

INDEPENDENT ENVIRONMENTAL AUDIT 2019

Manning Colliery

Prepared for:

Delta Coal
PO Box 7115
Manning Park NSW 2259

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BASIS OF REPORT

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

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

DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
630.12751-R01-v0.1	27 May 2019	Chris Jones	Chris Jones	Chris Jones
630.12751-R01-v0.1	21 May 2019	Tracey Ball	Chris Jones	Chris Jones

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1 Introduction

1.1 Background

Mannering Colliery is an underground coal mine located on the southern side of Lake Macquarie approximately 60 kilometres (km) south of Newcastle. Development of Mannering Colliery began in 1960 in conjunction with the construction of Vales Point Power Station and at that time was named Wyee State Coal Mine.

Production commenced in 1961 with extensive mining (first workings and secondary extraction) in both the Great Northern and Fassifern Seams. While some resources remain within the Great Northern Seam, mining has not been undertaken in this seam since 1999, with all recent mining occurring in the Fassifern Seam.

On 30 June 2002 mining operations ceased and the mine was placed on care and maintenance, at that time the mine was operated by Powercoal Pty Ltd (Powercoal). On 7 August 2002, Centennial Coal acquired the Colliery from Powercoal. The mine was reopened and renamed Mannering Colliery, with production recommencing in January 2005, mining the Fassifern Seam. Due to unfavourable conditions the mine was again placed on care and maintenance, ceasing production on 27 November 2012.

LakeCoal Pty Ltd (LakeCoal), the operator of the adjacent Chain Valley Colliery, became the operator of Mannering Colliery as a result of a mining cooperation agreement that was reached between the owners of Chain Valley Colliery and Mannering Colliery. As a result, LakeCoal became the operator of Mannering Colliery effective from 17 October 2013.

In December 2015, a business decision was made by LakeCoal to progress the “underground link road project” between Mannering Colliery and Chain Valley Colliery. During the reporting period, Mannering Colliery commenced underground mining operations as part of the underground link road project approved under Project Approval (PA 06_0311) Modification (Mod) 2. In February 2017, difficult mining conditions were encountered underground during the link road drivage and an operational decision was made to cease underground mining from Mannering Colliery of the link road. As a result, the remainder of the link road drivage was undertaken from Chain Valley Colliery. Mannering Colliery did not produce any coal from its underground mining operations and handled a total of 394,213 tonnes of coal. All coal produced was transported to the adjacent Vales Point Power Station by overland conveyor.

LakeCoal went into receivership on 3 October 2018, however has maintained coal conveyance and processing operations. Delta Coal are now the current owners and operators of the site. The transfer occurred on the 31 March 2019 with Great Southern Energy (trading as Delta Coal) being the owner and operator of Mannering Colliery and Chain Valley Colliery.

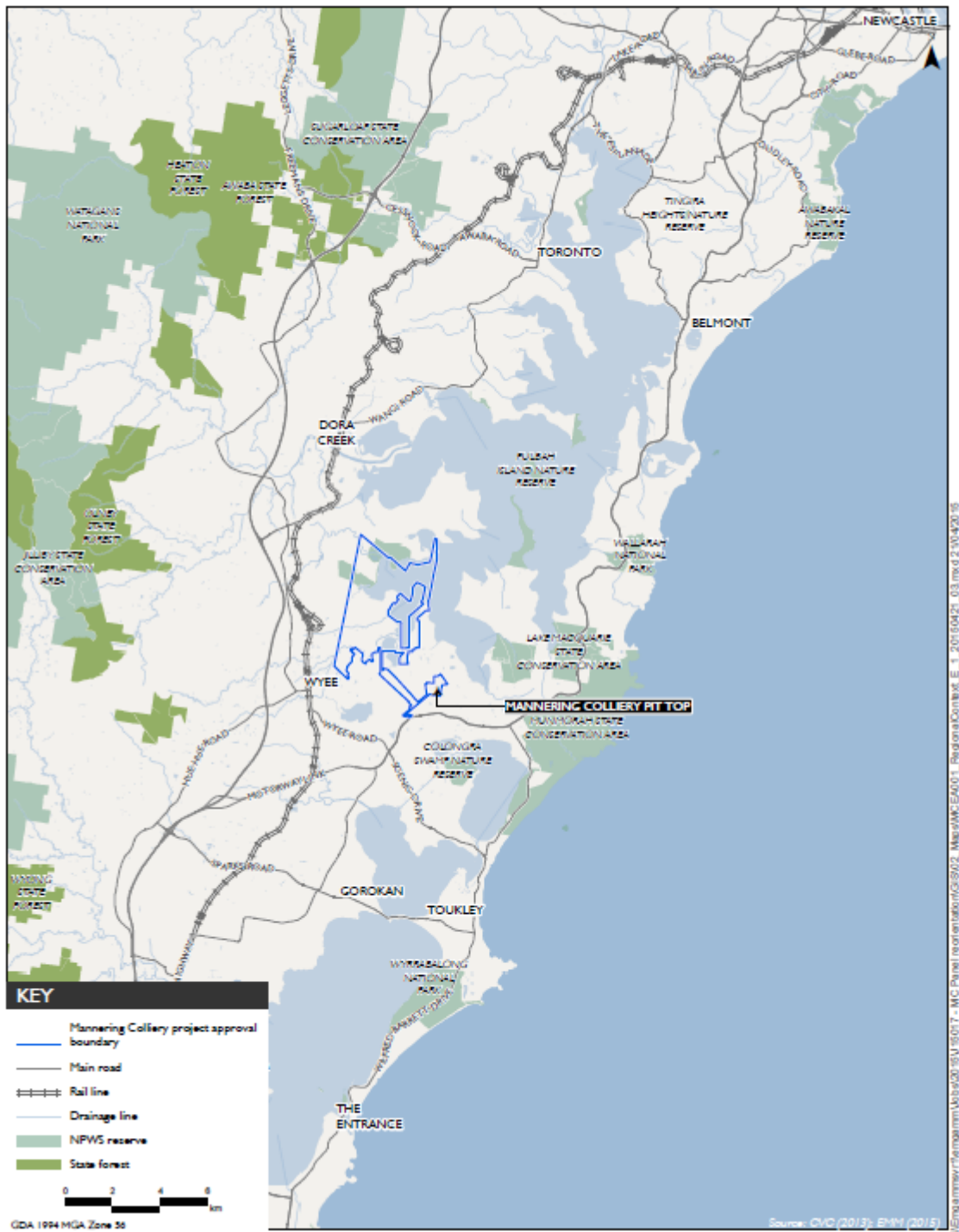


Figure 1 Manning Colliery Location

1.2 Audit Scope

This Independent Environmental Audit (Audit) covers the period from 1 January 2016 (day after previous 2015 Independent Environmental Audit) to the end of the auditing onsite (10 April 2019).

