq<sub>(15min)</sub> and LA<sub>1,1</sub> minute at R2 on 13 August 2019</li> <li>– Exceedance of the LAeq<sub>(15min)</sub> at RA 3 on 5 May 2020</li> </ul> <p>This therefore constitutes a non-compliance. Delta Coal have undertaken two projects at the CHPP to reduce noise impacts. Since then, noise mitigation works have been undertaken and no exceedances have been reported, therefore no corrective action is proposed. For further discussion see Section 4.2.1.2.</p>	Low
Schedule 3, Condition 11	<p>There is no presentation of baseline data for surface water quality, constituting an administrative non-compliance with condition 11(a).</p> <p><b>Corrective action 4</b> has therefore been made to address the non-compliance.</p>	Administrative
Schedule 3, Condition 12	<p>Clause (a) of this condition is not satisfied due to there being no details of baseline data for groundwater monitoring.</p> <p><b>Corrective action 4</b> has therefore been made to address the non-compliance.</p>	Administrative

Condition	Reason for non-compliance	Risk rating
Schedule 3, Condition 16	<p>Several non-compliances against dust criteria were recorded and reported during the reporting period:</p> <ul style="list-style-type: none"> <li>– Exceedance at DG004 in December 2020 which was attributed to contamination and not the development</li> <li>– Exceedance at DG003 in May 2021 attributed to contamination and not the development</li> <li>– Exceedance at DG003 in October 2021 attributed to contamination and not the development.</li> </ul> <p>Two increases of greater than 2 g/m2/month were observed over the reporting period:</p> <ul style="list-style-type: none"> <li>– An increase of 2.1 g/m2/month was recorded for depositional dust between November 2019 and December 2019 at DG001.</li> <li>– An increase of 2.4 g/m2/month was recorded for depositional dust between August 2021 and September 2021 at DG003.</li> </ul> <p>These exceedances were not reported as an incident and therefore a non-compliance (low risk) is recorded against this condition and <b>Corrective action 5</b> has been made.</p>	Low
Schedule 3, Condition 17	<p>The mitigation measures were generally compliant with the requirements of this condition. However no Trigger Action Response Plans (TARPs) were included in the AQGGMP. This constitutes a non-compliance with clause (a)(iii) of this condition</p> <p><b>Corrective action 6</b> has therefore been made to address the non-compliance.</p>	Administrative
Schedule 5, Condition 3	<p>Two instances of non-compliance were found against this condition:</p> <ul style="list-style-type: none"> <li>– The LMP has not been updated over the reporting period and is non-compliant with the periodic review period in the plan developed under clause (j) of this condition. The auditor notes that the plan is currently being updated, and therefore no corrective action is proposed.</li> <li>– The WMP was updated on 3 February 2020. The WMP also does not outline the baseline water quality for surface and groundwater and is therefore non-compliant with clause (a) of this condition. <b>Corrective action 4</b> has been made to address this.</li> </ul>	Administrative
Schedule 5, Condition 5	<p>Two instances of non-compliance were found against this condition:</p> <ul style="list-style-type: none"> <li>– As discussed in Schedule 2 Condition 16, the WMP has not been updated following the issue of modification 5 of the development consent. This therefore constitutes an administrative non-compliance against clause (d) of this consent. <b>Corrective action 4</b> has been made to address this.</li> <li>– The LMP has not been updated over the reporting period, therefore constituting an administrative non-compliance against Clause (c) and (d) of this condition. The auditor notes that the plan is currently being updated, and therefore no corrective action is proposed.</li> </ul>	Administrative
Schedule 5, Condition 7	<p>There were exceedances of depositional dust criteria in November/December 2019 and August/September 2021. These non-compliances were not reported, and therefore a non-compliance is registered against this condition.</p>	Administrative
Schedule 5, Condition 8	<p>Non -compliances are identified in the Statement of Compliance and Section 11 for the 2019 and 2021 Annual Review where the exceedances of monthly dust criteria were not reported. Refer to Schedule 3 Condition 16.</p> <p>However, the inclusion of data trends for noise monitoring has not been included in the annual reviews, therefore constituting an administrative non-compliance against clause (e) of this condition.</p> <p><b>Corrective action 7</b> has therefore been made to address the non-compliance.</p>	Administrative
Schedule 5, Condition 13	<p>Monthly noise monitoring reports for November 2021 and December 2021 are not on the website, therefore forming an administrative non-compliance. This was rectified following the site inspection and therefore no corrective is proposed.</p> <p>The complaints and incidents register provided by Delta Coal was missing incidents from May 2019 to December 2019. This therefore constitutes a non-compliance.</p> <p><b>Corrective action 8</b> has therefore been made to address the non-compliance.</p>	Administrative

## 4.4 Compliance with EPL 191

### 4.4.1 Summary of non-compliances

A review of compliance against EPL 191 identified eight non-compliances. Four non-compliances were deemed to represent a low risk, while four were deemed administrative in nature.

A summary of non-compliances are detailed in Table 4.4 below.

**Table 4.4** Summary of EPL 191 Non-Compliances

Condition	Reason for non-compliance	Risk rating
A1.2	A non-compliance was reported for the 2020 reporting year as the premises was only permitted to handle up to 1.3 million tonnes per year (1.38 million tonnes was processed). The EPL was varied in April 2021, which increased handling capacity to 2.1 million tonnes per year. No corrective action is required.	Administrative
A3.1	The following conditions of this licence were identified as being non-compliant over the reporting period: <ul style="list-style-type: none"> <li>– A1.2 (administrative)</li> <li>– L1.1 (low risk)</li> <li>– L2.4 (low risk)</li> <li>– L5 (low risk)</li> <li>– O1.1 (administrative)</li> <li>– M2.1 (administrative)</li> <li>– M2.3 (administrative)</li> </ul> As these conditions of the licence have not been complied with, this condition is also non-compliant. Refer to corrective actions and recommendations on each condition.	Low
L1.1	There were several non-compliances relating to pollution of waters over the reporting period. These non-compliances were: <ul style="list-style-type: none"> <li>– Exceedance of TSS limit for September 2019</li> <li>– Exceedance of pH limit in October 2019</li> <li>– Exceedance of oil and grease limit in April 2021</li> <li>– Exceedance of oil and grease limit in November 2021</li> </ul> These exceedances constitute a 'pollution' of waterways under the POEO Act. The recommendation of the previous audit would be continued over into the next audit period. <b>Corrective action 1</b> has therefore been made to address the non-compliance.	Low
L2.4	Several non-compliances regarding water quality were identified over the reporting period: <ul style="list-style-type: none"> <li>– Exceedance of TSS limit for September 2019 following a heavy rain event</li> <li>– Exceedance of pH limit in October 2019</li> <li>– Exceedance of oil and grease limit in April 2021</li> <li>– Exceedance of oil and grease limit in November 2021</li> </ul> This therefore constitutes a non-compliance against this condition. <b>Corrective action 2</b> has therefore been made to address the non-compliance.	Low
L5	A review of the noise monitoring and annual reviews identified the following noise exceedances over the reporting period: <ul style="list-style-type: none"> <li>– Exceedance of the LAeq (15min) at R1 on 11 June 2019</li> <li>– Exceedance of the LAeq (15min) and LA1,1 minute at R2 on 13 August 2019</li> <li>– Exceedance of the LAeq (15min) at RA 3 on 5 May 2020</li> </ul> This therefore constitutes a non-compliance. As discussed in Section 4.2.1.2, Delta Coal has undertaken noise mitigation works on-site since the last exceedance in May 2020. Therefore, no corrective action is deemed necessary.	Low

Condition	Reason for non-compliance	Risk rating
O1.1	Waste systems were viewed on site during the site inspection. There were adequate, clearly marked receptacles placed around the site for waste; however, it was noticed that staff were not segregating waste appropriately. This therefore constitutes a non-compliance.  Therefore, a low risk non-compliance has been identified and corrective action 3 has been identified.	Administrative
M2.1	While Delta Coal generally monitored the parameters in accordance with the requirements of this condition, six samples that were not analysed for conductivity as per the table in M2.3 from October to December 2020, constituting a non-compliance with this and condition M2.3.  This was reported to the EPA and has not occurred since, therefore no corrective action is required.	Administrative
M2.3	Refer to discussion for Condition M2.1.	Administrative

## 4.5 Compliance with relevant leases

### 4.5.1 Summary of non-compliances

The review of compliance with the relevant leases (CCL 719 and 721) did not identify any non-compliances during the audit period.

## 4.6 Adequacy of any strategies/plans and programs

A number of strategies, plans and programs have been developed for the Mine in accordance with PA 06\_0311 and EPL 191. Table 4.5 provides a summary of the key monitoring and management practices on site and areas recommended for improvement.

**Table 4.5**      *Status of key monitoring and management*

Environmental aspect	Reference	Implementation	Recommendation
General compliance	EMS Management plans listed in this table.	<p>Management plans prepared for the site are generally compliant with the requirements of the project approval and the EPL.</p> <p>The EPL was varied in April 2021 to reflect current processing volumes.</p> <p>The EMS was updated in 2021, which incorporated the most recent project approval (MOD5) and the recommendations of the 2019 IEA. The EMS is compliant with the requirements of PA 06_0311.</p>	None
Air quality	AQGGMP	<p>The current AQGGMP (V2) has been prepared to be combined with Chain Valley Colliery. Approval from DPE was granted in March 2022. The AQGGMP was found to be generally compliant against the conditions of PA06_0311 and EPL 191. No TARPs were included in the plan, constituting a non-compliance with Schedule 3 Condition 17.</p> <p>During the site inspection, dust was not observed to be a problem.</p>	<b>Corrective action 6</b>
Aboriginal Cultural Heritage	ACHMP	<p>A review of the ACHMP (Rev 2.2) found it to be compliant with the requirements of PA 06_0311. No incidents involving Aboriginal Heritage have occurred on the site over the reporting period.</p> <p>It is of note that the heritage management system has been revised. A new Heritage Management Plan has been prepared to incorporate Aboriginal and Non-Aboriginal heritage, as well as the Chain Valley Colliery site. This plan was not approved by DPE at the time of the audit.</p>	None
Noise management	NMP	<p>The NMP is a combined plan between Chain Valley and Mannering. Review of relevant documentation indicated the NMP (Rev 1.5) found it to be consistent with the conditions of PA06_0311 and EPL 191.</p> <p>A review of the noise monitoring data identified three non-compliances in relation to noise. The most recent non-compliance recorded was in May 2020 prior to the removal of the rotary breaker and the enclosure of the CHPP. Criteria has not been exceeded since then.</p> <p>A review of the complaints register found several complaints was received over the reporting period. Complaints related to noise declined between 2020 and 2022.</p>	None
Non-Indigenous Cultural Heritage Management	NICHMP	<p>A review of the NICHMP (Rev 1.3) found it to be compliant with the requirements of PA 06_0311. No incidents involving non-Indigenous Cultural Heritage have occurred on the site over the reporting period.</p> <p>It is of note that the heritage management system has been revised. A new Heritage Management Plan has been prepared to incorporate Aboriginal and Non-Aboriginal heritage, as well as the Chain Valley Colliery site. This plan was not approved by DPE at the time of the audit.</p>	None



Environmental aspect	Reference	Implementation	Recommendation
Rehabilitation	MOP	<p>A review of the MOP found them compliant with the requirements of PA06_0311. Whilst not a non-compliance, it is recommended that the revision date for Amendment 2 be included in the document, and the approval letter from Resources Regulator appended to Section 17. Therefore Recommendation 2 has been made.</p> <p>There were no areas of the site under active rehabilitation over the reporting period. General maintenance vegetation maintenance and weed management have been undertaken.</p> <p>It is noted Delta Coal are in the process of preparing a Rehabilitation Management Plan (RMP) and Annual Rehabilitation Report and Forward Program (as now required by the NSW Resources Regulator instead of a MOP from 2 July 2022). This RMP is recommended to ensure to discuss topsoil storage and estimated volumes required for rehabilitation.</p>	<b>Recommendation 2</b>
Water management	WMP	<p>Review of the WMP indicates it generally addresses the requirements of PA06_0311 and EPL 191; however, it is noted baseline data for surface and groundwater are missing. The WMP also has not been updated since the issue of PA06_0311 MOD5. Therefore, <b>corrective action 4</b> has been made to address this administrative non-compliance.</p> <p>The implementation of the WMP on site was generally considered adequate. However, as discussed in Section 4.2.1.3, a number of non-compliances with the requirements of EPL 191 have occurred during the reporting period. <b>Corrective actions 2 and 3</b> have been made.</p> <p>Monitoring undertaken over the reporting period was generally undertaken as per the water monitoring program. However, there were instances between October and December 2020 where conductivity was not sampled constituting a non-compliance with EPL 191. This has not occurred again over the reporting period and therefore no corrective action is proposed.</p>	<b>Corrective actions 2, 3 and 4,</b>
Pollution incident response	PIRMP	<p>A review of the PIRMP found that the recommendations of the 2019 IEA have been incorporated and are closed out.</p> <p>The PIRMP was tested three times in the audit period:</p> <ul style="list-style-type: none"> <li>– 17 December 2019</li> <li>– 22 December 2020</li> <li>– 22 December 2021</li> </ul> <p>The PIRMP was produced in the site inspection.</p>	None

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

### 4.7.1 DPE

A consultation letter was provided to the DPE Compliance Team on 23 March 2022, with a subsequent response received 28 March 2022 and is summarised in Table 4.6.

**Table 4.6** DPE comments and auditor's response

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

### 4.7.2 NSW Resources Regulator

A consultation letter was provided to the NSW Resources Regulator on 23 March 2022, with a subsequent response received 23 March 2022 and is summarised in Table 4.7.

**Table 4.7** NSW Resources Regulator comments and auditor's response

NSW Resource Regulator comments	Auditor response
Review relevant mining leases and exploration licences as agreed with Resources Regulator.	Noted
Undertake an assessment of compliance against the conditions of title related to environmental management.	Noted
Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP.	The existing MOP which applies to Mannering is Amendment 2 dated 12 August 2021. However, it is noted while the current MOP period ends in 2023, the new RMP and Annual Report & Forward Program are in the process of being prepared for submission by 2 July 2022.
Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular.	Review of the existing MOP indicates consistency with the requirements of PA 06_0311 and the associated EA, including subsequent modification EAs.
Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s).	Review of these documents indicate relevant rehabilitation commitments and objectives for Mannering relate to addressing any potential subsidence impacts, for which relevant performance measures detailed under Schedule 3, Condition 4 PA 06_0311 have been met during the audit period.
Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval.	Otherwise, relevant rehabilitation committed to in the EA relates to rehabilitation to be undertaken at completion of mining activities, which is not relevant to the audit period. Review of relevant documentation for the audit period otherwise indicates compliance with the rehabilitation objectives and completion criteria identified in the existing MOP.
Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records.	As above

NSW Resource Regulator comments	Auditor response
Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation.	A rehabilitation care and maintenance program has not been developed as part of the existing MOP. It has been recommended Delta Coal include a rehabilitation care and maintenance program as part of the RMP and Annual Rehabilitation Report and Forward Program currently being prepared (as now required by the NSW Resources Regulator instead of a MOP).
Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection.	Review of relevant documentation and conduct of the site inspection on 2 May 2022 indicates operations at CVC are being undertaken in accordance with the existing MOP.
Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval.	As discussed, review of the existing MOP indicates minimal rehabilitation is proposed during the MOP period (noting that it will be superseded in July 2022), as an underground mine site there is minimal surface area requiring progressive rehabilitation. Subsidence issues would be the primary requirement for rehabilitation during the audit period, with no subsidence occurring during the audit period requiring rehabilitation.
Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.	