The scope of the Audit is outlined in Schedule 5, Condition 8 and 9 of PA 06_0311 (as modified), and includes:

8. By the end of March 2013 and every three years thereafter, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project.

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;*
- b) include consultation with the relevant agencies;*
- c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);*
- d) review the adequacy of any approved strategy/plan/program required under this approval: and, if necessary;*
- e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, strategy/plan/program required under the abovementioned approvals; and*
- f) be conducted and reported to the satisfaction of the Secretary.*

Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.

9. Within 12 weeks of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

The Audit has assessed the key approvals and documentation outlined in **Section 4**, including:

- PA 06_0311 and Statement of Commitments;
- Environment Protection Licence (EPL) 191; and
- Consolidated Coal Leases (CCL) 719 and 721.

1.3 Key Site Contacts

Contact details for key Delta Coal contact for this audit is outlined below:

Chris Armit

Environmental and Community Coordinator

Phone: 02 4358 0800

1.4 Audit Methodology

The Audit was undertaken onsite by Chris Jones (Lead Auditor), Tracey Ball (Assistant Auditor), Martin Davenport (Mine Site Noise Specialist) of SLR.

SLR was assisted by subsidence specialist Ken Mills of SCT during the Audit.

The SLR Audit team are independent of Mannering Colliery as defined under Section 3.3 of the Department of Planning and Environment's (DPE) *Independent Environmental Audit Guidelines* (October 2015).

Information was provided by Mannering Colliery prior to, during and following the Audit. SLR also sourced a large amount of information from the Mannering Colliery website.

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

- Introductory and close out meetings;
- Reviewing key documents provided by Mannering Colliery prior to the Audit;
- Consultation with relevant government agencies as per the Audit requirements prior to the site component;
- Preparation of draft Audit Tables provided to Mannering Colliery prior to the site Audit;
- Site component of the Audit, including inspections and discussions with key Mannering Colliery operational personnel;
- Review of additional relevant documentation obtained while onsite during the inspection or provided by Mannering Colliery operations after the site inspection; and
- Client review and comment on the draft Audit report.

The site component was completed on the following days:

- 2 and 3 April 2019 – including opening meeting, inspection, determination of compliance;
- 10 April 2019 – at site determining compliance;
- 17 May 2019 – Meeting at SLR offices to obtain further evidence to determine compliance.

Photographs taken during the site inspections are included in **Appendix A**. A large amount of evidence was viewed and collected as part of the Audit, including monitoring records, reports, and correspondence. While this key evidence has been referenced in **Section 2**, it has not been attached to this Audit report.

The Audit has been completed as per the *Independent Environmental Audit Guidelines* (DPE October 2015).

The Audit team assessed the approvals and documentation outlined in **Section 4**.

1.4.1 Introductory and Closeout Meetings

Introductory and close out meetings were held for the Audit. At the opening meeting introductions were made by each of the meeting attendees and Mannering Colliery personnel provided background details regarding the site to SLR. During the close-out meeting a general discussion about compliance and areas for improvement was undertaken. **Table 1** lists those present at these meetings.

Table 1 Meeting Attendees

Name	Role	Comment
Chris Armit	Delta Coal Environment and Community Co-ordinator	Present at opening meeting. Main contact for the audit.
Chris Jones	SLR Lead Auditor	Present at opening and closing meeting
Tracey Ball	SLR Assistant Auditor	Present at opening and closing meeting
Martin Davenport	SLR Noise Specialist	Present at opening meeting
Ken Mills	SCT Subsidence Specialist	Present at opening meeting

1.5 Consultation Requirements

Table 2 outlines the stakeholder consultation completed for Manning Colliery, undertaken in accordance with the Audit Guidelines.

Table 2 Stakeholder Consultation for the Audit

Regulatory Authority	Contact Details	Comment
DPE	Joel Curran Compliance Officer Northern Region NSW Department of Planning and Environment PO Box 1226 NEWCASTLE NSW 2300 P 02 4904 2702 M 0412 323 331 E joel.curran@planning.nsw.gov.au	Email sent to DPE contact from SLR on 20 March 2019. A response was provided by the DPE on 25 March 2019 <i>The Department sees noise and general monitoring and reporting obligations as key issues for Chain Valley and Manning Collieries at this time.</i>
Environment Protection Authority (EPA)	Matthew Corradin A/Unit Head Hunter North NSW Environment Protection Authority – North Branch Landline (02) 4908 6830 – Mobile Telephone 0428 663 146	Email sent to EPA contact from SLR on 20 March 2019. No response provided to SLR.

Regulatory Authority	Contact Details	Comment
Department of Planning and Environment – Resources Regulator (DPE-RR)	<p>Catherine Lewis Senior Inspector Environment Resources Regulator 516 High Street Maitland NSW 2320 T 02 4063 6619 E Catherine.lewis@planning.nsw.gov.au</p> <p>Lands Ministerial Unit NSW Department of Industry - Crown Lands Level 4, 437 Hunter Street, NEWCASTLE NSW 2300 E: lands.ministerials@industry.nsw.gov.au</p>	<p>Email sent to DPE-RR contact from SLR on 20 March 2019.</p> <p>No response provided to SLR from the RR, however a response was provided from Crown Lands.</p> <p><i>The only feedback from Crown Lands, is that SLR should consider to what extent Crown Land is involved in either project, and if so whether Access Agreements (where required) are in place in accordance with the Mining Act 1992.</i></p> <p>Crown Land is within the previous underground mining areas.</p>
Department of Industry – Water (DOI Water)	<p>Mitchell Isaacs Manager Strategic Stakeholder Liaison Department of Primary Industries NSW Office of Water Level 11, 10 Valentine Ave Parramatta NSW 2124 PO Box 3720 Parramatta NSW 2124 T: 02 8838 7529 M: 0403 103 823 E: mitchell.isaacs@dpi.nsw.gov.au</p>	<p>Email sent to DOI Water contact from SLR on 20 March 2019.</p> <p>No response provided to SLR.</p>
Lake Macquarie City Council (LMCC)	<p>Emma Graham (LMCC) egraham@lakemac.nsw.gov.au</p>	<p>Email sent to LMCC contact from SLR on 20 March 2019.</p> <p>No response provided to SLR.</p>
CCC Chairperson	<p>Margaret MacDonald-Hill 0448 414 888 mmacdonald-hill@bigpond.com</p>	<p>Email sent to contact from SLR on 20 March 2019.</p> <p>The CCC Chairperson sent an email to the CCC requesting any comments.</p> <p>A response was provided by the CCC chairperson based on 25 March.</p> <p><i>I have reviewed the file for the audit period and other than the long delay with the implementation of the Voluntary Planning Agreement and Community Advisory Panel (condition for Chain Valley) with the former Wyong Council (now Central Coast Council) caused by the Council itself and now satisfactorily resolved, there are no specific issues. The committee met quarterly for the entire audit period.</i></p> <p>One of the members of the CCC stated in an email to the CCC Chairperson on 25 March 2019:</p> <p><i>There have been a series of noise complaints from a fellow resident of mine. But only one person – no one else seems to hear what he hears. The colliery have taken a great deal of remedial actions.</i></p>

Regulatory Authority	Contact Details	Comment
Central Coast Council	Julie Vaughan Central Coast Council - Julie.Vaughan@centralcoast.nsw.gov.au	Email sent to contact from SLR on 20 March 2019. No response provided to SLR.