### 4.7.3 CCC Chair

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

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

### 4.7.4 EPA

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

### 4.7.5 Other agencies

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

## 5. Corrective actions and recommendations

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

Table 5.1 Corrective actions

Number	Condition	Corrective action
<b>EPL 191</b>		
1	L1.1	Continue to undertake mitigation measures to comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> .
2	L2.4	Continue to undertake water quality monitoring. If a water quality exceedance is detected undertake measures to improve water quality
3	O1.1	As bins are clearly labelled and adequate disposal facilities are available across the site, Delta Coal should investigate means to address the workforce culture in relation to inadequate disposal of waste that has persisted across this, and the previous, audit.
<b>PA 06_0311</b>		
4	Schedule 2 Condition 16 Schedule 3 Conditions 11 & 12 Schedule 5, Conditions 3 & 5	To ensure compliance with relevant conditions of PA 06_0311, undertake updates to the WMP to include: <ul style="list-style-type: none"> <li>– Any relevant changes and requirements under modification 5</li> <li>– Baseline data for surface water quality</li> <li>– Baseline data for groundwater quality</li> </ul>
5	Schedule 3 Condition 16	Ensure that exceedances of criteria are reported.
6	Schedule 3 Condition 17	Update the AQGGMP to include TARPs.
7	Schedule 5 Condition 8	Include historical trends in noise monitoring data in the annual review.
8	Schedule 5 Condition 13	Ensure that incidents from May 2019 to December 2019 are included on the public complaints register.

Table 5.2 Recommendations

Number	Condition	Recommendation
<b>PA 06_0311</b>		
1	Schedule 3 Condition 14	Attach the Bushfire Management Plan to the Land Management Plan.
2	Schedule 3 Condition 15	Whilst not a non-compliance, it is recommended that the revision date for <i>Mine Operations Plan Amendment 2 Rehabilitation Management Plan 2020 – 2023</i> be included in the document, and the approval letter from Resources Regulator appended to Section 17.
3	Schedule 3 Condition 22	It is recommended that the standard be reviewed as the review date was 24 April 2021.
4	Schedule 3 Condition 3C	The outcomes of the noise mitigation study currently being completed should be captured in a revised noise management plan and reflect any changes to monitoring, as relevant.

# Appendices

# **Appendix A**

**Audit team approval letter**



Department of Planning and Environment

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

23/02/2022

Dear Mr McWha

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

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

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary endorses the appointment of the following audit team to prepare the IEA for the Chain Valley Colliery:

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

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

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

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

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

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

Yours sincerely

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



Department of Planning and Environment



# **Appendix B**

**Agency consultation**

Your ref: 0001  
Our ref: 12572751

23 March 2022

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

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

Dear James

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). The scope of the audit is to:

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

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

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

- Compliance with requirements
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- Adequacy of the requirements of the licence

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

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

It would be appreciated if you could submit your written comments by close of business Wednesday, 6 April 2022.

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

Regards



**Elliot Holland**  
Exemplar Global – Lead Auditor: EMS

(02) 4979 9923  
[elliott.holland@ghd.com](mailto:elliott.holland@ghd.com)

Your ref: 0001  
Our ref: 12572751

23 March 2022

Biodiversity Conservation Division  
Locked Bag 1002  
Dangar, NSW, 2259

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

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). The scope of the audit is to:

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

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

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Regards



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

Your ref: 0001  
Our ref: 12572751

23 March 2022

Margaret MacDonald-Hill  
Committee Independent Chair

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

Dear Margaret

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). The scope of the audit is to:

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Regards



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Exemplar Global – Lead Auditor: EMS

(02) 4979 9923

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

Your ref: 0001  
Our ref: 12572751

23 March 2022

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

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

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). The scope of the audit is to:

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

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

Your ref: 0001  
Our ref: 12572751

23 March 2022

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

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

Dear James

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**Your ref:** 0001  
**Our ref:** 12572751

**23 March 2022**

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

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

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). The scope of the audit is to:

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

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Your ref: 0001  
Our ref: 12572751

23 March 2022

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

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

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

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Your ref: 0001  
Our ref: 12572751

23 March 2022

Environment Protection Authority  
Locked Bag 5022  
Parramatta, NSW, 2124

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

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Your ref: 0001  
Our ref: 12572751

23 March 2022

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

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

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

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Your ref: 0001  
Our ref: 12572751

23 March 2022

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

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

To whom it may concern

Great Southern Energy Pty Ltd (trading as 'Delta Coal') has engaged GHD to undertake independent environmental audits of their underground operations Chain Valley Colliery (CVC) and Mannering Colliery. These audits would be prepared in accordance with Schedule 6, Condition 9 of SSD-5465 (as modified) and Schedule 5, Condition 9 of PA06\_0311 (as modified, respectively). The scope of the audit is to:

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

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

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

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

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

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

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business Wednesday, 6 April 2022.

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

Regards



**Elliot Holland**

Exemplar Global – Lead Auditor: EMS

(02) 4979 9923

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

## Jane Mackintosh

---

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

Dear Elliot

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

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

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

Regards

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

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



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

---

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

Hi,

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

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

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

Regards

**Elliot Holland**

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

**Exemplar Global – Lead Auditor: EMS**

**Senior Environmental Scientist**

**GHD**

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## Jane Mackintosh

---

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

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

Hi Elliot,

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

Regards,

Steve.

### Steven James

**Unit Head Regulatory Operations – Metro North**

NSW Environment Protection Authority

+61 2 4908 6823 +61 413 450 328

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

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

---

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

Hi,

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

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

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

Regards

**Elliot Holland**

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

**Exemplar Global – Lead Auditor: EMS**

**Senior Environmental Scientist**

**GHD**

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## Jane Mackintosh

---

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

Hi Elliot,

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

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

Thank you for the opportunity to comment.

Margaret MacDonald-Hill  
0448 414 888

---

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

Hi Margaret,

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

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

### GHD

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

Hi Elliot,

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

Margaret MacDonald-Hill  
0448 414 888

---

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

**Sent:** Wednesday, 23 March 2022 11:04 AM

**To:** [mmacdonald-hill@bigpond.com](mailto:mmacdonald-hill@bigpond.com)

**Subject:** 12572751 - Chain Valley Colliery (CVC) and Mannering Colliery Independent Environmental Audits

Hi Margaret

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

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

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

Regards,

**Elliot Holland**

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

**Exemplar Global – Lead Auditor: EMS**

**Senior Environmental Scientist**

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AREQ0026557

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

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

Dear Mr Holland

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

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

Chain Valley Colliery

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

Mannering Colliery

- CCL719 (1973)
- CCL 721 (1973)

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

- Review relevant mining leases and exploration licences as agreed with Resources Regulator
- Undertake an assessment of compliance against the conditions of title related to environmental management

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

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

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

Yours sincerely

**Jenny Ehmsen**  
Principal Compliance Auditor

23 March 2022

# **Appendix C**

## **Compliance tables**

# 1. Mannering

## 1.1 EPL 191

Condition	Details	Compliance status	Relevant evidence	Commentary									
1	1 Administrative Conditions												
A1	A1 What the licence authorises and regulates												
A1.1	<p>A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table><thead><tr><th>Scheduled Activity</th><th>Fee Based Activity</th><th>Scale</th></tr></thead><tbody><tr><td>Coal works</td><td>Coal works</td><td>&gt; 2000000 - 5000000 T annual handling capacity</td></tr><tr><td>Mining for coal</td><td>Mining for coal</td><td>&gt; 500000 - 2000000 T annual production capacity</td></tr></tbody></table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 2000000 - 5000000 T annual handling capacity	Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity	Compliant	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Annual Returns for 2019, 2020 and 2021</p>	<p>A review of the EPL Annual returns for 2019, 2020 and 2021 found that they were compliant with this condition.</p>
Scheduled Activity	Fee Based Activity	Scale											
Coal works	Coal works	> 2000000 - 5000000 T annual handling capacity											
Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity											
A.1.2	<p>A1.2 The licensee must not:</p> <p>(a) Produce by mining activities more than 1.1 million tonnes of coal within any 12 month period.</p> <p>(b) Undertake coal works of more than 2.1 million tonnes within any 12 month period, where ROM coal handled on the premises may be made up of coal produced by mining activities from both the Mannering premises as defined in this licence or Chain Valley premises as defined in Environment Protection Licence number 1770.</p> <p>Note: These limits on the scale of the fee based activities are based on project Approval 06_0311 MOD5 granted under the Environmental Planning and Assessment Act 1979 which limits extraction to 1.1 million tonnes of run of mine (ROM) coal per year and its modifications, the most recent of which is dated 5 June 2020.</p>	Non-compliance (administrative)	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Annual Returns for 2019, 2020 and 2021</p>	<p>The following amounts of coal were transported to Vales Point Power Station from the colliery over the reporting period:</p> <ul style="list-style-type: none"><li>– 2019: 0.79 million tonnes</li><li>– 2020: 1.38 million tonnes</li><li>– 2021: 1.25 million tonnes</li></ul> <p>A non-compliance was reported for the 2020 reporting year as the premises was only permitted to handle up to 1.3 million tonnes per year. The EPL was varied in April 2021, which increased handling capacity to 2.1 million tonnes per year.</p> <p>No corrective action is required.</p>									





Condition	Details	Compliance status	Relevant evidence	Commentary																												
2	2 Discharges to Air and Water and Applications to Land																															
P1	P1 Location of monitoring/discharge points and areas																															
P1.1	<p>P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <table><tr><th colspan="4">Air</th></tr><tr><th>EPA identification no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Location Description</th></tr><tr><td>3</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 3 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents &amp; Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.</td></tr><tr><td>4</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 4 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents &amp; Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.</td></tr><tr><td>5</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 5 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents &amp; Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.</td></tr><tr><td>6</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 6 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents &amp; Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.</td></tr><tr><td>7</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 7 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents &amp; Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.</td></tr></table>	Air				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Dust monitoring		Dust deposition gauge identified as point 3 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.	4	Dust monitoring		Dust deposition gauge identified as point 4 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.	5	Dust monitoring		Dust deposition gauge identified as point 5 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.	6	Dust monitoring		Dust deposition gauge identified as point 6 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.	7	Dust monitoring		Dust deposition gauge identified as point 7 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.	Compliant	<p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022)</p> <p>Annual Reviews for 2019, 2020 and 2021</p> <p>Annual Returns for 2019, 2020 and 2021</p>	Monitoring points are identified in the annual review documentation and the AQGGMP.
Air																																
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																													
3	Dust monitoring		Dust deposition gauge identified as point 3 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.																													
4	Dust monitoring		Dust deposition gauge identified as point 4 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.																													
5	Dust monitoring		Dust deposition gauge identified as point 5 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.																													
6	Dust monitoring		Dust deposition gauge identified as point 6 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.																													
7	Dust monitoring		Dust deposition gauge identified as point 7 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc 19/993639.																													

Condition	Details	Compliance status	Relevant evidence	Commentary												
P1.2	<p>P1.2 The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <table><tr><th colspan="4">Water and land</th></tr><tr><th>EPA Identification no.</th><th>Type of Monitoring Point</th><th>Type of Discharge Point</th><th>Location Description</th></tr><tr><td>1</td><td>Discharge to waters Discharge quality monitoring</td><td>Discharge to waters Discharge quality monitoring</td><td>Discharge Point 1 (surface and groundwater) identified as point 1 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents &amp; Environmental Monitoring Locations", Drawing No:A180012_02, dated 1 November 2019, EPA Reference Doc19/993639.</td></tr></table>	Water and land				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	1	Discharge to waters Discharge quality monitoring	Discharge to waters Discharge quality monitoring	Discharge Point 1 (surface and groundwater) identified as point 1 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations", Drawing No:A180012_02, dated 1 November 2019, EPA Reference Doc19/993639.	Compliant	Water Management Plan (Rev 6.1 – dated 3 February 2020)  Annual Reviews for 2019, 2020 and 2021  Annual Returns for 2019, 2020 and 2021	The licenced discharge point is identified in the annual review documents and the WMP.
Water and land																
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description													
1	Discharge to waters Discharge quality monitoring	Discharge to waters Discharge quality monitoring	Discharge Point 1 (surface and groundwater) identified as point 1 on plan titled "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations", Drawing No:A180012_02, dated 1 November 2019, EPA Reference Doc19/993639.													
P1.3	<p>P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.</p> <table><tr><th colspan="3">Noise/Weather</th></tr><tr><th>EPA Identification no.</th><th>Type of monitoring point</th><th>Location description</th></tr><tr><td>8</td><td>Meteorological Station</td><td>As identified as point 8 in "Delta Coal Mannering Colliery, EPL 191, Surface Extents &amp; Environmental Monitoring Locations, Drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc19/993639.</td></tr></table>	Noise/Weather			EPA Identification no.	Type of monitoring point	Location description	8	Meteorological Station	As identified as point 8 in "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations, Drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc19/993639.	Compliant	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022)  Noise Management Plan (Rev 1 – dated 20 April 2022))  Annual Review for 2019, 2020 and 2021	The meteorological station is identified in the AQGGMP and the NMP. Weather data is presented in the annual review documents.			
Noise/Weather																
EPA Identification no.	Type of monitoring point	Location description														
8	Meteorological Station	As identified as point 8 in "Delta Coal Mannering Colliery, EPL 191, Surface Extents & Environmental Monitoring Locations, Drawing No: A180012_02, Dated 1 November 2019" EPA Reference Doc19/993639.														

Condition	Details	Compliance status	Relevant evidence	Commentary
3	3 Limit Conditions			
L1	L1 Pollution of waters			
L1.1	L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Non-compliance (low-risk)	Annual Reviews for 2019, 2020 and 2021 Annual Return for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022.	<p><i>2019 IEA Recommendations: Continue to undertake mitigation measures to comply with section 120 of the Protection of the Environment Operations Act 1997 .</i></p> <p>2022 IEA Findings: There were several non-compliances relating to pollution of waters over the reporting period. These non-compliances were:</p> <ul style="list-style-type: none"> <li>– Exceedance of TSS limit for September 2019</li> <li>– Exceedance of pH limit in October 2019</li> <li>– Exceedance of oil and grease limit in April 2021</li> <li>– Exceedance of oil and grease limit in November 2021</li> </ul> <p>These exceedances constitute a 'pollution' of waterways under the POEO Act. The recommendation of the previous audit would be continued over into the next audit period.</p> <p><b><i>Corrective action 1: Continue to undertake mitigation measures to comply with section 120 of the Protection of the Environment Operations Act 1997.</i></b></p>
L2	L2 Concentration limits			
L2.1	L2.1 For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Note		Noted
L2.2	L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Note		Noted
L2.3	L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.	Note		Noted

Condition	Details	Compliance status	Relevant evidence	Commentary																								
L2.4	<div>L2.4 Water and/or Land Concentration Limits</div> <div>POINT 1</div> <table><tr><th>Pollutant</th><th>Units of Measure</th><th>50 percentile concentration limit</th><th>90 percentile concentration limit</th><th>3DGM concentration limit</th><th>100 percentile concentration limit</th></tr><tr><td>Oil and Grease</td><td>milligrams per litre</td><td></td><td></td><td></td><td>10</td></tr><tr><td>pH</td><td>pH</td><td></td><td></td><td></td><td>6.5-8.5</td></tr><tr><td>Total suspended solids</td><td>milligrams per litre</td><td></td><td></td><td></td><td>50</td></tr></table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Oil and Grease	milligrams per litre				10	pH	pH				6.5-8.5	Total suspended solids	milligrams per litre				50	Non-compliance (low-risk)	Annual Reviews for 2019, 2020 and 2021 Annual Return for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022.	<p>2019 IEA Recommendation: Continue to undertake water quality monitoring. If a water quality exceedance is detected undertake measures to improve water quality</p> <p>2022 IEA Findings: Several non-compliances regarding water quality were identified over the reporting period:</p> <ul style="list-style-type: none"><li>– Exceedance of TSS limit for September 2019 following a heavy rain event</li><li>– Exceedance of pH limit in October 2019</li><li>– Exceedance of oil and grease limit in April 2021</li><li>– Exceedance of oil and grease limit in November 2021</li></ul> <p>This therefore constitutes a non-compliance against this condition. The recommendation of the previous audit would be continued over into the next audit period.</p> <p><b>Corrective action 2:Continue to undertake water quality monitoring. If a water quality exceedance is detected undertake measures to improve water quality.</b></p>
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																							
Oil and Grease	milligrams per litre				10																							
pH	pH				6.5-8.5																							
Total suspended solids	milligrams per litre				50																							
L3	L3 Volume and mass limits																											
L3.1	<div>L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:</div> <div>a) liquids discharged to water; or;</div> <div>b) solids or liquids applied to the area; must not exceed the volume/mass limit specified for that discharge point or area.</div> <table><tr><th>Point</th><th>Unit of Measure</th><th>Volume/Mass Limit</th></tr><tr><td>1</td><td>kilolitres per day</td><td>4000</td></tr></table>	Point	Unit of Measure	Volume/Mass Limit	1	kilolitres per day	4000	Compliant	Annual Reviews for 2019, 2020 and 2021 Annual Return for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022.  Investigation report for incident	<p>An exceedance of the volumetric discharge was recorded for 21 March 2021 following a period of heavy rain. This exceedance was reported to the EPA on 22 March 2021.</p> <p>Whilst an exceedance against this condition was recorded, additional factors which are of relevance are discussed below in L3.2 and therefore Delta Coal are compliant with this condition.</p>																		
Point	Unit of Measure	Volume/Mass Limit																										
1	kilolitres per day	4000																										

Condition	Details	Compliance status	Relevant evidence	Commentary															
L3.2	L3.2 Exceedance of the volume limit for Point 1 is permitted only if the discharge from Point 1 occurs solely as a result of rainfall at the premises exceeding 10mm during the 24 hours immediately prior to the commencement of discharge	Compliant	Investigation report for incident	As discussed above, there was an exceedance of volumetric discharge at the licenced discharge point on 21 March 2021. According to this condition, discharges are permitted if the water released is solely of rainfall origin and the rainfall at the premises exceeds 10mm in the 24 hours prior to discharge.  Groundwater extraction was suspended between 18 March and 22 March. Rainfall data from the meteorological station indicated that the site received 105.6 mm on 20 March, and 100.8mm on 21 March.  Due to these factors, the exceedance of criteria outlined in L3.1 is not considered a true exceedance.															
L4	L4 Waste																		
	<p>L4.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.</p> <p>Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.</p> <p>Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.</p> <table border="1"> <thead> <tr> <th>Code</th><th>Waste</th><th>Description</th><th>Activity</th><th>Other Limits</th></tr> </thead> <tbody> <tr> <td>NA</td><td>Waste</td><td>Any other waste received on the premises for storage, treatment, processing, sorting or disposal and which receipt is not a scheduled activity under Schedule 1 of the POEO Act, as in force from time to time.</td><td></td><td></td></tr> <tr> <td>NA</td><td>General or Specific exempted waste</td><td>Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2014</td><td>As specified in each particular resource recovery exemption</td><td>N/A</td></tr> </tbody> </table>	Code	Waste	Description	Activity	Other Limits	NA	Waste	Any other waste received on the premises for storage, treatment, processing, sorting or disposal and which receipt is not a scheduled activity under Schedule 1 of the POEO Act, as in force from time to time.			NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2014	As specified in each particular resource recovery exemption	N/A	Compliant	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Waste tracking documentation</p> <p>Site interviews conducted 2 May 2022</p> <p>Site inspection conducted 2 May 2022</p>	Waste tracking documentation was provided in the site audit. The documentation was satisfactory and compliant with the requirements of this condition. During the site inspection, no wastes outside of those specified in this condition were being generated or received at the premises.
Code	Waste	Description	Activity	Other Limits															
NA	Waste	Any other waste received on the premises for storage, treatment, processing, sorting or disposal and which receipt is not a scheduled activity under Schedule 1 of the POEO Act, as in force from time to time.																	
NA	General or Specific exempted waste	Waste that meets all the conditions of a resource recovery exemption under Clause 51A of the Protection of the Environment Operations (Waste) Regulation 2014	As specified in each particular resource recovery exemption	N/A															

Condition	Details	Compliance status	Relevant evidence	Commentary
L4.2	L4.2 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Compliant	Annual Reviews for 2019, 2020 and 2021 Complaint and incident register ( <a href="https://www.deltacoal.com.au/community/complaint-and-incident-register">https://www.deltacoal.com.au/community/complaint-and-incident-register</a> ) Site interviews conducted 2 May 2022 Site inspection conducted 2 May 2022	Waste on site is being stored and processed in a sufficient way, in compliance with the requirements of this condition. No complaints regarding waste have been received for the site.
L4.3	L4.3 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence.	Note		Noted
L5	L5 Noise limits Note: Noise limits are not specified as a condition of this licence. Noise limits are prescribed with the conditions of Project Approval 06_0311 granted under the Environmental Planning and Assessment Act 1979. Under the Environmental Planning and Assessment Act 1979 the Department of Planning is the appropriate authority in respect of the administration and regulation of the Project Approval.	Non-compliance (low risk)	Noise Management Plan (Rev 1 – dated 20 April 2022)) Monthly noise monitoring reports Annual Reviews for 2019, 2020 and 2021 Annual Returns for 2019, 2020 and 2021	A review of the noise monitoring and annual reviews identified the following noise exceedances over the reporting period: – Exceedance of the $L_{Aeq(15min)}$ at R1 on 11 June 2019 – Exceedance of the $L_{Aeq(15min)}$ and $L_{A1,1 minute}$ at R2 on 13 August 2019. – Exceedance of the $L_{Aeq(15min)}$ at RA 3 on 5 May 2020. This therefore constitutes a non-compliance.

Condition	Details	Compliance status	Relevant evidence	Commentary
4	4 Operating Conditions			
O1	O1 Activities must be carried out in a competent manner	Compliant	<p>Site interviews conducted 2 May 2022</p> <p>Site inspection conducted 2 May 2022</p> <p>Generic induction (Environmental Awareness Training)</p> <p>Servicing records (Ash Analyser, CCS001)</p>	During the conduct of the audit, documentation reviewed, and the site inspection indicates general compliance with the requirements of this condition.
O1.1	<p>O1.1 Licensed activities must be carried out in a competent manner. This includes:</p> <p>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and</p> <p>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</p>	Non-compliance (administrative)	<p>Site interviews conducted 2 May 2022</p> <p>Site inspection conducted 2 May 2022</p>	<p><i>2019 IEA Recommendation: Finish sorting out the piles of rubbish at the pit top area.</i></p> <p><i>Undertake contaminated sites/waste material assessment at the waste stockpile area.</i></p> <p><i>SLR recommends none of the waste from the stockpile material is removed from site for waste disposal until an assessment on the waste is undertaken.</i></p> <p><i>Install signage at the landfarm material at the pit top.</i></p> <p><i>2022 IEA Findings: During the conduct of the audit, documentation reviewed, and the site inspection indicates that the site is being operated generally in compliance with the requirements of this condition.</i></p> <p>The auditors did notice that some inappropriate waste management occurred on site, such as general waste being placed in oily rag bins.</p> <p><b><i>Corrective action 3 As bins are clearly labelled and adequate disposal facilities are available across the site, Delta should investigate means to address the workforce culture in relation to inadequate disposal of waste that has persisted across this, and the previous, audit.</i></b></p>
O2	O2 Maintenance of plant and equipment			
O2.1	<p>O2.1 All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p>	Compliant	<p>Site interviews conducted 2 May 2022</p>	A sample work order was produced on request for routine maintenance on the Ash Analyser. No issues regarding

Condition	Details	Compliance status	Relevant evidence	Commentary
	b) must be operated in a proper and efficient manner.		Site inspection conducted 2 May 2022 Servicing records (Ash Analyser, CCS001)	improper maintenance or operation were observed in the site inspection.
<b>O3</b>	O3 Dust			
<b>O3.1</b>	O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	Annual Review for 2019, 2020 and 2021 Site inspection conducted 2 May 2022	The site has generally been maintained in a way that prevents the emission of dust. No complaints regarding dust have been received over the reporting period.
<b>O3.2</b>	O3.2 Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Compliant	Site inspection conducted 2 May 2022	Dust was not observed to be excessively generated during the site audit.
<b>O3.3</b>	O3.3 All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Compliant	Site inspection conducted 2 May 2022	Trafficable areas are generally sealed. Unsealed areas were not observed to be generating dust during the site inspection.
<b>O3.4</b>	O3.4 The tailgates of all haulage trucks leaving the premises must be securely fixed prior to loading or immediately after unloading to prevent loss of materials.	Compliant	Annual Review for 2019, 2020 and 2021	All coal processed at Mannering Colliery has been transported off the premises via conveyor. Haul trucks have not been used over the reporting period.
<b>O3.5</b>	O3.5 Coal stockpiles must be maintained in a condition that will minimise the generation and emission of dust on the premises.	Compliant	Site inspection conducted 2 May 2022	Coal is generally taken directly from the CHPP to Vales Point Power Station via overland conveyor. Temporary stockpiling of coal does occur at times. No dust was observed to be generated in the temporary stockpile area during the site inspection.



Condition	Details	Compliance status	Relevant evidence	Commentary
O4	<p>O4 Emergency response</p> <p>Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested at least annually or following a pollution incident.</p>	Compliant	<p>Pollution Incident Response Plan (Rev 2.4 - Dated 15 December 2021)</p> <p>Site inspection conducted 2 May 2022</p> <p>Annual Return for 2019, 2020 and 2021</p> <p>PIRMP Test records</p>	<p>2019 IEA Recommendation: Update the PIRMP to include:</p> <ul style="list-style-type: none"> <li>– Current site contacts;</li> <li>– Email details for government contacts; and</li> <li>– Figures that clearly show the location of hazardous substances and where pollution response equipment is stored.</li> </ul> <p>2022 IEA findings: A review of the PIRMP found that the recommendations of the 2019 IEA have been incorporated and are closed out.</p> <p>The PIRMP was tested 3 times in the reporting period:</p> <ul style="list-style-type: none"> <li>– 17 December 2019</li> <li>– 22 December 2020</li> <li>– 22 December 2021</li> </ul> <p>The PIRMP was produced in the site inspection.</p>
O5	O5 Processes and management			
O5.1	O5.1 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.	Compliant	Site inspection conducted 2 May 2022	Above ground tanks and storage containers were located within bunded areas.
O5.2	<p>O5.2 Bunds must:</p> <ul style="list-style-type: none"> <li>a) have walls and floors constructed of impervious materials;</li> <li>b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);</li> <li>c) have floors graded to a collection sump; and</li> <li>d) not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome.</li> </ul>	Compliant	Site inspection conducted 2 May 2022	Above ground tanks and storage containers were located within bunded areas. Collection sumps and oil/water separators were observed during the site inspection.

Condition	Details	Compliance status	Relevant evidence	Commentary
O6	O6 Other operating conditions			
O6.1	<p>O6.1 The licensee must ensure that activities are conducted in an environmentally satisfactory manner. So as to minimise and prevent the pollution of air and water the licensee must:</p> <p>(a) Ensure that vehicles or containers prior to leaving the premises are clean and sealed in a manner that will not cause materials or wastes used in conducting the activities at the premises to be tracked, thrown from, blown, fall, or cast from any vehicle or container onto a public road.</p> <p>(b) The licensee must have in place and implement procedures to ensure that vehicles and containers exiting the premises are in a condition to ensure that materials are not tracked, thrown, blown, fall or cast onto a public road.</p>	Compliant	<p>Site inspection conducted 2 May 2022</p> <p>Site interviews conducted 2 May 2022</p>	Coal transport is undertaken by overland conveyor. Vehicles entering and exiting the site are limited to staff and contractor vehicles. No issues regarding air or water pollution generated by vehicle movements were observed in the site inspection.
5	5 Monitoring and Recording Conditions			
M1	M1 Monitoring records			
M1.1	M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant	<p>Monitoring data for 2019, 2020, 2021 and 2022</p> <p>Annual Return for 2019, 2020 and 2021</p>	<p>Water monitoring and dust monitoring results are documented internally. These records were viewed during the site audit and were found to be compliant with the requirements of this condition. Water and dust monitoring results are reported externally in the monthly environmental reports.</p> <p>Noise monitoring is undertaken by an independent consultant, who reports data back to Delta Coal.</p>
M1.2	<p>M1.2 All records required to be kept by this licence must be:</p> <p>a) in a legible form, or in a form that can readily be reduced to a legible form;</p> <p>b) kept for at least 4 years after the monitoring or event to which they relate took place; and</p> <p>c) produced in a legible form to any authorised officer of the EPA who asks to see them.</p>	Complaint	<p>Monitoring data for 2018, 2019, 2020, 2021 and 2022</p> <p>Annual Return for 2019, 2020 and 2021</p>	Monitoring results for the 2018 to 2022 are presented on the Delta Coal website.

Condition	Details	Compliance status	Relevant evidence	Commentary															
M1.3	M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Complaint	Sample receipts  Monitoring spreadsheet  Monitoring data for 2019, 2020, 2021 and 2022	Sample receipts for water and dust sampling were viewed during the site audit. The sample receipts had the information required to satisfy the requirements of this condition															
M2	M2 Requirement to monitor concentration of pollutants discharged																		
M2.1	M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Non-compliance (administrative)	Monitoring data for 2019, 2020, 2021 and 2022  Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022)  Water Management Plan (Rev 6.1 – Dated 3 February 2020)	As described below in M2.2 and M2.3, Delta Coal monitored the parameters in accordance with the requirements of this condition.  Six samples in late 2020 that were not analysed for conductivity as per the table in M2.3, constituting a non-compliance. This is discussed further below.															
M2.2	M2.2 Air Monitoring Requirements  <table><tr><td>POINT</td><td colspan="4">3,4,5,6,7</td></tr><tr><td>Pollutant</td><td>Units of measure</td><td>Frequency</td><td colspan="2">Sampling Method</td></tr><tr><td>Particulates - Deposited Matter</td><td>grams per square metre per month</td><td>Monthly</td><td colspan="2">AM-19</td></tr></table>	POINT	3,4,5,6,7				Pollutant	Units of measure	Frequency	Sampling Method		Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19		Compliant	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).  Annual Review for 2019, 2020 and 2021	A review of the AQGGMP and the annual review documentation found that air monitoring was undertaken in accordance with this condition.  Sampling method is described in Section 3.3 of the AQGGMP.
POINT	3,4,5,6,7																		
Pollutant	Units of measure	Frequency	Sampling Method																
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19																

**M2.3****M2.3 Water and/ or Land Monitoring Requirements****POINT 1**

Pollutant	Units of measure	Frequency	Sampling Method
Aluminium (dissolved)	micrograms per litre	Monthly during discharge	Grab sample
Aluminium (total)	micrograms per litre	Monthly during discharge	Grab sample
Antimony	micrograms per litre	Monthly during discharge	Grab sample
Arsenic (dissolved)	micrograms per litre	Monthly during discharge	Grab sample
Arsenic (total)	micrograms per litre	Monthly during discharge	Grab sample
Barium	micrograms per litre	Monthly during discharge	Grab sample
Beryllium (dissolved)	micrograms per litre	Monthly during discharge	Grab sample
Beryllium (total)	micrograms per litre	Monthly during discharge	Grab sample
Boron	micrograms per litre	Monthly during discharge	Grab sample
Cadmium (dissolved)	micrograms per litre	Monthly during discharge	Grab sample
Cadmium (total)	micrograms per litre	Monthly during discharge	Grab sample
Calcium	micrograms per litre	Monthly during discharge	Grab sample
Chromium (dissolved)	micrograms per litre	Monthly during discharge	Grab sample
Chromium (total)	micrograms per litre	Monthly during discharge	Grab sample
Cobalt (dissolved)	micrograms per litre	Monthly during discharge	Grab sample
Cobalt (total)	micrograms per litre	Monthly during discharge	Grab sample
Conductivity	microsiemens per centimetre	Weekly during any discharge	Grab sample
Copper (dissolved)	micrograms per litre	Monthly during discharge	Grab sample

**Non-compliance (administrative)**

Water Management Plan (Rev 6.1 – Dated 3 February 2020)

Land Management Plan (Rev 1 – Dated 30 April 2016)

Annual Reviews for 2019, 2020 and 2021

Annual Returns for 2019, 2020 and 2021

A review of the WMP, monitoring data and annual review documentation identified that monitoring of surface water was being undertaken generally in compliance with the requirements of this condition. Surface water monitoring is described in Section 6.2 of the WMP.