2 Documents Reviewed and Referenced

Key documentation reviewed as part of the Audit includes:

- Previous IEA;
- PA 06_0311;
- EPL 191;
- CCL 719 and 721;
- Annual Reviews – 2016, 2017 and 2018;
- Monitoring results for meteorological, noise, air, water and blasting;
- Rehabilitation Monitoring Reports;
- Environmental Management Plans – as per approval conditions;
- Mining Operations Plans
- Annual Returns – across the Audit period;
- Complaints log;
- Lighting Audit;
- Voluntary Planning Agreements - Payments
- Evidence of maintenance and calibration;
- CCC Meeting Minutes – across the Audit period; and
- Key consultation with government – including consultation and approval letters.

3 Assessment of Compliance

The terms used in the Audit to describe the level of compliance of the site with the relevant approval documentation are outlined in **Table 3** and **Table 4**. These are requirements of the DPE's *Independent Environmental Audit Guidelines* (October 2015).

Table 3 Compliance Assessment Criteria

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

Table 4 Risk Levels 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"> Potential for serious environmental consequences, but is unlikely to occur; or Potential for moderate environmental consequences but is likely to occur.
Low		Non-compliance with: <ul style="list-style-type: none"> Potential for moderate environmental consequences, but is unlikely to occur; or Potential for low environmental consequences but is likely to occur.
Administrative Non - Compliance		Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions).

4 Approvals and Documentation Assessed

Audit findings and recommendations relating to key approvals are outlined in **Section 6** and **7** of this report.

4.1 Previous Audit Recommendations

The previous IEA was completed by Hansen Bailey, with the site IEA completed in May 2016 and the final Audit Report dated 22 July 2016.

The previous IEA covered the period of 10 April 2013 to 30 April 2016. Appendix 4 of the 2016 Annual Review provides an update on the 2016 IEA, with several recommendations committing to a 30 June 2017 completion date. There is no update on IEA actions within the 2017 AEMR, therefore it is not possible to fully determine compliance against the previous actions. IEA Actions Plans should be included in every Annual Review going forward.

The requirement to review Environmental Management Plans has not been completed with this referenced numerous times in the IEA Action Plan (Appendix 4 of 2016 Annual Review). There was also a commitment to improve reporting of incidents/non – compliances during the future, with some non – compliances identified as part of this 2019 IEA.

4.2 Project Approval PA 06_0311

The conditions relating to PA 06_0311 were assessed as part of this Audit. The consolidated Project Approval was first granted on 12 March 2008. PA 06_0311 has been modified four times including:

- Mod 1 – approved 25 October 2012;
- Mod 2 – approved 27 November 2014;
- Mod 3 – approved 16 December 2015;
- Mod 4 – approved 18 August 2016; and
- Mod 5 – pending approval.

The site had a moderate level of compliance against Project Approval conditions.

4.2.1 Project Approval PA 06_0311 Statement of Commitments

There is a Statement of Commitments relating to PA 06_0311 which contains numerous commitments relating to environmental management, monitoring and reporting. The site had a moderate level of compliance against the Statement of Commitments.

4.3 Environment Protection Licence 191

SLR assessed compliance against the EPL 191 which has an anniversary date of 1 January. Conditions relate to limit conditions, operating conditions, monitoring and reporting. The site had a moderate level of compliance against the EPL.

4.4 Management Plans and Programs

The following management plans were assessed as part of the Audit. All the management plans reviewed are required according to PA 06_0311 consent conditions. The management plans for site are out of date, with there being several non – compliances identified for not fully implementing the management plans. Several of the management plans are from 2011 and are in a Centennial Coal template.

Specific recommendations relating to management plans are outlined in **Section 6** and **Section 7**. A list of the management plans reviewed during the IEA are outlined in **Table 5**. All these management plans are out of date, and require updating.

Table 5 Management Plans

Management Plan	Requirement	Comment
Noise Monitoring Program	PA 06_0311 Schedule 3, Condition 3	The management plan on the CVC website is dated 26 April 2016.
Water Management Plan	PA 06_0311 Schedule 3, Condition 8	The management plan on the CVC website is dated January 2013 (no specific date recorded).
Erosion and Sediment Control Plan	PA 06_0311 Schedule 3, Condition 10	Captured in the Water Management Plan dated January 2013.
Surface Water Monitoring Program	PA 06_0311 Schedule 3, Condition 11	Captured in the Water Management Plan dated January 2013.
Groundwater Monitoring Program	PA 06_0311 Schedule 3, Condition 12	Captured in the Water Management Plan dated January 2013.
Land Management Plan	PA 06_0311 Schedule 3, Condition 14	The management plan on the CVC website is dated 15 January 2016.
Rehabilitation Plan	PA 06_0311 Schedule 3, Condition 15	The management plan on the CVC website is dated 13 March 2015.
Air Quality Management Plan	PA 06_0311 Schedule 3, Condition 17	The management plan on the CVC website is dated 21 December 2012.
Non-Indigenous Cultural Heritage Management Plan	PA 06_0311 Schedule 3, Condition 18	The management plan on the CVC website is dated February 2013.
Aboriginal Cultural Heritage Management Plan	PA 06_0311 Schedule 3, Condition 18	The management plan on the CVC website is dated 13 November 2012.
Greenhouse Gas and Energy Efficiency Plan	PA 06_0311 Schedule 3, Condition 22	The management plan on the CVC website is dated September 2008.
Energy Savings Actions Plan		The management plan on the CVC website is dated September 2008.
Environmental Management Strategy	PA 06_0311 Schedule 5, Condition 1	The management plan on the CVC website is dated 26 June 2013.
Environmental Monitoring Program	PA 06_0311 Schedule 5, Condition 2	The management plan on the CVC website is dated 8 November 11.
Pollution Incident Response Management Plan	EPL 191	The management plan on the CVC website is dated 21 September 2018.

Management Plan	Requirement	Comment
Pollution Reduction Program	EPL 191	The report on the CVC website is dated 19 September 2012.
Particulate Matter Control Best Practice Assessment	EPL 191	The report on the CVC website is dated 19 September 2012.