During the period of October to December 2020, conductivity was not sampled as per the requirement of this condition. This was reported to the EPA and has not occurred since, therefore no corrective action is required,

Condition	Details				Compliance status	Relevant evidence	Commentary
	Copper (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Iron	micrograms per litre	Monthly during discharge	Grab sample			
	Lead (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Lead (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Lithium	micrograms per litre	Monthly during discharge	Grab sample			
	Magnesium	micrograms per litre	Monthly during discharge	Grab sample			
	Manganese (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Mercury (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Mercury (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Molybdenum (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Molybdenum (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Nickel (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Nickel (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Nitrogen (ammonia)	micrograms per litre	Monthly during discharge	Grab sample			
	Oil and Grease	milligrams per litre	Weekly during any discharge	Grab sample			
	pH	pH	Weekly during any discharge	Grab sample			
	Phosphorus	micrograms per litre	Monthly during discharge	Grab sample			
	Potassium	micrograms per litre	Monthly during discharge	Grab sample			
	Selenium (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Selenium (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Silica	micrograms per litre	Monthly during discharge	Grab sample			
	Silver (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Silver (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Sulfur	micrograms per litre	Monthly during discharge	Grab sample			
	Tin	micrograms per litre	Monthly during discharge	Grab sample			
	Titanium	micrograms per litre	Monthly during discharge	Grab sample			
	Total suspended solids	milligrams per litre	Weekly during any discharge	Grab sample			
	Vanadium (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Vanadium (total)	micrograms per litre	Monthly during discharge	Grab sample			
	Zinc (dissolved)	micrograms per litre	Monthly during discharge	Grab sample			
	Zinc (total)	micrograms per litre	Monthly during discharge	Grab sample			
M5	M5 Recording of pollution complaints						
M5.1	M5.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.				Compliant	Complaint and incident register <a href="https://www.deltacoal.com.au/community/complaint-and-incident-register">https://www.deltacoal.com.au/community/complaint-and-incident-register</a>	The complaints register is available on the project website, and is up to date.

Condition	Details	Compliance status	Relevant evidence	Commentary
M5.2	M5.2 The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Compliant	Complaint and incident register <a href="https://www.deltacoal.com.au/community/complaint-and-incident-register">https://www.deltacoal.com.au/community/complaint-and-incident-register</a> Internal complaints register	<i>2019 IEA Recommendation: Include in the Complaints Register:</i> <i>-Time of the complaint;</i> <i>-Personal details of the complainant; and</i> <i>-Method by which the complaint was made.</i>  2022 Audit Findings: The internal and website published complaints and incident registered were viewed during the site audit. Whilst the website published register did not contain all the requirements of this condition, the internal register contained the full details required.
M5.3	M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made	Compliant	Internal complaints register)	The complaints register goes back to 2014.
M5.4	M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.	Not triggered		No requests from the EPA have been received to view the complaints register. This condition remains not triggered.
M6	M6 Telephone complaints line			
M6.1	M6.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence	Compliant	Community information line web page <a href="https://www.deltacoal.com.au/media/community-information-line">https://www.deltacoal.com.au/media/community-information-line</a>	The community information line functions as the complaints line. The number is 1800 115 277.
M6.2	M6.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Compliant	July 2019 Community Newsletter Community information line web page <a href="https://www.deltacoal.com.au/media/community-information-line">https://www.deltacoal.com.au/media/community-information-line</a>	<i>2019 IEA Recommendation: With the new ownership an advertisement should be placed in the paper providing a link to the Delta Coal website and outlining the complaint management details.</i>  2022 IEA Findings: The community information line is advertised on the website in an easy to find location. The Community Newsletter from July 2019 fulfilled the 2019 IEA recommendation.
M6.3	M6.3 The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Not triggered		Not triggered

Condition	Details	Compliance status	Relevant evidence	Commentary						
M6.4	M6.4 The licensee must nominate a representative of the company that is available at all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including a telephone number, must be current at all times.	Compliant	Pollution Incident Response Plan (Rev 2.4 – Dated 15 December 2021)	2019 IEA Recommendation: Update the details of designated representatives of the company in the PIRMP  2022 IEA Findings: The PIRMP has been updated since the previous audit and contains the contact details of the current representees of the company.						
M7	M7 Requirement to monitor volume or mass									
M7.1	M7.1 For each discharge point or utilisation area specified below, the licensee must monitor: a) the volume of liquids discharged to water or applied to the area; b) the mass of solids applied to the area; c) the mass of pollutants emitted to the air; at the frequency and using the method and units of measure, specified below. POINT 1 <table><tr><th>Frequency</th><th>Unit of Measure</th><th>Sampling Method</th></tr><tr><td>Continuous during discharge</td><td>kilolitres per day</td><td>In line instrumentation</td></tr></table>	Frequency	Unit of Measure	Sampling Method	Continuous during discharge	kilolitres per day	In line instrumentation	Compliant	Annual Return for 2019, 2020 and 2021 Monitoring data for 2019, 2020, 2021 and 2022	Discharge at LDP1 has been monitored over the reporting period. Clauses b) and c) of this condition are not applicable to Point 1 (LDP1).
Frequency	Unit of Measure	Sampling Method								
Continuous during discharge	kilolitres per day	In line instrumentation								
6	6 Reporting Conditions									
R1	R1 Annual return documents									
R1.1	R1.1 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices.  At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.	Compliant	Annual Return for 2019, 2020 and 2021	The annual return documentation was prepared in accordance with the requirements of this condition.						

Condition	Details	Compliance status	Relevant evidence	Commentary
R1.2	R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.  Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	Compliant	Annual Return for 2019, 2020 and 2021	Annual returns were completed for 2019, 2020 and 2021 over the reporting period. Reporting for 2019 was between April and December which is discussed further below.
R1.3	R1.3 Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.  Note: An application to transfer a licence must be made in the approved form for this purpose.	Compliant	Annual Return for 2019	<i>2019 IEA Recommendation: LakeCoal prepare an Annual Return for the period commencing on the first day of the reporting period (1 January 2019) and ending on the date the application for the transfer of the licence to the new licensee is granted (1 April 2019).</i>  <i>Delta Coal prepare an Annual Return for the period commencing on the date the application for the transfer of EPL191 is granted (1 April 2019) and ending on the last day of the reporting period (31 December 2019).</i>  2022 IEA findings: The EPL was transferred from LakeCoal to Delta Coal on 1 April 2019, outside the scope of the reporting period. Delta Coal produced an Annual return for the 2019 reporting year for the months of April to December.
R1.4	R1.4 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	Not triggered		No licences have been surrendered during the reporting period. This condition remains not triggered.
R1.5	R1.5 The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	Annual Return for 2019, 2020 and 2021	Review of relevant documentation indicates compliance with the requirements of this condition
R1.6	R1.6 The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	Annual Return for 2018, 2019, 2020 and 2021	Review of relevant documentation indicates compliance with the requirements of this condition.



Condition	Details	Compliance status	Relevant evidence	Commentary
R1.7	R1.7 Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Compliant	Annual Return for 2018, 2019, 2020 and 2021	Review of relevant documentation indicates compliance with the requirements of this condition.
R2	R2 Notification of environmental harm Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Note		Noted
R2.1	R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.	Compliant	Incident reports	Whilst there were environmental incidents occurring the audit period, none of these incidents required the PIRMP to be enacted or considered likely to cause or threaten to cause material harm to the environment.
R2.2	R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Compliant	Incident reports	As per condition R2.1 there have been no incidents causing or threatening material harm occurring over the reporting period. This condition remains not triggered.
R3	R3 Written report			
R3.1	R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Not triggered		No requests of this nature have been made over the reporting period. This condition remains not triggered.
R3.2	R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Not triggered		As above

Condition	Details	Compliance status	Relevant evidence	Commentary
<b>R3.3</b>	R3.3 The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Not triggered		As above
<b>R3.4</b>	R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Not triggered		As above
<b>7</b>	7 General Conditions			
<b>G1</b>	G1 Copy of licence kept at the premises or plant	Compliant	Site inspection conducted 2 May 2022	A copy of the EPL was produced in the site inspection.
<b>G1.1</b>	G1.1 A copy of this licence must be kept at the premises to which the licence applies.	Compliant	Site inspection conducted 2 May 2022	A copy of A copy of the EPL was produced in the site inspection.
<b>G1.2</b>	G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.	Not triggered		An EPA officer has not asked to see the licence over the reporting period. This condition remains not triggered.
<b>G1.3</b>	G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Site inspection conducted 2 May 2022	A copy of the EPL was produced in the site inspection.

Condition	Details	Compliance status	Relevant evidence	Commentary												
G2	G2 Other general conditions															
G2.1	<div>G2.1 Completed Programs</div> <table><tr><th>Program</th><th>Description</th><th>Completed Date</th></tr><tr><td>PRP 1 - Assessment of Potential Impacts of Metals</td><td>The licensee must conduct an assessment of metals detected in wastewater discharges from the mine in accordance with the ANZECC water quality guidelines. To obtain a greater understanding of the type and concentration of metals discharged in mine water and entering the receiving waters. To limit the concentration of metals discharged in mine water within ANZECC guidelines.</td><td>26-June-2013</td></tr><tr><td>Coal Mine Particulate Matter Control Best Practice</td><td>Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.</td><td>19-September-2012</td></tr><tr><td>Coal Handling and Preparation Plant Commissioning Water Quality Monitoring Study</td><td>CHPP commissioning water quality monitoring study</td><td>12-October-2016</td></tr></table>	Program	Description	Completed Date	PRP 1 - Assessment of Potential Impacts of Metals	The licensee must conduct an assessment of metals detected in wastewater discharges from the mine in accordance with the ANZECC water quality guidelines. To obtain a greater understanding of the type and concentration of metals discharged in mine water and entering the receiving waters. To limit the concentration of metals discharged in mine water within ANZECC guidelines.	26-June-2013	Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	19-September-2012	Coal Handling and Preparation Plant Commissioning Water Quality Monitoring Study	CHPP commissioning water quality monitoring study	12-October-2016	Compliant	Site interviews conducted 2 May 2022	Following the issue of MOD5 PA 05_0311, the Rotary Breaker was removed in July 2020, following a commitment made in the statement of commitments. This was done to reduce the noise generated by the site.
Program	Description	Completed Date														
PRP 1 - Assessment of Potential Impacts of Metals	The licensee must conduct an assessment of metals detected in wastewater discharges from the mine in accordance with the ANZECC water quality guidelines. To obtain a greater understanding of the type and concentration of metals discharged in mine water and entering the receiving waters. To limit the concentration of metals discharged in mine water within ANZECC guidelines.	26-June-2013														
Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	19-September-2012														
Coal Handling and Preparation Plant Commissioning Water Quality Monitoring Study	CHPP commissioning water quality monitoring study	12-October-2016														

## 1.2 PA 06\_0311

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>SCHEDULE 2</b> <b>ADMINISTRATIVE CONDITIONS</b>			
	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT			
1	1. In addition to meeting the specific performance measures and criteria established under this development, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Compliant	Site inspection conducted 2 May 2022 Site interview conducted 2 May 2022	No occurrences of an incident causing material harm to the environment have occurred over the reporting period.
	TERMS OF APPROVAL			
2	2. The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with the statement of commitments in Appendix 3; (c) in accordance with the approved mine plan in Appendix 2; (d) in accordance with all written directions of the Planning Secretary; and (e) generally in accordance with the EA, EA (Mod 1), EA (Mod 2), EA (Mod 3), EA (Mod 4) and SEE (Mod 5).	Non-compliance (low risk)	Site inspection conducted 2 May 2022 Site interview conducted 2 May 2022	The following conditions of the consent were identified as being non-compliant over the reporting period: <ul style="list-style-type: none"> <li>– Schedule 2, Condition 16 (administrative)</li> <li>– Schedule 3, Condition 2 (low-risk)</li> <li>– Schedule 3, Condition 11 (administrative)</li> <li>– Schedule 3, Condition 12 (administrative)</li> <li>– Schedule 3, Condition 16 (low risk)</li> <li>– Schedule 3, Condition 17 (administrative)</li> <li>– Schedule 5, Condition 3 (administrative)</li> <li>– Schedule 5, Condition 5 (administrative)</li> <li>– Schedule 5, Condition 7 (administrative)</li> <li>– Schedule 5, Condition 8 (administrative)</li> <li>– Schedule 5, Condition 13 (administrative)</li> </ul> As these conditions of consent have not been complied with, this condition is also non-compliant. Refer to corrective actions and recommendations on each condition.