4.5 Mining Leases

As part of this Audit, SLR assessed the two consolidated coal leases which is applicable to the Project Approval Area including CCL 719 and 721. This lease includes conditions relating to mining, rehabilitation, MOPs and group security deposits.

4.6 Water Licences

Mannering Colliery has one current Groundwater Extraction Licence – Bore Licence 20BL172016. This licence is a production bore and has an annual limit of 985ML. There was also a licence for Bore Licence 20BL111869 which operated during the 2015 and 2016 Annual Review periods and had an entitlement limit of 402ML.

The Water Licence for Bore Licence 20BL171958 has a condition stating:

The volume of groundwater extracted from the works authorized by this licence shall not exceed 985 megalitres in any 12 month period commencing 1st July.

Based on the information in the 2016, 2017 and 2018 Annual Reviews the site was well below the extraction licence limits during the Audit period.

4.7 Complaints

Complaints were recorded within the 2016, 2017 and 2018 Annual Reviews, with 2019 complaints provided by Site. Complaints have increased over the Audit period, including:

- Zero complaints received in the 2016 calendar year;
- One complaint received in 2017 relating to coal over the stockpile drain;
- 12 complaints received in 2018 relating to noise; and
- 16 complaints received from 1 January 2019 till the end of the audit period, relating to noise.

It is expected that the number of complaints will remain low whilst the site is not operational and only undertaking rehabilitation activities.

4.8 Incidents and Non-Compliances

There were three incidents and non-compliances during the Audit period based on the information provided to SLR. These are summarised below.

4.8.1 2016 Noise Exceedance

The 2016 Annual review states:

“There was one exceedance of the noise monitoring criteria at Manning Colliery during 2016. On 12 August 2016, LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site’s LAeq (15 Minute) noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016. During the monitoring Global Acoustics could not attribute the noise emissions to a particular source on the site and described the noise as a general continuum in their notification.”

Section 7 of the 2016 discusses the actions taken following the exceedance:

“In accordance with the sites Noise Monitoring Program the following actions were also undertaken by LakeCoal as a result of noise exceedance:

- *Follow up noise monitoring was undertaken at RA2 approximately 4 hours later at 10:23pm. The results from the night time monitoring undertaken at RA2 indicated that there was no sustained exceedance of the noise levels from the operation and that the results were within the noise criteria limits as specified within PA 06_0311.*
- *A review of the sites operational management system and consultation with operational personnel at Manning Colliery was undertaken on the 12th and 15th of August 2016 to assist with determining the potential noise sources occurring at the time. The review concluded that the following activities were occurring around the time the exceedance was recorded:*
 - *coal transfer (conveyors), crushing and transport to Vales Point Power Station (VPPS) via the Manning coal clearance system.*
 - *general pit top activities*

Following the investigation by LakeCoal in consultation with Global Acoustics, LakeCoal was unable to definitively identify a specific noise source that had contributed to the elevated result at RA2 during the evening period on 11 August 2016.”

No further actions required with regard to the non-compliance.

4.8.2 2017 Coal Stockpile Incident

As reported in **Section 4.7**, excess coal was stockpiled to accommodate for an issue with the coal conveyor. As a result, coal was pushed over the pollution control drain contaminating the waterway. Section 4.1 of the Annual Review discussed the issue.

The EPA attended site on the 13th November in response the complaint. At the time of the inspection it was observed that there was no coal over the stockpile drains and that they were free of obstructions.

Following discussions with the EPA LakeCoal agreed to report the community contact to the EPA hotline as a consolidated complaint on the EPL191 Annual Return and provide a report on the complaint. It was acknowledged that the complaint was most likely driven by industrial action being undertake on site at the time and was unlikely to have been from the local community. No further action was required as the coal was removed following the identification of the incident.

The incident report prepared by Mannering Colliery states that the following actions were implemented to prevent reoccurrence of the incident:

- Train relevant employees and management in the Stockpile Management Plan responsibilities and environmental controls;
- Investigate options to install or redesign existing eastern drain to gain additional stockpile capacity; and
- Improve operational control on the stockpile to ensure the incident does not happen again in the future.

4.8.3 2018 Noise Exceedance

Exceedance of night noise criteria (LAeq 15 Min) at RA2 on 29 August 2018.

The 2018 Annual Reviews states *'on 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring.*

During the night time monitoring the Global Acoustics technician noted that the Mannering Colliery rotary breaker continuum was clearly audible and the most dominant site specific noise source evident during the monitoring period.

Following the notification of the exceedance LakeCoal notified the NSW Department of Planning Environment (Compliance Division) and the Environmental Protection Authority of the exceedance via email on 29 August 2018. The following actions were also undertaken by LakeCoal as a result of noise exceedance:

The review concluded that the following activities were occurring around the time the exceedance was recorded:

- *full coal production and processing (conveyors, rotary breaker and screening plant operations) through the Mannering coal handling and processing infrastructure*
- *general pit top activities*

Follow up attended noise monitoring was undertaken at receiver RA2 on 30 August 2018. The results from the night time monitoring undertaken at RA2 confirmed elevated noise levels attributable to the site with a site specific LAeq15 min value of 42dB recorded.

In consultation with an acoustic specialist LakeCoal undertook an inspection/audit of Mannering's coal clearance infrastructure on the 29th and 30th August 2018 and noise mitigation works have been undertaken and will be reported in Q2 2019.

5 Environmental Management – Specialist Assessments

5.1 Noise

5.1.1 SLR Findings – Noise

Noise management has become an increasingly significant management aspect at Mannering with noise complaints increasing throughout the IEA period. There were also some issues with noise non – compliances during the audit period. This increase in noise complaints was associated with the handling of coal from the Chain Valley Coal operations.

According to 2016 Annual Review, on 12 August 2016 LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016 for Mannering Colliery.

According to 2016 Annual Review, on 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring.

According to the Noise Mitigation Study that was prepared by EMM Consulting, dated March 2019:

- Noise mitigation works implemented by the previous operators in 2018 have decreased site noise emission levels at all neighbouring noise-sensitive receivers.
- Current and proposed MC noise emissions are predicted to comply with the relevant long-term noise criteria outlined in MP 06_0311 at all assessment locations under worst case meteorological conditions.
- -LAmx noise level events at the site are also predicted to remain below the relevant sleep disturbance criteria.

Noise complaints increased during the audit period, with 0 noise complaints in 2016 and 2017, but 10 complaints in 2018, and 10 complaints from January 2019 to March 2019.

SLR has provided some recommendations in **Section 6** regarding noise monitoring and management.

5.2 Subsidence

Subsidence management and performance was reviewing as part of this audit. The 2018 Annual Review provides an update on mining and subsidence during the Audit period.

In December 2015, a business decision was made by LakeCoal to progress the “underground link road project” between Mannering Colliery and Chain Valley Colliery. During the reporting period Mannering Colliery continued underground mining operations as part of the underground link road project approved under PA 06_0311 Mod 2. In February 2017 difficult mining conditions were encountered underground during the link road drivage and an operational decision was made to cease underground mining from the Mannering Colliery of the link road. As a result the remainder of the link road drivage was undertaken from Chain Valley Colliery. Mannering Colliery did not produce any coal from its underground mining operations and handled a total of 394,213 tonnes of coal. All coal produced was transported to the adjacent Vales Point Power Station by overland conveyor.

As a result of the commencement of mining operations associated with the Link Road Project (LRP) LakeCoal implemented a subsidence monitoring program during the reporting period. Monitoring points were installed around the Vales Point Power Station (VPPS) switchyard in early 2016 prior to the commencement of the Link Road Project.

The Annual Review stated that No discernible subsidence impact from the LRP workings was observed during the IEA period. There was no evidence provided to SLR of subsidence impacts from Mannering during the IEA period. SLR noted that there is little detail on subsidence reporting in Annual Reviews and a recommendation has been made in **Section 7** in relation to improving subsidence reporting.

6 Audit Findings – Summary of Non-Compliances

Table 6 outlines the summary of non-compliances relating to the statutory conditions of Manning Colliery and the proposed recommendation.

Table 6 Summary of Non-Compliances

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
PA 06_0311 (as modified)				
Schedule 2 Condition 8	<p>"The Proponent must regularly review the strategies, plans and programs required under this approval and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Proponent may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this approval on a staged basis.</p> <p>With the agreement of the Secretary, the Proponent may prepare a revision or stage of any strategy, plan or program required under this approval without undertaking consultation with all parties nominated under the applicable condition in this approval.</p> <p>Notes:</p> <ul style="list-style-type: none"> • While any strategy, plan or program may be submitted on a staged basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. • If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program. 	Administrative Non-Compliance	The Proponent has not regularly reviewed the strategies, plans and programs required under this approval (i.e. Environmental Monitoring Program labelled Centennial Coal and dated November 2011, Energy Savings Action Plan labelled Centennial Manning and dated 2011). Management Plans are out of date.	REC 1: Develop and implement a plan to update Manning's Strategies, Plans and Programs.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 2 Condition 11	"The Proponent must ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Non-Compliant (Low Risk)	(a) Downer maintenance records for radiation equipment dated 31 March 2017. * Electrical inspection records for ash analysers from 2016 to 2017. * Maintenance records: ""Manning Front End Loaders work order history as at 2.5.19"" (b) During site inspection plant and equipment appeared to be operated in a proper and efficient manner. * <u>Non-compliant</u> : Complaint register dated 2018 indicated a number of complaints related to noise from the loader at the prep plant.	REC 2: Ensure that all plant and equipment used on site is operated in a proper and efficient manner.
Schedule 2 Condition 12	The Proponent must pay the affected councils \$0.02 for each tonne of ROM coal produced by the project for the purpose of improving water quality in the Lake Macquarie catchment. This payment must be: (a) shared equally by the affected councils; (b) made by the end of March 2009, and at yearly intervals thereafter; (c) calculated on the ROM coal produced in the previous calendar year; and (d) subject to indexation by the Implicit Price Deflator, as published by the Australian Bureau of Statistics.	Administrative Non-Compliance	* Email from Council dated 2 April 2019 confirming VPA Payment for the 2018 period. * <u>Admin Non-compliant</u> : Receipt From Central Coast Council for VPA payment, dated 5 October 2016. Payment of Voluntary Planning Agreement (VPA) not made by the end of March 2016.	REC 3: Ensure VPA payments are made prior to the due date.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations																																																		
Schedule 3 Condition 1	<p>1. The Proponent must ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately owned land.</p> <p>Table 1: Noise limits dB(A)</p> <table> <tr> <th>Day LAeq(15 min)</th><th>Evening LAeq(15 min)</th><th colspan="2">Night LAeq(15 min) LA1(1 min)</th><th>Location (as listed in Appendix 4)</th></tr> <tr> <td>49</td><td>49</td><td>35</td><td>49</td><td>4 – di Rocco</td></tr> <tr> <td>47</td><td>47</td><td>35</td><td>49</td><td>5 – Keighran</td></tr> <tr> <td>44</td><td>44</td><td>35</td><td>49</td><td>6 – Swan</td></tr> <tr> <td>43</td><td>43</td><td>43</td><td>50</td><td>7 – Druitt</td></tr> <tr> <td>46</td><td>46</td><td>46</td><td>50</td><td>8 – May</td></tr> <tr> <td>45</td><td>45</td><td>45</td><td>52</td><td>9 – Jeans</td></tr> <tr> <td>40</td><td>40</td><td>40</td><td>52</td><td>11 – Jeans</td></tr> <tr> <td>43</td><td>43</td><td>43</td><td>52</td><td>18 – Jeans</td></tr> <tr> <td>44</td><td>44</td><td>44</td><td>52</td><td>20 – Knight and all other Chain Valley Bay residences</td></tr> </table> <p>Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.</p>	Day LAeq(15 min)	Evening LAeq(15 min)	Night LAeq(15 min) LA1(1 min)		Location (as listed in Appendix 4)	49	49	35	49	4 – di Rocco	47	47	35	49	5 – Keighran	44	44	35	49	6 – Swan	43	43	43	50	7 – Druitt	46	46	46	50	8 – May	45	45	45	52	9 – Jeans	40	40	40	52	11 – Jeans	43	43	43	52	18 – Jeans	44	44	44	52	20 – Knight and all other Chain Valley Bay residences	Non-Compliant (Low Risk)	<p><u>Non-compliant:</u> According to 2016 Annual Review, on 12 August 2016 LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016 for Mannering Colliery.</p> <p>* According to 2016 Annual Review, on 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring.</p> <p>* According to the Noise Mitigation Study dated March 2019:</p> <ul style="list-style-type: none"> -Noise mitigation works implemented by the previous operators in 2018 have decreased site noise emission levels at all neighbouring noise-sensitive receivers. -Current and proposed MC noise emissions are predicted to comply with the relevant long-term noise criteria outlined in MP 06_0311 at all assessment locations under worst case meteorological conditions. -LAmax noise level events at the site are also predicted to remain below the relevant sleep disturbance criteria. <p>* Noise complaints increased during the audit period, with 0 noise complaints in 2016 and 2017, but 10 complaints in 2018, and 10 complaints from January 2019 to March 2019.</p>	<p>REC 4: Continue to undertake noise monitoring.</p> <p>REC 5: Undertake follow-up actions if noise exceedances occur.</p> <p>REC 6: Continue to manage noise complaints.</p> <p>REC 7: Provide DPE with EMM Noise Mitigation Study dated March 2019.</p>
Day LAeq(15 min)	Evening LAeq(15 min)	Night LAeq(15 min) LA1(1 min)		Location (as listed in Appendix 4)																																																		
49	49	35	49	4 – di Rocco																																																		
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43	43	43	50	7 – Druitt																																																		
46	46	46	50	8 – May																																																		
45	45	45	52	9 – Jeans																																																		
40	40	40	52	11 – Jeans																																																		
43	43	43	52	18 – Jeans																																																		
44	44	44	52	20 – Knight and all other Chain Valley Bay residences																																																		