Condition	Details	Compliance status	Relevant evidence	Commentary
3	<p>3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</p> <p>(b) the implementation of any actions or measures contained in any such document referred to in condition 3(a).</p>	Not triggered	<p>Annual Review for 2019, 2020 and 2021</p> <p>Site interview conducted 2 May 2022</p>	No directions have been given to Delta Coal over the reporting period.
4	4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition 2(e). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition 2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Note		Noted
	<b>Limits on Consent</b>			
5	<p>5. Mining operations may take place until 31 December 2027.</p> <p>Note: Under this consent, the Applicant is required to rehabilitate the site to the satisfaction of the Planning Secretary and RR. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated to a satisfactory standard.</p>	Compliant	Annual Review for 2019, 2020 and 2021	No coal has been produced from the site over the reporting period.
6	6. The Applicant must not extract more than 1.1 million tonnes of ROM coal a year from the site.	Compliant	Annual Review for 2019, 2020 and 2021	No coal has been produced over the reporting period.
6A	6A. The Applicant must not transport more than 2.1 million tonnes of ROM coal a year from the site.	Compliant	Annual Review for 2019, 2020 and 2021	<p>The following amounts of coal were transported to Vales Point Power Station from the colliery over the reporting period:</p> <ul style="list-style-type: none"> <li>– 2019: 0.79 million tonnes</li> <li>– 2020: 1.38 million tonnes</li> <li>– 2021: 1.25 million tonnes</li> </ul> <p>Tonnages were compliant with the requirements of this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
7	7. The Applicant must ensure all coal produced and/or received on the site is transported by overland conveyor to Vales Point Power Station.	Compliant	Annual Review for 2019, 2020 and 2021 Site inspection conducted 2 May 2022 Site interview conducted 2 May 2022	A review of the annual review documentation and the site inspection identified that coal is being transported to Vales Point Power Station via overland conveyor.
8	Deleted			
	<b>Structural Adequacy</b>			
9	9. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA. Notes: <ul style="list-style-type: none"> <li>• Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for any proposed building works.</li> <li>• Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</li> <li>• Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SANSW's approval before carrying out certain development in a Mine Subsidence District.</li> </ul>	Not triggered	Site interview conducted 2 May 2022	Not new buildings have been constructed over the reporting period and therefore this condition remains not triggered.
	<b>Demolition</b>			
10	10. The Applicant must ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Not triggered	Site interview conducted 2 May 2022	No demolition activity has occurred over the reporting period and therefore this condition remains not triggered.
	<b>Operation of Plant and Equipment</b>			
11	11. 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	Site inspection conducted 2 May 2022 Site interview conducted 2 May 2022 Servicing records (Ash Analyser, CCS001)	<i>2019 IEA Recommendation: Ensure that all plant and equipment used on site is operated in a proper and efficient manner.</i>  2022 IEA Findings: Workorders for routine maintenance on the Ash Analyser were produced upon request during the site inspection. The workorder tracking system, PULSE, was also viewed.
	<b>Community Enhancement Program</b>			

Condition	Details	Compliance status	Relevant evidence	Commentary
12	<p>12. The Applicant must pay the affected councils \$0.02 for each tonne of ROM coal produced by the development for the purpose of improving water quality in the Lake Macquarie catchment. This payment must be:</p> <p>(a) shared equally by the affected councils;</p> <p>(b) made by the end of March 2009, and at yearly intervals thereafter;</p> <p>(c) calculated on the ROM coal produced in the previous calendar year; and</p> <p>(d) subject to indexation by the Implicit Price Deflator, as published by the Australian Bureau of Statistics.</p>	Not triggered	Annual Review for 2019, 2020 and 2021	<p><i>2019 IEA Recommendation: Ensure VPA payments are made prior to the due date.</i></p> <p>2022 IEA Findings: no coal has been produced by the site over the reporting period, and therefore VPA payments are not required.</p>
	<b>Community Consultative Committee</b>			
13	<p>13. A Community Consultative Committee (CCC) must be established for the development in accordance with the Department's Community Consultative Committee Guidelines: State Significant Developments (2019). The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• The CCC is an advisory committee only.</li> <li>• In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, affected Councils and the local community.</li> </ul>	Compliant	<p>Community Consultative Committee (CCC) Meeting Minutes</p> <p>CCC Annual reports for 2019, 2020 and 2021</p>	The Community Consultative Committee (CCC) were held quarterly over the reporting period and in compliance with the requirements of this condition.
14	<p>14. With the approval of the Planning Secretary, the Applicant may combine the CCC required by this development with any similar CCC required by a consent or approval for any adjoining mine subject to common, shared or related ownership or management.</p>	Compliant	<p>Community Consultative Committee (CCC) Meeting Minutes</p> <p>CCC Annual reports for 2019, 2020 and 2021</p>	The CCC for the Mannering Colliery is combined with Chain Valley Colliery

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Evidence of Consultation</b>			
15	<p>15. Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>(a) consult with the relevant party prior to submitting the subject document;</p> <p>(b) provide details of the consultation undertaken including:</p> <p>i. the outcome of that consultation, matters resolved and unresolved; and</p> <p>ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved</p>	Compliant	<p>Aboriginal Cultural Heritage Management Plan (Rev 2.2 – 4 December 2019).</p> <p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).</p> <p>Land Management Plan (Rev 1 – Dated 30 April 2016).</p> <p>Mine Operations Plan Amendment 2 Rehabilitation Management Plan 2020 – 2023 (Rev 2)</p> <p>Water Management Plan (Rev 6.1 – 3 February 2020)</p>	A review of the management plans prepared under this consent have found that consultation with relevant parties have occurred during their preparation.
	<b>Staging, Combining and Updating Strategies, Plans or Programs</b>			



Condition	Details	Compliance status	Relevant evidence	Commentary
16	<p>16. With the approval of the Planning Secretary, the Applicant may:</p> <p>(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);</p> <p>(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</p> <p>(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and</p> <p>(d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.</p>	Non-compliance (administrative)	<p>Aboriginal Cultural Heritage Management Plan (Rev 2.2 – 4 December 2019).</p> <p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).</p> <p>Land Management Plan (Rev 1 – Dated 30 April 2016).</p> <p>Noise Management Plan (Rev 1 dated 20 April 2022)</p> <p>Non-indigenous Cultural Heritage Management Plan (Rev 1.3 – 4 December 2019).</p> <p>Mine Operations Plan Amendment 2 Rehabilitation Management Plan 2020 – 2023 (Rev 2)</p> <p>Water Management Plan (Rev 6.1 – 3 February 2020)</p>	<p>A review of the management plans prepared under the condition found that the implementation of plans would not be staged. The revised AQGGMP has been prepared to be combined with Chain Valley Colliery. Approval from DPE was granted in October 2020.</p> <p>The following plans were also approved to be combined plans between Mannering Colliery and Chain Valley Colliery, however, have not been produced during the reporting period:</p> <ul style="list-style-type: none"> <li>– Heritage Management Plan</li> <li>– Land Management Plan</li> </ul> <p>Plans were generally updated following the 2019 IEA and modification of development consent and are within the review dates and frequency, except for the WMP which has not been updated to reflect MOD5. This is required as per Schedule 5, Condition 5, therefore constituting a non-compliance against the requirements of this condition.</p> <p><b>Corrective Action 4: To ensure compliance with relevant conditions of PA 06_0311, undertake updates to the WMP to ensure:</b></p> <ul style="list-style-type: none"> <li>– <b>The requirements under modification 5 are captured.</b></li> <li>– <b>Baseline data for surface water quality is included</b></li> <li>– <b>Baseline data for groundwater quality is included.</b></li> </ul> <p>At the time of Audit, the Land Management Plan required under this consent has not been updated since the previous IEA period therefore constituting an administrative non-compliance with Schedule 5, Condition 5. The auditor notes that the Land Management Plan is currently being updated, and therefore no corrective action is proposed.</p>
17	17. 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 direction has been received from the planning secretary over the reporting period.
18	18. 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 direction has been received from the planning secretary over the reporting period.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Application of Existing Strategies, Plans or Programs</b>			
19	19. The Applicant must continue to apply existing management strategies, plans or monitoring programs approved prior to the approval of Modification 5, until the approval of a similar plan, strategy or program following the approval of Modification 5.	Compliant	<p>Aboriginal Cultural Heritage Management Plan (Rev 2.2 – 4 December 2019).</p> <p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).</p> <p>Land Management Plan (Rev 1 – Dated 30 April 2016).</p> <p>Noise Management Plan (Rev 1 dated 20 April 2022)</p> <p>Non-indigenous Cultural Heritage Management Plan (Rev 1.3 – 4 December 2019).</p> <p>Mine Operations Plan Amendment 2 Rehabilitation Management Plan 2020 – 2023 (Rev 2)</p> <p>Water Management Plan (Rev 6.1 – 3 February 2020)</p>	<p>MOD 5 was issued on the 5<sup>th</sup> of June 2020. The following management plans have been updated since the issue of MOD 5:</p> <ul style="list-style-type: none"> <li>– ACHMP</li> <li>– AQGGMP</li> <li>– NMP</li> <li>– NICHMP</li> <li>– MOP</li> </ul> <p>The following plans that are still being applied that were approved prior to the issue of MOD 5:</p> <ul style="list-style-type: none"> <li>– LMP</li> <li>– WMP</li> </ul> <p>The auditor notes that the LMP is currently in the process of being updated. Refer to Schedule 2 Condition 16 regarding discussion of the WMP.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Protection of Public Infrastructure</b>			
20	<p>20. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <p>(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and</p> <p>(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.</p> <p>a This condition does not apply to any damage to roads caused as a result of general road usage or to damage that has been compensated under the Mining Act 1992.</p>	Not triggered		<p>No damage to public infrastructure has occurred over the reporting period.</p> <p>This condition remains not triggered.</p>
	<b>Compliance</b>			
21	<p>21. 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</p>	Compliant	<p>Site interview conducted 2 May 2022</p> <p>Generic induction (Environmental Awareness Training)</p>	<p>The generic environmental induction was produced in the site audit, which was satisfactory with the requirements of this condition.</p>
	<b>Applicability of Guidelines</b>			
22	<p>22. 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.</p>	Note		Noted
23	<p>23. 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</p>	Not triggered		<p>No agreement with the Planning Secretary of this nature have occurred over the reporting period. This condition is therefore not triggered.</p>
	<b>SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS</b>			
	<b>NOISE</b>			
	<b>Construction Noise</b>			

Condition	Details	Compliance status	Relevant evidence	Commentary																																																		
1	1. The Applicant must ensure that the noise generated by any construction work is managed in accordance with the requirements outlined in the Interim Construction Noise Guideline (DECC, 2009).	Not triggered		No construction work has been undertaken over the audit period.																																																		
	<b>Operational Noise Criteria</b>																																																					
2	<p>2. Except for the carrying out of construction works, the Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence a on privately-owned land.</p> <p><i>Table 1: Operational noise criteria dB(A)</i></p> <table> <tr> <th>Noise Assessment Location</th><th>Day L<sub>Aeq</sub> (15 min)</th><th>Evening L<sub>Aeq</sub> (15 min)</th><th>Night L<sub>Aeq</sub> (15 min)</th><th>Night L<sub>A1</sub> (1 min)</th></tr> <tr> <td>4 – di Rocco</td><td>40</td><td>36</td><td>36</td><td>46</td></tr> <tr> <td>5 - Keighran</td><td>40</td><td>39</td><td>39</td><td>49</td></tr> <tr> <td>6 – Swan</td><td>40</td><td>37</td><td>37</td><td>47</td></tr> <tr> <td>7 – Druitt</td><td>40</td><td>35</td><td>35</td><td>45</td></tr> <tr> <td>8 – Macquarie Shores Home Village</td><td>42</td><td>42</td><td>42</td><td>47</td></tr> <tr> <td>9 - Jeans</td><td>40</td><td>37</td><td>37</td><td>47</td></tr> <tr> <td>11 - Jeans</td><td>40</td><td>36</td><td>36</td><td>46</td></tr> <tr> <td>18 - Jeans</td><td>40</td><td>36</td><td>36</td><td>46</td></tr> <tr> <td>20 – Knight and all other privately-owned residences</td><td>40</td><td>36</td><td>36</td><td>46</td></tr> </table> <p><i>* The Noise Assessment Locations referred to in Table 1 are shown in Appendix 4.</i></p> <p>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).</p>	Noise Assessment Location	Day L <sub>Aeq</sub> (15 min)	Evening L <sub>Aeq</sub> (15 min)	Night L <sub>Aeq</sub> (15 min)	Night L <sub>A1</sub> (1 min)	4 – di Rocco	40	36	36	46	5 - Keighran	40	39	39	49	6 – Swan	40	37	37	47	7 – Druitt	40	35	35	45	8 – Macquarie Shores Home Village	42	42	42	47	9 - Jeans	40	37	37	47	11 - Jeans	40	36	36	46	18 - Jeans	40	36	36	46	20 – Knight and all other privately-owned residences	40	36	36	46	Non-compliance (low risk)	<p>Noise Management Plan (Rev 1 dated 20 April 2022)</p> <p>Annual Review for 2019, 2020 and 2021</p> <p>Monthly noise monitoring reports for 2019, 2020, 2021 and 2022.</p> <p>Noise Complaint Response dated 2 October 2020</p>	<p><i>2019 IEA Recommendation:</i></p> <p><i>Continue to undertake noise monitoring.</i></p> <p><i>Undertake follow-up actions if noise exceedances occur.</i></p> <p><i>Continue to manage noise complaints.</i></p> <p><i>Provide DPE with EMM Noise Mitigation Study dated March 2019.</i></p> <p>2022 Audit findings:</p> <p>The 2019 IEA recommended several items to be addressed over the reporting period.</p> <ul style="list-style-type: none"> <li><i>Continue to undertake noise monitoring:</i> Noise monitoring continued over the reporting period. Frequency was increased from quarterly monitoring to monthly reporting in Q4 2019.</li> <li><i>Undertake follow-up actions if noise exceedances occur:</i> Noise mitigation projects have been undertaken</li> <li><i>Continue to manage noise complaints:</i> A response to community complaints dated 2 October 2020 was viewed. The response from Delta Coal was adequate and thorough. DPIE were also informed of the response.</li> <li>Provide DPE with EMM Noise Mitigation Study dated March 2019, which was included as an Appendix to the 2019 Annual Review.</li> </ul> <p>A review of the noise monitoring and annual reviews identified the following noise exceedances over the reporting period:</p> <ul style="list-style-type: none"> <li>Exceedance of the L<sub>Aeq</sub>(15min) at R1 on 11 June 2019</li> <li>Exceedance of the L<sub>Aeq</sub>(15min) and L<sub>A1,1 minute</sub> at R2 on 13 August 2019.</li> <li>Exceedance of the L<sub>Aeq</sub>(15min) at RA 3 on 5 May 2020.</li> </ul> <p>This therefore constitutes a non-compliance. As discussed in Schedule 3 Condition 3A, Delta Coal have undertaken two projects at the CHPP to reduce noise impacts. Since then, no exceedances have been reported, therefore no corrective action is proposed.</p>
Noise Assessment Location	Day L <sub>Aeq</sub> (15 min)	Evening L <sub>Aeq</sub> (15 min)	Night L <sub>Aeq</sub> (15 min)	Night L <sub>A1</sub> (1 min)																																																		
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20 – Knight and all other privately-owned residences	40	36	36	46																																																		

Condition	Details	Compliance status	Relevant evidence	Commentary
3	3. The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Not triggered		No agreements with landholders have been made over the reporting period. This condition remains not triggered.
	<b>Noise Operating Conditions</b>			
3A	<p>3A. The Applicant must:</p> <p>(a) take all reasonable steps to minimise noise from construction and operational activities, including low frequency noise and other audible characteristics, associated with the development;</p> <p>(b) implement reasonable and feasible noise attenuation measures on all plant and equipment that will operate in noise sensitive areas;</p> <p>(c) operate a comprehensive noise management system commensurate with the risk of impact;</p> <p>(d) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);</p> <p>(e) carry out regular attended noise monitoring (at least once a month, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent;</p> <p>(f) regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent; and</p> <p>(g) implement reasonable and feasible measures to further enclose the structure housing the coal crusher in order to further mitigate noise from operational activities.</p>	Compliant	<p>Noise Management Plan (Rev 1 dated 20 April 2022)</p> <p>Annual Review for 2019, 2020 and 2021</p> <p>Noise monitoring reports for 2019, 2020, 2021 and 2022.</p> <p>Complaints register</p>	<p>The site has been generally managed within compliance with the requirements of this condition.</p> <p>Noise impacts are still being felt at residences given the number of complaints received over the reporting period:</p> <ul style="list-style-type: none"> <li>– 36 Community Complaints in 2019</li> <li>– 40 Community Complaints in 2020</li> <li>– 38 Community Complaints in 2021</li> <li>– 1 Complaint in 2022 to the date of the site audit.</li> </ul> <p>Whilst the site has received these complaints, a review of the complaints register has found that Delta Coal investigated the source of the complaints and made adjustments to practices.</p> <p>Delta Coal have undertaken three project to mitigate noise impacts generated by the site over the reporting period:</p> <ul style="list-style-type: none"> <li>– Removal of the rotary breaker at the CHPP in July 2020</li> <li>– Installation of doors and enclosure of the CHP completed July 2020</li> <li>– Additional noise monitoring in response to complaints undertaken between 22 to 28 September 2020</li> </ul>
Rere	3B. The Applicant must decommission the surface rotary breaker identified in the Statement of Commitments at Appendix 3, within 3 months of approval of Modification 5.	Compliant	<p>Annual review for 2020</p> <p>Site inspection on 2 May 2022</p>	The rotary breaker was decommissioned in July 2020, one month after the approval of MOD 5.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Noise Management Plan</b>			
<b>3C</b>	<p>3C. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>(b) describe the measures to be implemented to ensure: <ul style="list-style-type: none"> <li>i. compliance with the noise criteria and operating conditions in this consent;</li> <li>ii. best practice management is being employed; and</li> <li>iii. noise impacts of the development are minimised during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see NPfI);</li> </ul> </li> <li>(c) describe the noise management system in detail; and</li> <li>(d) include a monitoring program that: <ul style="list-style-type: none"> <li>i. uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;</li> <li>ii. monitors noise at the nearest and/or most affected residences;</li> <li>iii. includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;</li> <li>iv. adequately supports the noise management system;</li> <li>v. includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and</li> <li>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.</li> </ul> </li> </ul> <p>The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.</p>	Compliant	<p>Noise Management Plan (Rev 1 dated 20 April 2022)</p> <p>Noise monitoring reports for 2019, 2020, 2021 and 2022.</p>	A review of the NMP (Rev 1) against the requirements of these conditions and monitoring data collected on site. The NMP was found to be compliant with clauses (a), (b), (c) and (d) of this condition.
	<b>SUBSIDENCE</b>			
<b>4</b>	4. The Applicant must limit its coal extraction methods on the site to first workings only, and must not undertake second workings.	Not triggered	<p>Annual Reviews for 2019, 2020 and 2021</p> <p>Site interviews conducted 2 May 2022.</p>	No coal has been extracted over the reporting period.
<b>5</b>	Deleted			