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule Condition 3	<p>The Proponent must prepare a Noise Monitoring Program for the project to the satisfaction of the Secretary. This program must:</p> <ul style="list-style-type: none"> (a) be submitted to the Secretary by the end of September 2008; (a1) be revised in consultation with the EPA and be submitted to the Secretary by the end of April 2016; and (b) include the use of continuous and attended noise monitoring measures to monitor the performance of the project. <p>The Proponent must implement the approved Noise Monitoring Program as approved from time to time by the Secretary.</p>	Non-Compliant (Low Risk)	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> * Updated (April 2016) NMP approved by DPE on 20 October 2008 according to LakeCoal email dated 4 March 2016 (a) NMP Section 1.2 * Updated (April 2016) Noise Monitoring Program (NMP) submitted to DPE on 29 April 2016 (b) NMP Section 5.1 & 5.2 <p><u>Implementation:</u></p> <ul style="list-style-type: none"> * Noise monitoring results included in the 2016, 2017 and 2018 Annual Reviews * Non-compliant: Only attended noise monitoring has been undertaken, according to the 2016, 2017 and 2018 Annual Reviews. 	REC 8: Continuous noise monitoring should be undertaken in accordance with Mannering Colliery's Noise Management Plan.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 3 Condition 8	<p>The Proponent must prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with DPI Water by suitably qualified expert/s whose appointment/s have been approved by the Secretary; (b) be submitted the Secretary by the end of March 2009; and (c) include a: <ul style="list-style-type: none"> • Site Water Balance; • Erosion and Sediment Control Plan; • Surface Water Monitoring Plan; and • Groundwater Monitoring Program. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> (a) Prepared in consultation with DPI Water - Section 4.1. * Document prepared by suitably qualified expert - Section 4.1. (b) Water Management Plan (WMP) approved by DPE on 9 March 2010. (c) Site Water Balance - Section 6.5. • Erosion and Sediment Control Plan - Section 7.0. • Surface Water Monitoring Plan - Section 8.1. • Groundwater Monitoring Program - Section 9.1. <p><u>Observation:</u> The Water Management Plan has not been updated since January 2013.</p> <p><u>Observation:</u> Figure 1 does not clearly show clean and dirty water management at the site.</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> * During site inspection clean and water management system appeared to be effective in keeping clean water and dirty water separate. * Groundwater and surface water monitoring program undertaken during the audit period per Annual Reviews. * Section 11 of the Management Plan commits to reviewing the plan every three years. This has not been completed, therefore <u>Admin Non - Compliance</u>. 	<p>REC 9: The WMP needs to be updated.</p> <p>REC 10: 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).</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 3 Condition 9	<p>The Site Water Balance must:</p> <p>(a) include details of:</p> <ul style="list-style-type: none"> • sources and security of water supply; • water use on site; • water management on site; and <p>(b) investigate, assess and report on measures to minimise water use by the project, particularly potable water from the Wyong Shire town water supply.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <p>a) Sources of water supply - WMP Section 6.5.</p> <ul style="list-style-type: none"> • Water use on site - WMP Section 6.1. • Water management on site - WMP Section 6.0. <p><u>Admin Non-compliant:</u> The water balance is outdated and does not reflect the current status of the site. Section 6.5 of the WMP references a Water Balance Assessment from December 2011.</p> <p>(b) Investigate, assess and report on measures to minimise water use by the project, particularly potable water from the Wyong Shire town water supply - Section 6.1</p> <p><u>Implementation:</u></p> <p>* Water management system sited during site inspection.</p>	REC 11: The Water Balance in the WMP needs to be reviewed as it's out of date.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 3 Condition 11	The Surface Water Monitoring Plan must include: (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project; (b) surface water impact assessment criteria; (c) a program to monitor the impact of the project on surface water flows and quality; and (d) procedures for reporting the results of this monitoring.	Non-Compliant (Low Risk)	<p><u>Preparation:</u> (a) WMP Section 8.2. (b) WMP Section 8.1.1. (c) WMP Section 8.2. (d) WMP Section 8.3.</p> <p><u>Implementation:</u> * Surface water monitoring program undertaken during the audit period per the 2016, 2017 and 2018 Annual Reviews. * LDP 001 sited during the field inspection.</p> <p><u>Non-compliant:</u> Visual assessment of the unnamed creek (described in Section 8.2.1 of the WMP) is not undertaken every 6 months to monitor stability and erosion.</p>	<p>REC 12: 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.</p> <p>REC 13: Include results of the visual assessment of the unnamed creek in Annual Reviews. Include a reference again previous results.</p> <p>REC 14: Ensure monitoring undertaken at the "Downstream" monitoring location is undertaken every 12 months.</p> <p>REC 15: Include analysis results from monitoring undertaken at the "Downstream" monitoring location in Annual Reviews.</p>


Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 3 Condition 17	<p>The Proponent must prepare an Air Quality Monitoring Program for the project to the satisfaction of the Secretary. This program must:</p> <p>(a) be submitted to the Secretary by the end of September 2008; and</p> <p>(b) use dust deposition gauges to monitor the performance of the project.</p> <p>The Proponent must implement the approved monitoring program as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> * Air Quality Monitoring Program included as Section 3 of the AQMP, dated December 2012. This is too long between reviews. It was not updated following the 2013 or 2016 audits. <u>Admin Non - Compliance</u>. * AQMP approved by DPE on 20 October 2008, according to LakeCoal email dated 4 March 2016. * List of dust deposition gauges included in Section 3 of the AQMP. <p><u>Implementation:</u></p> <ul style="list-style-type: none"> * Monitoring results from deposition gauges reported in the 2016, 2017 and 2018 Annual Reviews. 	<i>Nil recommendation</i>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 3 Condition 18	<p>The Proponent must prepare a Heritage Management Plan for the project to the satisfaction of the Secretary. This Plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with any relevant Aboriginal stakeholders; (b) be submitted, prior to 31 March 2013, for approval to the Secretary; (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site; (d) detail the responsibilities of all stakeholders; and (e) include programs/procedures and management measures for: <ul style="list-style-type: none"> • dealing with previously unidentified Aboriginal objects (excluding human remains), including any need to halt works in the vicinity, assessment of significance, determination of appropriate mitigation measures (by a qualified archaeologist in consultation with Aboriginal stakeholders), re-commencement of works, notifying OEH, and registering the new site(s) in the OEH AHIMS register; • dealing with any human remains which may be discovered, including halting of works in the vicinity; notifying NSW Police, OEH, the Department and Aboriginal stakeholders; and not re-commencing any works in the vicinity unless authorised; • heritage induction for construction personnel (including procedures for keeping records of inductions); • ongoing Aboriginal consultation and involvement (including procedures for keeping records of this); • appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site; and • dealing with previously unidentified non-Aboriginal heritage items which may be discovered during the project. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p>Preparation:</p> <ul style="list-style-type: none"> * Approval letter from DPE dated 26/11/2012 for Aboriginal Cultural Heritage Management Plan (ACHMP) (dated November 2012). It was not updated following the 2013 or 2016 audits. <u>Admin Non - Compliance</u>. * Approval letter from DPE dated 10 September 2013 for Non-Indigenous Heritage Management Plan (dated February 2013). <ul style="list-style-type: none"> (a) ACHMP - Section 6.0. (b) N/A - Outside of the audit period. (c) ACHMP - Attachment 3. <p>Non-Indigenous Heritage Management Plan - Section 4.</p> <ul style="list-style-type: none"> (d) ACHMP - Section 16. <p>Non-Indigenous Heritage Management Plan - Section 3.</p> <ul style="list-style-type: none"> (e) ACHMP - Section 6, 7, 13 and 17.2. <p>Non-Indigenous Heritage Management Plan - Section 3, 6.1 & 6.2.</p> <ul style="list-style-type: none"> * <u>Observation</u>: ACHMP was last updated November 2012 and is labelled Centennial and contains areas which are not relevant to the Manning site. * <u>Observation</u>: Non-Indigenous Heritage Management Plan was last updated February 2013 is labelled Centennial. <p>Implementation:</p> <ul style="list-style-type: none"> * ACHMP & Non-Indigenous Heritage Management Plan appear to have been implemented during the audit period, with no complaints or incidents related to heritage recorded in the 2016, 2017 and 2018 Annual Reviews and Complaints Log. 	<p>REC 16: Update the ACHMP to make it reflective of the Manning site only.</p> <p>REC 17: Update the Non-Indigenous Heritage Management Plan</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 3 Condition 22	<p>The Proponent must prepare a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with EPA and generally in accordance with the Guidelines for Energy Savings Action Plans (DEUS 2005, or its latest version); (b) be submitted to the Secretary for approval by the end of September 2008; (c) include a program to monitor greenhouse gas emissions and energy use generated by the project; (d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the site; and (e) describe how the performance of these measures would be monitored over time. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> (a) N/A - Prepared outside of audit period (b) Energy Savings Action Plan (ESAP) was approved by DPE on 20 October 2008 according to LakeCoal email dated 4 March 2016 (c) ESAP - Page 17, 22 (d) ESAP - Page 4 (e) ESAP - Page 4 <p><u>Admin Non-Compliant:</u> The methodology to monitor greenhouse gas emissions generated by the project is not clearly stated in the ESAP.</p> <p>* The ESAP has not been reviewed since 2008 and is labelled Centennial Manning</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> *According to site communications, energy savings due to minor operations completed during the audit period *Greenhouse gas emissions reported in 2016, 2017 and 2018 Annual Reviews. 	<p>REC 18: 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).</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 5 Condition 1	<p>The Proponent must revise an Environmental Management Strategy for the project. This strategy must:</p> <ul style="list-style-type: none"> (a) be submitted for approval to the Secretary prior to 30 June 2013; (b) provide the strategic framework for the environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; and • respond to emergencies; and (f) include: <ul style="list-style-type: none"> • copies of any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this approval. <p>The Proponent must implement the approved management strategy as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> * Approval letter from DPE dated 10 September 2013 for the Environmental Management Strategy (EMS). It was not updated following the 2013 or 2016 audits. Admin Non - Compliance. (a) EMS submission letter dated 26 June 2013 (b) EMS - Section 1.0 (c) EMS - Section 4.0 (d) EMS - Section 5.0 (e) EMS - Section 8.1, 8.2, 8.3, 8.6 and 8.7 (f) EMS - Section 9.0, 12.0 and copies of management plans maintained on the Manning Colliery website <p><u>Admin Non-compliant:</u> Table 9 and 10 list the incorrect monitoring frequency for conductivity, TSS, pH and Oil & Grease</p> <p><u>Observation:</u> The EMS was last reviewed in September 2013 and is labelled Centennial Manning</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> * Results from environmental monitoring (dust, noise, surface water and groundwater) reported in 2016, 2017 and 2018 Annual Reviews. * Management plans reviewed and assessed as part of this audit. * Complaints/Incidents Register for Manning maintained. * 2 April 2019 non-compliance (TSS exceedance) reported to EPA. 	<p>REC 19: Review the Environmental Management Strategy (EMS).</p> <p>REC 20: Include in the reviewed EMS the incorrect monitoring frequency for conductivity, TSS, pH and Oil & Grease</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 5 Condition 2	<p>The Proponent must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) a description of:</p> <ul style="list-style-type: none"> the relevant statutory requirements (including any relevant approval, licence or lease conditions); any relevant limits or performance measures/criteria; the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> impacts and environmental performance of the project; effectiveness of any management measures (see (c) above); <p>(e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(f) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> incidents; complaints; non-compliances with statutory requirements; and exceedances of the impact assessment criteria and/or performance criteria; and <p>(g) a protocol for periodic review of the plan.</p> <p>Note: The Secretary may waive some of these requirements if they are unnecessary for particular management plans.</p>	Administrative Non-Compliance	<p>(a) WMP: Section 8.2, LMP: Section 6.1, ACHMP: Attachment 3, Non-Indigenous CHMP: Section 4.0 & 5.0</p> <p>(b) WMP: Section 4.0 & 8.0, LMP: Section 2, ACHMP: Attachment 3, Non-Indigenous CHMP: Section 1.2</p> <p>(c) WMP: Section 8.0 & 9.0, LMP: Section 4.4 & 6.2, ACHMP: Attachment 3, Non-Indigenous CHMP: Section 6.0</p> <p>(d) WMP: Section 8.0, 9.3 & 9.4, Non-Indigenous CHMP: Section 7.1</p> <p><u>Admin Non-compliant:</u> The LMP & ACHMP does not include reporting mechanisms (i.e. Annual Review)</p> <p>(e) LMP: Section 9.1, ACHMP: Section 13.0, Non-Indigenous CHMP: Section 6.2</p> <p><u>Admin Non-compliant:</u> The WMP does not include a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible</p> <p>(f) LMP: Section 9.1 & 7.1, ACHMP: Section 13.0 & 18.0, Non-Indigenous CHMP: Section</p> <p><u>Admin Non-compliant:</u> The WMP does not include 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.</p> <p><u>Admin Non-compliant:</u> The ACHMP does not include a complaints handling procedure</p> <p>(g) a protocol for periodic review of the plan. WMP: Section 11</p> <p><u>Admin Non-compliant:</u> The ACHMP does not include a protocol for periodic review of the plan.</p> <p><u>Observation:</u> The management plans condition has not been included in regulatory requirements section of the WMP, LMP, ACHMP and Non-Indigenous CHMP.</p>	<p>REC 21: All management plans require updating due to the length of time since the previous reviews.</p> <p>REC 22: Ensure there is a cross referencing table covering this condition in management plans.</p> <p>REC 23: Additional detail including Trigger, Action, Response Tables (contingency plan) should be developed in the next round of management plan updates.</p> <p>REC 24: Include in the LMP and ACHMP reporting mechanisms (i.e. Annual Review).</p> <p>REC 25: 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.</p> <p>REC 26: 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.</p> <p>REC 27: Include a complaints handling procedure in the include ACHMP.</p> <p>REC 28: Include a protocol for periodic review of the ACHMP.</p> <p>REC 29: Ensure all management plans required under PA 06_0311 detail and consider the management condition.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 5 Condition 3	<p>By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must submit a report to the Department reviewing the environmental performance of the project to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current financial year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; requirements of any plan or program required under this approval; the monitoring results of previous years; and the relevant predictions in the documents listed in condition 2 of Schedule 2; <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current financial year to improve the environmental performance of the project.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> * Approval letter from DPE for 2016 Annual Review, dated 6 July 2017. * Approval letter from DPE for 2017 Annual Review, dated 20 March 2018. <p><u>Admin Non-compliant:</u> 2016 Annual Review not submitted by March 31 2017. Submission email from LakeCoal to DPE dated 30 April 2017.</p> <ul style="list-style-type: none"> * Letter from LakeCoal to DPE dated 29 March 2019 stating Annual Review uploaded on the Manning Colliery website. * Email from LakeCoal to DPE dated 30 March stating Annual Review uploaded on the Manning Colliery website. <p>(a) Section 2, 5 & 8 - 2016, 2017, 2018 Annual Reviews (b) Section 3 & 4 - 2016, 2017, 2018 Annual Reviews</p> <p><u>Admin Non-compliant:</u> The Annual Reviews do not provide:</p> <ul style="list-style-type: none"> * Clearly state the performance criteria for noise and water quality; * Requirements of plans/programs required under this approval for noise and water quality; * The monitoring results of previous years, for noise and water; and * The relevant predictions in environmental assessments for air quality, noise and water. <p>(c) Executive summary, Section 3 & 7 - 2016, 2017, 2018 Annual Reviews (d) <u>Non-compliant:</u> Trends in the monitoring data (for air quality, noise and water) over the life of the project are not included in the 2016, 2017 and 2018 Annual Reviews. (e) Non-compliant: Discrepancies between the predicted impacts in the EAs (for air quality, noise and water) and actual impacts of the project are not included in the 2016, 2017 and 2018 Annual Reviews. (f) Section 2, 3 & 6 - 2016, 2017 and 2018 Annual Reviews.</p> <p><u>Admin Non-compliant:</u> The Annual Reviews have not been prepared to cover the current Annual Review Guidelines. See: https://www.planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/~/_media/3AA21D35168042FE813DD0FB92E00E58.ashx</p>	<p>REC 29: Ensure Annual Reviews are submitted to DPE by 31 March.</p> <p>REC 30: Future Annual Reviews should clearly state noise and water quality performance criteria, and provide monitoring results against these.</p> <p>REC 31: Include in future Annual Reviews:</p> <ul style="list-style-type: none"> - Requirements of plans/programs required under PA 06_0311 for noise and water quality; - The monitoring results of previous years, for noise and water; - The relevant predictions in environmental assessments for air quality, noise and water; - Trends in the monitoring data for air quality, noise and water, over the life of the project; and - Discrepancies between the predicted impacts in the EAs for air quality, noise and water, and actual impacts of the project. <p>REC 32: The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines.</p> <p>REC 33: IEA Actions Plans should be included in every Annual Review going forward.</p>
				SLR 