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>SOIL AND WATER</b>			
	<b>Discharge</b>			
6	6. The Applicant must only discharge water from the site as expressly provided for by its EPL.	Compliant	Water Management Plan (Rev 6.1 – 3 February 2020)  Monitoring data from 2019, 2020, 2021 and 2022  Site inspection conducted 2 May 2022.	Discharges of water from the site occurred at the licenced discharge point during the audit period. The discharge point was observed during the site inspection
7	7. The Applicant must investigate, assess and report on the ecological interactions of minewater discharged from the site with the aquatic ecology of the unnamed creek and wetlands (and associated vegetation) between the minewater discharge point/s and Lake Macquarie. This report must: (a) be prepared in consultation with EPA by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary; (b) be submitted to the Planning Secretary by the end of March 2009; and (c) assess the probable alterations in the local ecology attributable to previous and proposed minewater discharges and any future cessation of minewater discharge flows.	Not triggered		This condition is not triggered as it was completed prior to the audit period.
	<b>Water Management Plan</b>			
8	8. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: (a) be prepared in consultation with DPIE Water by suitably qualified expert/s whose appointment/s have been approved by the Planning Secretary; (b) be submitted the Planning Secretary by the end of March 2009; and (c) include a: • Site Water Balance; • Erosion and Sediment Control Plan; • Surface Water Monitoring Plan; and • Groundwater Monitoring Program. The Applicant must implement the Water Management Plan approved by the Planning Secretary.	Compliant	Water Management Plan (Rev 6.1 – 3 February 2020)	<i>2019 IEA Recommendation:</i> <i>The WMP needs to be updated.</i> <i>Replace Figure 1 in the WMP with clear figures showing clean and dirty water management (i.e. replace with Figures 2.10 &amp; Figure 2.11 from the 2018 Annual Review</i>  <b>2022 IEA Finding:</b> The Water Management Plan was (rev 6.1) was updated on 3 February 2020. The plan was approved by DPI Water on 13 December 2019. The plan was compliant with the requirements of this condition and the recommendation of the previous audit.  The plan requires an update following the issue of MOD5 as described in Schedule 2 Condition 16. This does not constitute a non-compliance against the requirements of this condition.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Site Water Balance</b>			
9	<p>9. The Site Water Balance must:</p> <p>(a) include details of:</p> <ul style="list-style-type: none"> <li>• sources and security of water supply;</li> <li>• water use on site;</li> <li>• water management on site; and</li> </ul> <p>(b) investigate, assess and report on measures to minimise water use by the development, particularly potable water from the Wyong Shire town water supply.</p>	Compliant	Water Management Plan (Rev 6.1 – Dated 3 February 2020)	<p><i>2019 IEA Recommendation: The Water Balance in the WMP needs to be reviewed as its out of date</i></p> <p><b>2022 IEA Finding:</b> The WMP is compliant with the requirements of this condition and addresses the 2019 IEA Recommendations.</p>
	<b>Erosion and Sediment Control</b>			
10	<p>10. The Erosion and Sediment Control Plan must:</p> <p>(a) be consistent with the requirements of Managing Urban Stormwater: Soils and Construction (Landcom 2004, or its latest version);</p> <p>(b) identify activities that could cause soil erosion and generate sediment;</p> <p>(c) describe measures to minimise soil erosion and the potential for transport of sediment from the site;</p> <p>(d) describe the location, function, and capacity of erosion and sediment control structures; and</p> <p>(e) describe what measures would be implemented to monitor and maintain the structures over time.</p>	Compliant	Water Management Plan (Rev 6.1 – Dated 3 February 2020)	<p>The erosion and sediment control measures are discussed in Section 5 and 6.5 of the WMP. Standard erosion controls are also presented in Appendix 4. The capacity of the dirty water system is presented in Section 3.5 and Table 2.</p> <p>The WMP is compliant with the requirements of this condition.</p>



Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Surface Water Monitoring Program</b>			
11	<p>11. The Surface Water Monitoring Plan must include:</p> <p>(a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the development;</p> <p>(b) surface water impact assessment criteria;</p> <p>(c) a program to monitor the impact of the development on surface water flows and quality; and</p> <p>(d) procedures for reporting the results of this monitoring.</p>	Non-compliance (administrative)	<p>Water Management Plan (Rev 6.1 – Dated 3 February 2020)</p> <p>Annual Review for 2019, 2020 and 2021.</p> <p>Monthly data reports</p>	<p><i>2019 IEA Recommendation: Undertake visual assessment of the unnamed creek every 6 months, to monitor stability and erosion. A TARP should be developed in the next review of the WMP which outlines quantitative and qualitative triggers for the creek and erosion. Include results of the visual assessment of the unnamed creek in Annual Reviews. Include a reference again previous results.</i></p> <p><i>Ensure monitoring undertaken at the "Downstream" monitoring location is undertaken every 12 months. Include analysis results from monitoring undertaken at the "Downstream" monitoring location in Annual Reviews.</i></p> <p>2022 IEA findings: The surface water monitoring program is generally satisfied in Section 6.1 and 6.2 of the WMP. Reporting procedures are documented in Section 7.</p> <p>There is no presentation of baseline data for water quality, constituting an administrative non-compliance with condition 11(a)</p> <p><b>See Corrective Action 4.</b></p> <p>Chemical analysis data is presented in the monthly environmental reports.</p> <p>The recommendation of the previous audit to undertake visual assessment of the unnamed creek has been completed and is reported in the annual reviews. Monitoring has been undertaken at the Downstream location.</p>
	<b>Groundwater Monitoring Program</b>			
12	<p>12. The Groundwater Monitoring Program must include:</p> <p>(a) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality;</p> <p>(b) groundwater impact assessment criteria;</p> <p>(c) a program to monitor the impact of the development on groundwater levels, yield and quality; and</p> <p>(d) procedures for reporting the results of this monitoring.</p>	Non-compliance (administrative)	<p>Water Management Plan (Rev 6.1 – Dated 3 February 2020)</p> <p>Annual Review for 2019, 2020 and 2021.</p>	<p><i>2019 IEA Recommendation: Include in Section 9.4 of the Water Management Plan reporting of ground water results in Annual Reviews</i></p> <p>2022 Finding: Groundwater volumes as discharge are reported in section 8 of the annual review.</p> <p>Section 6.1, 6.3 and 6.7 of the WMP satisfy the requirements of clause (b) to (d) condition. Clause (a) is not satisfied due to there being no details of baseline data for groundwater monitoring.</p> <p><b>See Corrective Action 4.</b></p>

Condition	Details	Compliance status	Relevant evidence	Commentary																
	<b>REHABILITATION</b>																			
	<p>13. 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. Rehabilitation must be generally consistent with the proposed rehabilitation described in the EA and the Statement of Commitments, and comply with the objectives in Table 2.</p> <p><i>Table 2: Rehabilitation Objectives</i></p> <table><tr><th>Feature</th><th>Objective</th></tr><tr><td>Mine site (as a whole of the disturbed land and water)</td><td>Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).</td></tr><tr><td>Surface Infrastructure</td><td>To be decommissioned and removed, unless the RR agrees otherwise.</td></tr><tr><td>Portals and ventilation shafts</td><td>To be decommissioned and made safe and stable.</td></tr><tr><td>Other land affected by the development</td><td>Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of:<ul style="list-style-type: none"><li>local native plant species (unless the RR agrees otherwise); and</li><li>a landform consistent with the surrounding environment.</li></ul></td></tr><tr><td>Built features damaged by mining operations</td><td>Repair to pre-mining condition or equivalent unless:<ul style="list-style-type: none"><li>the owner agrees otherwise; or</li></ul></td></tr><tr><td></td><td><ul style="list-style-type: none"><li>the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>.</li></ul></td></tr><tr><td>Community</td><td>Ensure public safety.</td></tr></table>	Feature	Objective	Mine site (as a whole of the disturbed land and water)	Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).	Surface Infrastructure	To be decommissioned and removed, unless the RR agrees otherwise.	Portals and ventilation shafts	To be decommissioned and made safe and stable.	Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"><li>local native plant species (unless the RR agrees otherwise); and</li><li>a landform consistent with the surrounding environment.</li></ul>	Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: <ul style="list-style-type: none"><li>the owner agrees otherwise; or</li></ul>		<ul style="list-style-type: none"><li>the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>.</li></ul>	Community	Ensure public safety.	Not triggered		No rehabilitation has been undertaken during the reporting period and therefore this condition remain not triggered.
Feature	Objective																			
Mine site (as a whole of the disturbed land and water)	Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).																			
Surface Infrastructure	To be decommissioned and removed, unless the RR agrees otherwise.																			
Portals and ventilation shafts	To be decommissioned and made safe and stable.																			
Other land affected by the development	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"><li>local native plant species (unless the RR agrees otherwise); and</li><li>a landform consistent with the surrounding environment.</li></ul>																			
Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: <ul style="list-style-type: none"><li>the owner agrees otherwise; or</li></ul>																			
	<ul style="list-style-type: none"><li>the damage is fully restored, repaired or compensated under the <i>Mine Subsidence Compensation Act 1961</i>.</li></ul>																			
Community	Ensure public safety.																			
13A	13A. The Applicant must carry out all surface disturbing activities in a manner that, as far as practicable, minimises potential for dust emissions and must carry out rehabilitation of disturbed areas progressively, that is, as soon as reasonably practicable following disturbance.	Compliant	Site inspection conducted 2 May 2022	The site inspection undertaken on 2 May 2022 found that the site was being operated in a way that minimises dust emissions. No rehabilitation has been undertaken on site.																
	<b>Land Management Plan</b>																			
14	14. The Applicant must prepare a detailed Land Management Plan for the site to the satisfaction of the Planning Secretary. This plan must: (a) be submitted to the Planning Secretary by the end of September 2008; (b) be prepared by suitably qualified expert/s whose appointment/s have been endorsed by the Planning Secretary; (c) be prepared in consultation with RR, BCD and affected councils; and (d) include measures to: <ul style="list-style-type: none"><li>minimise visual impacts;</li><li>control weeds, feral pests and access; and</li><li>manage bushfires; and</li></ul>	Compliant	Land Management Plan (Rev 1 – Dated 30 April 2016).	<i>2019 IEA Recommendation: Attach the Bushfire Management Plan to the Land Management Plan</i>  2022 IEA Findings: The LMP satisfies the requirements of this condition in Section 1.2, 3.1, 3.2, 4,5, 6 and 8. The recommendation from the previous audit to attach the bushfire management plan to the Appendix of the LMP has not been carried though. <b>Recommendation 1:</b> Attach the Bushfire Management Plan to the Land Management Plan																

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>(e) provide details of who is responsible for monitoring, reviewing and implementing the plan.</p> <p>Prior to the end of April 2016, the Applicant must revise the Land Management Plan to incorporate the measures required to implement its commitments described in new row 2 of the Terrestrial Ecology section of its Statement of Commitments, and submit it to the Planning Secretary for approval.</p> <p>The Applicant must implement the Land Management Plan approved by the Planning Secretary.</p>			
14A	14A. The Applicant must implement its preferred option of the three options set out in new row 2 of the Terrestrial Ecology section of its Statement of Commitments by 1 December 2016, following consultation with BCD and to the satisfaction of the Planning Secretary.	Not triggered		This condition is not relevant to the reporting period and remains not triggered.
	<b>Rehabilitation Management Plan</b>			
15	<p>15. The Applicant must prepare a Rehabilitation Management Plan for the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This plan must:</p> <p>(a) be submitted within 3 months of approval of Modification 2 to the RR prior to carrying out any disturbing activities of the development, unless otherwise agreed by the Planning Secretary;</p> <p>(b) be prepared in accordance with RR guidelines and in consultation with the Department, BCD, EPA, DPIE Water, affected councils and the mine's CCC;</p> <p>(c) incorporate and be consistent with the rehabilitation objectives in the EA, Statement of Commitments and Table 2 above;</p> <p>(d) integrate and build on, to the maximum extent practicable, the other management plans required under this consent; and</p> <p>(e) address all aspects of mine closure and rehabilitation, including post-mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.</p> <p>Note: The approved Mining Operations Plan (which will become the REMP once the Mining Act Amendments have commenced) required as a condition of the Mining Lease(s) issued in relation to this development, will satisfy the requirements of this condition for a Rehabilitation Plan.</p>	Compliant	Mine Operations Plan Amendment 2 Rehabilitation Management Plan 2020 – 2023 (Rev 2)	<p>The Mining Operations Plan (MOP) for the site fulfils the same role as the Rehabilitation Management Plan under this condition. A review of the MOP (Amendment 2) against the requirements of this condition found it generally compliant.</p> <p>Clause (a) is not applicable to this reporting period as this was satisfied during a previous reporting period.</p> <p>A review of the MOP against Clauses (b) to (e) of this condition found it satisfactory and compliant.</p> <p><b><i>Recommendation 2 Whilst not a non-compliance, it is recommended that the revision date for Amendment 2 be included in the document, and the approval letter from Resources Regulator appended to Section 17.</i></b></p>

Condition	Details	Compliance status	Relevant evidence	Commentary																														
	<b>AIR QUALITY</b> <b>Impact Assessment Criteria</b>																																	
16	<p>16. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 3 at any residence on privately-owned land.</p> <table><tr><td colspan="4">Table 3: Air quality criteria</td></tr><tr><th>Pollutant</th><th>Averaging period</th><th colspan="2">Criterion</th></tr><tr><td rowspan="2">Particulate matter &lt; 2.5 µm (PM<sub>2.5</sub>)</td><td>Annual</td><td colspan="2">a, c 8 µg/m³</td></tr><tr><td>24 hour</td><td colspan="2">b 25 µg/m³</td></tr><tr><td rowspan="2">Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>Annual</td><td colspan="2">a, c 25 µg/m³</td></tr><tr><td>24 hour</td><td colspan="2">b 50 µg/m³</td></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td colspan="2">a, c 90 µg/m³</td></tr><tr><td>d Deposited dust</td><td>Annual</td><td>b 2 g/m²/month</td><td>a 4 g/m²/month</td></tr></table> <p>Notes:</p> <p>a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).</p> <p>b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).</p> <p>c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.</p> <p>d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</p>	Table 3: Air quality criteria				Pollutant	Averaging period	Criterion		Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	a, c 8 µg/m³		24 hour	b 25 µg/m³		Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	a, c 25 µg/m³		24 hour	b 50 µg/m³		Total suspended particulate (TSP) matter	Annual	a, c 90 µg/m³		d Deposited dust	Annual	b 2 g/m²/month	a 4 g/m²/month	Non-compliance (low risk)	<p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p> <p>Site interviews on 2 May 2022</p> <p>Site inspection on 2 May 2022</p>	<p>2019 IEA Recommendations: Update the AQGGMP</p> <p>Include in the updated AQGGMP a plan showing dust monitoring locations and the location of the weather station.</p> <p>2022 IEA findings: The AQGGMP was updated in December 2019, with dust monitoring points and the meteorological monitoring station shown in Figure 2.</p> <p>Several non-compliances against dust criteria were recorded and reported during the reporting period:</p> <ul style="list-style-type: none"><li>– Exceedance at DG004 in December 2020 which was attributed to contamination and not the development</li><li>– Exceedance at DG003 in May 2021 attributed to contamination and not the development</li><li>– Exceedance at DG003 in October 2021 attributed to contamination and not the development.</li></ul> <p>Two increases of greater than 2 g/m²/month were observed over the reporting period:</p> <ul style="list-style-type: none"><li>– An increase of 2.1 g/m²/month was recorded for depositional dust between November 2019 and December 2019 at DG001.</li><li>– An increase of 2.4 g/m²/month was recorded for depositional dust between August 2021 and September 2021 at DG003.</li></ul> <p>These exceedances were not reported as an incident and therefore a non-compliance (low risk) is recorded against this condition.</p> <p><b>Corrective Action 5: Ensure that exceedances of criteria are reported</b></p> <p>There were four exceedances of PM<sub>10</sub> criteria during the 2020 annual reporting period. These exceedances were attributed to local bushfire events and were not representative of dust being generated by the site.</p> <p>All other criteria was complied with over the reporting period.</p>
Table 3: Air quality criteria																																		
Pollutant	Averaging period	Criterion																																
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Condition	Details	Compliance status	Relevant evidence	Commentary
16A	16A. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement	Not triggered		No agreement of this nature has been made with landowners around air quality monitoring.
	<b>Air Quality and Greenhouse Gas Management Plan</b>			
17	<p>17. 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) describe the measures to be implemented to ensure:</p> <p>i. capture and flaring of methane produced by underground coal mining;</p> <p>ii. compliance with the air quality criteria and operating conditions in this consent;</p> <p>iii. best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and</p> <p>iv. the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;</p> <p>(c) describe the air quality management system in detail; and</p> <p>(d) include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), 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;</p> <p>ii. adequately supports the air quality management system; and</p> <p>iii. includes a protocol for identifying an air quality incident and notifying the Department and relevant stakeholders of any such incident.</p> <p>Note: "Methane produced by underground coal mining" does not include methane within mine ventilation air.</p>	Non-compliance (administrative)	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).	<p>The AQGGMP was updated in January 2022. This plan was granted approval from DPIE on 21 March 2022.</p> <p>The AQGGMP was reviewed against the requirements of this condition and it was found to be satisfactory. The plan was prepared by a suitably qualified person. Mitigation measures are described Section 3, as is the Air Quality Management System. The mitigation measures were generally compliant with the requirements of this condition, however no Trigger Action Response Tables (TARPs) were included in the plan. This constitutes a non-compliance with clause (a)(iii) of this condition.</p> <p><b>Corrective Action 6 Update the AQGGMP to include TARPs.</b></p> <p>The air quality monitoring program is adequate and outlined in Section 4.</p>
17A	17A. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.	Compliant	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).	Delta Coal are implementing the approved AQGGMP.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>METEOROLOGICAL MONITORING</b>			
<b>17B</b>	17B. 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: (a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007); and (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.	Compliant	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).	The meteorological station on the site is compliant with the requirements of this condition.
	<b>HERITAGE</b>			
	<b>Protection of Aboriginal Heritage</b>			
<b>18</b>	18. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the documents listed in condition 2(e) of Schedule 2.	Not triggered		No incidents involving Aboriginal Heritage have occurred on the site over the reporting period, therefore this condition remains not triggered.
	<b>Heritage Management Plan</b>			
<b>18A</b>	18A. The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with BCD and Registered Aboriginal Parties; (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site; (d) describe the procedures and management measures to be implemented on the site or within any offset area to: i. ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; ii. protect, monitor and manage identified non-Aboriginal heritage, Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2(e) of Schedule 2; iii. protect non-Aboriginal heritage, Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;	Compliant	Aboriginal Cultural Heritage Management Plan (Rev 2.2 – 4 December 2019). Non-indigenous Cultural Heritage Management Plan (Rev 1.3 – 4 December 2019).	<i>2019 IEA Recommendations:</i> <i>Update the ACHMP to make it reflective of the Mannering site only.</i> <i>Update the Non-Indigenous Heritage Management Plan</i>  2022 IEA Findings: The ACHMP was updated on 4 December 2019. RAPs were consulted during the preparation of the plan and provided no comment. The plan satisfied the requirements of this condition.  Non-Indigenous Cultural Heritage Management Plan were updated on 4 December 2019, satisfying the recommendation of the previous audit.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>iv. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;</p> <p>v. maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and</p> <p>vi. facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and</p> <p>(e) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, both during the life of the development and in the long term. The Applicant must implement the Heritage Management Plan approved by the Planning Secretary.</p>			
	<b>VISUAL</b>			
19	<p>19. The Applicant must:</p> <p>(a) ensure no outdoor lights shine above the horizontal;</p> <p>(b) ensure that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting;</p> <p>(c) take all practicable measures to mitigate off-site lighting impacts from the development; and</p> <p>(d) minimise the visual impacts of the development, to the satisfaction of the Planning Secretary.</p>	Compliant	Complaints and Incidents Register	No lighting audits have been undertaken within the reporting period. No complaints have been received regarding lighting at the site.
	<b>TRANSPORT</b>			
	<b>Monitoring of Coal Transport</b>			
20	<p>20. The Applicant must keep records of the amount of coal transported from the site each year, and include these records in the Annual Review.</p>	Compliant	Annual Reviews for 2019, 2020 and 2021.	<p>Coal transport is presented in the annual review. The following amounts of coal were transported to Vales Point Power Station from the colliery over the reporting period:</p> <ul style="list-style-type: none"> <li>– 2019: 0.79 million tonnes</li> <li>– 2020: 1.38 million tonnes</li> <li>– 2021: 1.25 million tonnes</li> </ul>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Ruttleys Road Intersection</b>			
21	<p>21. The Applicant must:</p> <p>(a) complete a road safety audit of the intersection of Ruttleys Road and Mannering Colliery Access Road by the end of March 2009;</p> <p>(b) provide copies of this audit to TfNSW, Central Coast Council and the Planning Secretary within one month of its completion; and</p> <p>(c) within 3 months of approval of Modification 2, install additional sections of guardrail (safety barrier) on the eastern side of Ruttleys Road between the Mannering Colliery access road and existing sections of guardrail further to the north;</p> <p>(d) be responsible for the maintenance and upkeep of the pavement of the Ruttleys Road/Mannering Colliery access road intersection whilst the site is used for mining purposes or until the intersection is upgraded to a Type CHR intersection treatment; and</p> <p>(e) prior to the number of workers (direct employees and contractors) at Mannering Colliery exceeding 70, the Applicant must upgrade the Ruttleys Road/Mannering Colliery access road intersection to a Type CHR treatment in accordance with Construction Certificate SCC/69/2011 issued by Central Coast Council, or later updated versions of this Construction Certificate;</p> <p>to the satisfaction of the Planning Secretary.</p>	Not triggered		<p>Clauses (a) to (c) of this condition are outside of the scope of the reporting period, while Clause (d) and (e) have not been triggered.</p>
	<b>BUSHFIRE MANAGEMENT</b>			
22	<p>22. The Applicant must:</p> <p>(a) ensure that the development:</p> <ul style="list-style-type: none"> <li>• provides for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2006) guideline; and</li> <li>• ensure that there is suitable equipment to respond to any fires on the site; and</li> </ul> <p>(b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.</p>	Compliant	<p>Site interviews conducted 2 May 2022</p> <p>Site inspection conducted 2 May 2022</p> <p>STD 00110 – Standards Template – Fire Water Reticulation and Bushfire Fighting (Rev 1) – Dated 23 April 2018</p>	<p>STD 00110 – Standards Template – Fire Water Reticulation and Bushfire Fighting (Rev 1) outlines the procedure for bushfire fighting and water reticulation for the site.</p> <p>Over the reporting period Delta Coal have provided the RFS with access during times of need.</p> <p><b>Recommendation 3: It is recommended that the standard be reviewed as the review date was 24 April 2021</b></p>



Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>WASTE</b>			
23	<p>23. The Applicant must:</p> <ul style="list-style-type: none"> <li>(a) monitor the amount of waste generated by the development;</li> <li>(b) investigate ways to minimise waste generated by the development;</li> <li>(c) implement reasonable and feasible measures to minimise waste generated by the development; and</li> <li>(d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Planning Secretary.</li> </ul>	Compliant	<p>Annual Review for 2019, 2020 and 2021</p> <p>Waste tracking spreadsheets</p>	<p>Waste tracking and receipts were viewed prior to the site audit. Delta Coal were found to be in compliance with the requirements of this condition.</p> <p>Waste is reported upon in Section 5.6 of the Annual Reviews.</p>
	<b>EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE</b>			
	<b>Exploration Activities and Minor Surface Infrastructure Management Plan</b>			
24	<p>24. Prior to carrying out exploration activities on the site under this consent that would cause temporary surface disturbance, or exploration activities within the waters or lake bed of Lake Macquarie, or the construction and/or upgrade of minor surface infrastructure on the site, the Applicant must prepare an Exploration Activities and Minor Surface Infrastructure Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>(b) be prepared in consultation with RR, NSW Maritime Division of TfNSW, NSW Fisheries and BCD;</li> <li>(c) include a description of the measures to be implemented for: <ul style="list-style-type: none"> <li>i. managing exploration activities;</li> <li>ii. managing construction and operation of minor surface infrastructure and associated access tracks;</li> <li>iii. consulting with and if necessary compensating affected landowners;</li> <li>iv. assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;</li> <li>v. beneficial re-use or flaring of drained hydrocarbon gases, wherever practicable;</li> <li>vi. avoiding significant impacts and minimisation of impacts generally;</li> <li>vii. avoiding or minimising impacts on threatened species, populations or their habitats and EECs;</li> <li>viii. minimising clearance and disturbance of native vegetation (including seagrasses);</li> <li>ix. minimising and managing erosion and sedimentation; and</li> </ul> </li> </ul>	Not triggered	<p>Annual Review for 2019, 2020 and 2021</p> <p>Site interviews conducted 2 May 2022</p>	<p>No exploration has occurred over the reporting period, therefore this condition remains not triggered.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>x. rehabilitating disturbed areas.</p> <p>Note: Consultation with NSW Maritime Division of TfNSW and NSW Fisheries is not required for land-based exploration activities and minor surface infrastructure.</p> <p>The Applicant must implement the Exploration Activities and Minor Surface Infrastructure Management Plan as approved by the Planning Secretary.</p>			
	<b>SCHEDULE 4</b>			
	<b>ADDITIONAL PROCEDURES</b>			
	<b>INDEPENDENT REVIEW</b>			
1	<p>1. If a landowner considers the development to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the development on his/her land.</p> <p>If the Planning Secretary is satisfied that an independent review is warranted, the Applicant must within 2 months of the Planning Secretary's decision:</p> <p>(a) consult with the landowner to determine his/her concerns;</p> <p>(b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to conduct monitoring on the land, to:</p> <ul style="list-style-type: none"> <li>• determine whether the development is complying with the relevant impact assessment criteria in schedule 3; and</li> <li>• identify the source(s) and scale of any impact on the land, and the development's contribution to this impact; and</li> <li>• give the Planning Secretary and landowner a copy of the independent review.</li> </ul>	Compliant	Noise Compliance Report (September 2019)	<p>Delta Coal completed a Noise Compliance study during September 2019 upon the request of DPE dated 20 June 2019.</p> <p>The Noise Compliance Study was undertaken over July and August by an endorsed independent consultant. Results of the operator-attended noise monitoring program determined that noise emissions from the site generally comply with the relevant noise limits at the nearest residential areas to the MC. The exception to this was for two 15-minute, operator-attended noise surveys conducted at Macquarie Shores Village (RA2) on 13 August when a mechanical failure on site generated elevated noise emission levels from the rotary-breaker. The equipment was subsequently repaired, and results of operator-attended noise surveys undertaken after the equipment was reinstalled indicated compliance with the relevant noise limits.</p> <p>Subsequently, the rotary-breaker has been removed. CHPP enclosure undertaken, which has resulted in a reduction in observed noise exceedances.</p>
2	<p>2. If the independent review determines that the development is complying with the relevant impact assessment criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Planning Secretary.</p>	Compliant		<p>The independent review was undertaken to its extent. No further independent reviews have been undertaken since over the reporting period.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
3	<p>3. If the independent review determines that the development is not complying with the relevant impact assessment criteria in schedule 3, and that the development is primarily responsible for this non-compliance, then the Applicant must:</p> <p>(a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant criteria; and</p> <p>(b) conduct further monitoring to determine whether these measures ensure compliance.</p> <p>If the additional monitoring referred to above subsequently determines that the development is complying with the relevant criteria in schedule 3, or the Applicant and landowner enter into a negotiated agreement to allow these exceedances, then the Applicant may discontinue the independent review with the approval of the Planning Secretary</p>	Not triggered		As discussed, the non-compliances identified in the independent review were attributed to a mechanical failure which was repaired and confirmed compliant during the study. Therefore this condition remains not triggered.
4	<p>4. If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that more than one development is responsible for this non-compliance, then the Applicant must, together with the relevant development/s:</p> <p>(a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and</p> <p>(b) conduct further monitoring to determine whether these measures ensure compliance; or</p> <p>(c) secure a written agreement with the landowner and other relevant developments to allow exceedances of the criteria in schedule 3, to the satisfaction of the Planning Secretary.</p> <p>If the additional monitoring referred to above subsequently determines that the developments are complying with the relevant criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Planning Secretary.</p>	Not triggered		Not triggered
5	<p>5. If the landowner disputes the results of the independent review, either the Applicant or the landowner may refer the matter to the Planning Secretary for resolution.</p> <p>If the matter cannot be resolved within 21 days, the Planning Secretary shall refer the matter to an Independent Dispute Resolution Process</p>	Not triggered		There have been no landowner disputes over the results of the independent review, this condition is therefore not triggered.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING</b>			
	<b>ENVIRONMENTAL MANAGEMENT</b>			
	<b>Environmental Management Strategy</b>			
<b>1</b>	<p>1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <p>(a) provide the strategic framework for environmental management of the development;</p> <p>(b) identify the statutory approvals that apply to the development;</p> <p>(c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(d) set out the procedures to be implemented to:</p> <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>• receive record, handle and respond to complaints;</li> <li>• resolve any disputes that may arise during the course of the development;</li> <li>• respond to any non-compliance and any incident; and</li> <li>• respond to emergencies; and</li> </ul> <p>(e) include:</p> <ul style="list-style-type: none"> <li>• references to any strategies, plans and programs approved under the conditions of this consent; and</li> <li>• a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</li> </ul> <p>The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.</p>	<b>Compliant</b>	Environmental Management Strategy – Chain Valley Colliery and Mannering Colliery (Rev 1 – Dated 16 March 2021)	<p>2019 IEA Recommendations: Review the Environmental Management Strategy (EMS).</p> <p>Include in the reviewed EMS the incorrect monitoring frequency for conductivity, TSS, pH and Oil &amp; Grease</p> <p>2022 IEA Findings: The EMS was updated in 2021, which incorporated the most recent project approval (MOD5) and the recommendations of the 2019 IEA. The EMS is compliant with the requirements of this condition.</p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Adaptive Management</b>			
2	<p>2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement reasonable remediation measures as directed by the Planning Secretary.</p>		<p>Various incident reports provided for the audit period.</p> <p>Noise Compliance Report (September 2019)</p>	<p>A review of the incident reports provided by Delta Coal for the audit period showed general compliance with the requirements of this condition.</p> <p>Noise complaints have been prevalent over the reporting period. Delta Coal have provided examples of adaptive management such as removal of the rotary breaker and the enclosure of the CHPP during the reporting period to reduce noise impacts.</p>
	<b>Management Plan Requirements</b>			
3	<p>3. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>(a) a summary of relevant background or baseline data;</p> <p>(b) details of:</p> <ul style="list-style-type: none"> <li>the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>any relevant limits or performance measures and criteria; and</li> <li>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;</li> </ul> <p>(c) any relevant commitments or recommendations identified in the document/s listed in condition 2(e) of Schedule 2;</p> <p>(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>(e) a program to monitor and report on the:</p> <ul style="list-style-type: none"> <li>impacts and environmental performance of the development; and</li> <li>effectiveness of the management measures set out pursuant to condition 2(e) of Schedule 2;</li> </ul>	Non-compliance (Administrative)	<p>Aboriginal Cultural Heritage Management Plan (Rev 2.2 – 4 December 2019).</p> <p>Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).</p> <p>Land Management Plan (Rev 1 – Dated 30 April 2016).</p> <p>Noise Management Plan (Rev 1.5 dated 4 December 2019)</p>	<p><i>2019 IEA Actions: All management plans require updating due to the length of time since the previous reviews.</i></p> <p><i>Ensure there is a cross referencing table covering this condition in management plans.</i></p> <p><i>Additional detail including Trigger, Action, Response Tables (contingency plan) should be developed in the next round of management plan updates.</i></p> <p><i>Include in the LMP and ACHMP reporting mechanisms (i.e. Annual Review)</i></p> <p><i>Include in the WMP 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</i></p> <p><i>Include in the WMP a protocol for managing and reporting any incidents, complaints, non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria</i></p> <p><i>Include a complaints handling procedure in the include ACHMP</i></p> <p><i>Include a protocol for periodic review of the ACHMP</i></p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>(f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(g) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(h) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> <li>• incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;</li> <li>• complaint; or</li> <li>• failure to comply with other statutory requirements;</li> </ul> <p>(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and</p> <p>(j) a protocol for periodic review of the plan.</p> <p>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>		<p>Non-indigenous Cultural Heritage Management Plan (Rev 1.3 – 4 December 2019).</p> <p>Water Management Plan (Rev 6.1 – 3 February 2020)</p>	<p><i>Ensure all management plans required under PA 06_0311 detail and consider the management condition.</i></p> <p>2022 IEA Findings: Each management plan required in this consent was assessed for compliance against this condition:</p> <ul style="list-style-type: none"> <li>– ACHMP: The ACHMP was updated on 4 December 2019 and found to be compliant with this condition and Schedule 3 Condition 18A. The recommendations of the 2019 IEA were also adequately closed out in the update of the ACHMP.</li> <li>– AQGGMP: The AQGGMP was updated on 4 December (Rev 2.2) and then updated again in January 2022 (V2) over the reporting period. The AQGGMP was found to be compliant with the requirements of this condition and Schedule 3 Condition 17. The recommendation of the previous audit to incorporate Trigger Action Response Tables has not been incorporated into the plan. Refer to Schedule 3 Condition 17 for corrective actions.</li> <li>– LMP: The LMP has not been updated over the reporting period and is non-compliant with the periodic review period in the plan developed under clause (j) of this condition. The auditor notes that the plan is currently being updated, and therefore no corrective action is proposed.</li> <li>– NMP: The NMP was updated on 4 December 2019. As discussed in Schedule 3 Condition 3C, the plan is consistent with the requirements of the conditions and the current monitoring program being implemented on site.</li> <li>– NICHMP: The NICHMP was updated on 4 December 2019. A review of this condition and Schedule 3 Condition 18A found it compliant with the requirements of the consent.</li> <li>– WMP: The WMP was updated on 3 February 2020. The recommendation of the previous IEA to include a contingency plan for unpredicted impacts has not been followed though, and therefore is required to be addressed in the next round of reviews. The WMP also does not outline the baseline water quality for surface and groundwater and is therefore non-compliant with clause (a) of this condition. Refer to Schedule 3 Condition 11 and Schedule 3 Condition 12 for corrective actions.</li> </ul>

Condition	Details	Compliance status	Relevant evidence	Commentary
4	4. The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.	Compliant	Air Quality and Greenhouse Gas Management Plan (V2 – dated 21 January 2022).  Noise Management Plan (Rev 1 - 20 April 2022)  Water Management Plan (Rev 6.1 – 3 February 2020)	The AQGGMP, NMP and WMP are consistent with EPL 191. Inconsistencies with the requirements of this consent are documented within this table.
<b>REVISION OF STRATEGIES, PLANS AND PROGRAMS</b>				
5	5. Within three months of: (a) the submission of an incident report under condition 6; (b) the submission of an Annual Review under condition 8; (c) the submission of an Independent Environmental Audit under condition 9; or (d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise), the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.  If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.  Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.:	Non-compliance (Administrative)	Annual Review for 2021.	<i>2019 IEA Recommendations : Include statement in future Annual Reviews stating that Management Plans have been reviewed and state which management plans will or will not be updated within 3 months.</i>  <i>Develop and implement a plan to update Mannering's Strategies, Plans and Programs</i>  2022 IEA Findings: Revision planning, and tracking is included in the 2021 Annual review, therefore closing out the recommendations of the previous IEA.  As discussed in Schedule 2 Condition 16, the WMP has not been updated following the issue of MOD5 of the development consent. This therefore constitutes an administrative non-compliance against clause (d) of this consent. Refer to Schedule 2 Condition 16 for Corrective Actions.  The LMP has not been updated over the reporting period, therefore constituting an administrative non-compliance against Clause (c) and (d) of this condition. The auditor notes that the plan is currently being updated, and therefore no corrective action is proposed.

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>REPORTING AND AUDITING</b>			
	<b>Incident Notification</b>			
6	6. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> and identify the development (including the development application number and name) and set out the location and nature of the incident.	Compliant	Various incident reports provided for the audit period.	<p><i>2019 IEA Recommendation: Ensure all incidents are reported within the required timeframe.</i></p> <p><i>Ensure the complaints/incidents register includes all incidents.</i></p> <p>A review of incident reports provided by Delta Coal have found that appropriate action was where the EPA and DPIE (where relevant) were notified upon discovery of the incident.</p> <p>Whilst not a non-compliance against this condition, the complaints and incidents register provided by Delta Coal was missing incidents from May 2019 to December 2019. The recommendation of the previous IEA has therefore not been followed though. Refer to Schedule 5 Condition 13 for Corrective Actions.</p>
	<b>Non-Compliance Notification</b>			
7	<p>7. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p> <p>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	Non-compliance (administrative)	<p>Complaints and incidents register</p> <p>Various incident reports provided for the audit period.</p> <p>Monitoring data for 2019, 2020, 2021 and 2022</p>	<p>A review of incident reports provided by Delta Coal found that non-compliances were generally reported to DPE consistent with the requirements of this condition.</p> <p>As discussed in Schedule 3 Condition 16, there were two exceedances of depositional dust criteria in November/December 2019 and August/September 2021. These non-compliances were not reported, and therefore a non-compliance is registered against this condition.</p> <p>Refer to Schedule 3 Condition 16 for Corrective Actions.</p>
	<b>Annual Review</b>			
8	8. By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:	Non-compliance (administrative)	Annual Review for 2019, 2020 and 2021	<p><i>2019 IEA Recommendation Ensure Annual Reviews are submitted to DPE by 31 March.</i></p> <p><i>Future Annual Reviews should clearly state noise and water quality performance criteria, and provide monitoring results against these.</i></p> <p><i>Include in future Annual Reviews:</i></p>



Condition	Details	Compliance status	Relevant evidence	Commentary
	<p>(a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current financial/calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>• relevant statutory requirements, limits or performance measures/criteria;</li> <li>• requirements of any plan or program required under this consent;</li> <li>• monitoring results of previous years; and</li> <li>• relevant predictions in the document/s listed in condition 2(e) of Schedule 2;</li> </ul> <p>(c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;</p> <p>(d) evaluate and report on:</p> <ul style="list-style-type: none"> <li>• the effectiveness of the noise and air quality management systems; and</li> <li>• compliance with the performance measures, criteria and operating conditions of this consent;</li> </ul> <p>(e) identify any trends in the monitoring data over the life of the development;</p> <p>(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.</p> <p>Copies of the Annual Review must be submitted to the affected Councils and made available to the CCC and any interested person upon request.</p>			<p>- Requirements of plans/programs required under PA 06_0311 for noise and water quality;</p> <p>- The monitoring results of previous years, for noise and water;</p> <p>- The relevant predictions in environmental assessments for air quality, noise and water;</p> <p>- Trends in the monitoring data for air quality, noise and water, over the life of the project; and</p> <p>- Discrepancies between the predicted impacts in the EAs for air quality, noise and water, and actual impacts of the project.</p> <p>* The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines.</p> <p>* IEA Actions Plans should be included in every Annual Review going forward.</p> <p>2022 IEA findings: A review of the 2019, 2020 and 2021 Annual Review documents identified that they were generally prepared in compliance with the requirements of this condition.</p> <p>The annual review documents adequately describe the events at the development over the reporting period.</p> <p>Non -compliances are identified in the Statement of Compliance and Section 11 for the 2019 and 2021 Annual Review where the exceedances of monthly dust criteria were not reported. Refer to Schedule 3 Condition 16.</p> <p>Environmental performance is reported upon in Section 6 and Section 7. Measures to be implemented over the next reporting period are described in Section 12. The Annual reviews were found to be generally compliant with the requirements of this condition.</p> <p>In regard to the 2019 IEA recommendations, Delta Coal have incorporated suggestions of the previous audit into the annual review documentation for 2019, 2020 and 2021. However, the inclusion of data trends for noise monitoring has not been included in the annual reviews, therefore constituting an administrative non-compliance against clause (e) of this condition..</p> <p><b>Corrective Action 7 Include historical trends in noise monitoring data in the annual review</b></p>

Condition	Details	Compliance status	Relevant evidence	Commentary
	<b>Independent Environmental Audit</b>			
9	<p>9. By the end of February 2022, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(a) led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be led and conducted by a suitably qualified, experienced and independent team of experts (including any be expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;</p> <p>(c) be carried out in consultation with the relevant agencies and the CCC;</p> <p>(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);</p> <p>(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;</p> <p>(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and</p> <p>(g) be conducted and reported to the satisfaction of the Planning Secretary.</p>	Compliant	This audit	This audit was commissioned and undertaken in accordance with the requirements of this condition.
10	<p>10. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	Compliant	Email from Delta Coal to DPIE (dated 28 March 2019)	<p><i>2019 IEA Recommendation: Ensure future IEA reports are submitted within the required timeframe.</i></p> <p>2022 IEA findings: The 2019 IEA was submitted within 3 months of the audit being undertaken.</p>
	<b>Monitoring and Environmental Audits</b>			
	<p>11. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.</p> <p>For the purposes of the condition, as set out in the EP&amp;A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development</p>	Note		Noted

Condition	Details	Compliance status	Relevant evidence	Commentary
12	12. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 3, providing that these representative monitoring locations are set out in the respective management plan/s.	Compliant	Noise Management Plan (Rev 1 - 20 April 2022)	Noise monitoring has been undertaken at representative locations as detailed in the NMP.
	ACCESS TO INFORMATION			
13	<p>13. Until the completion of all rehabilitation required under this consent, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:</p> <ul style="list-style-type: none"> <li>• the documents referred to in condition 2(e) of Schedule 2 of this consent;</li> <li>• all current statutory approvals for the development;</li> <li>• all approved strategies, plans and programs required under the conditions of this consent;</li> <li>• the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</li> <li>• minutes of CCC meetings;</li> <li>• regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;</li> <li>• a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</li> <li>• a summary of the current progress of the development;</li> <li>• contact details to enquire about the development or to make a complaint;</li> <li>• a complaints register, updated monthly;</li> <li>• the Annual Reviews of the development;</li> <li>• audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and</li> <li>• any other matter required by the Planning Secretary; and</li> </ul> <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	Non-compliance (administrative)	Delta Coal Website ( <a href="https://www.deltacoal.com.au/">https://www.deltacoal.com.au/</a> )	<p><i>2019 IEA Recommendation: Include the following documentation on the project website:</i></p> <p><i>The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4);</i></p> <p><i>Up-to-date Complaints Register. The Register only includes complaints up to February 2019;</i></p> <p><i>CCC minutes for 2017, 2018 and 2019;</i></p> <p><i>2016 Audit Action Plan;</i></p> <p><i>Noise monitoring data not included in the Monthly Website Report; and 2018 - 2020 MOP.</i></p> <p>2022 IEA findings: A review of the website for the site found that monitoring plans, approvals and community related items are on the website and up to date. The recommendations of the 2019 IEA have been addressed, except for the recommendation that noise monitoring be included in the monthly environmental reports. Noise monitoring is presented in a separate report located beneath the monthly environmental reports which is considered satisfactory to close out the 2019 IEA recommendations.</p> <p>Monthly noise monitoring reports for November 2021 and December 2021 are not on the website, therefore forming an administrative non-compliance. This was rectified following the site inspection and therefore no corrective is proposed.</p> <p>The complaints and incidents register provided by Delta Coal was missing incidents from May 2019 to December 2019. This therefore constitutes a non-compliance.</p> <p><b><i>Corrective Action 8 Ensure that incidents from May 2019 to December 2019 are included on the public complaints register.</i></b></p>

# **Appendix D**

**Independent audit submission form**


Independent Audit Declaration Form	
<b>Project name</b>	Mannering Colliery – Continuation of Mining Project
<b>Consent Number</b>	PA 06_0311
<b>Description of project</b>	Refer to Section 1.1
<b>Project address</b>	Off Rutleys Road, Doyalson, NSW, 2262
<b>Proponent</b>	Great Southern Energy Pty Ltd (trading as 'Delta Coal')
<b>Title of audit</b>	Independent Environmental Audit for PA 06_0311
<b>Date</b>	20 June 2022

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

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

Notes:

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

<b>Name of Lead auditor</b>	Elliot Holland
<b>Signature</b>	
<b>Qualification</b>	Lead Auditor – Environmental Management Systems
<b>Email address</b>	Elliot.holland@ghd.com
<b>Company and address</b>	GHD Pty Ltd (GHD) GHD Tower, Level 3, 24 Honeysuckle Drive Newcastle NSW 2300
<b>Date</b>	20 June 2022



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