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 5 Condition 4	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 3 above;</p> <p>(b) the submission of an incident report under Condition 6 below;</p> <p>(c) the submission of an audit under Condition 8 below; or</p> <p>(d) any modification to the conditions of this approval (unless the conditions require otherwise),</p> <p>the Proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</p>	Administrative Non-Compliance	<p><u>Admin Non-compliant</u>: Management plans have not been updated:</p> <p>(a) Within 3 months of the submission of the 2016 and 2017 Annual Reviews;</p> <p>(b) Since the submission of an incident (incidents described in the 2016 and 2017 Annual Reviews);</p> <p>(c) Since the submission of the 2016 IEA by Hansen Bailey; and</p> <p>(d) Since the modification to PA 06_0311 (Mod 4), from August 2016.</p> <p>These management plans include the WMP dated January 2013, LMP dated April 2016, ACHMP dated November 2012 and Non-Indigenous CHMP dated February 2013.</p>	<p>REC 1</p> <p>REC 34: 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.</p>
Schedule 5 Condition 6	<p>The Proponent must notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incidents associated with the project, the Proponent must notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	Administrative Non-Compliance	<p><u>Admin Non-compliant</u>: Noise exceedance on 11 August 2016 reported to DPE on 12 August 2016, according to 2016 Annual Review. Detailed incident report could not be provided by LakeCoal, therefore not able to determine when or if an incident report was submitted.</p> <p>* Noise exceedance on 29 August 2018 reported to DPE on same day (email to DPE Compliance Mailbox from LakeCoal dated 29 August 2018). Detailed LakeCoal incident report provided to DPE on 7 September 2018. Compliant as LakeCoal was granted an extension to provide the detailed report, via email from EPA dated 5 September 2016.</p> <p>* Email from LakeCoal to DPE, dated 11 April 2019, reporting TSS exceedance at Point 1 on 2 April 2019. Detailed LakeCoal incident report attached to email.</p> <p>Observation: Complaints/incidents register indicates no incidents during the audit period.</p>	<p>REC 35: Ensure all incidents are reported within the required timeframe.</p> <p>REC 36: Ensure the complaints/incidents register includes all incidents.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 5 Condition 9	Within 12 weeks of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	Administrative Non-Compliance	<p>* Correspondence indicating when the Hansen Bailey IEA report was submitted to DPE could not be provided by LakeCoal. Correspondence indicating requesting/granting extension could not be provided.</p> <p>* According to DPE letter dated 28 January 2016 IEA audit was due to be completed on 30 March 2016.</p> <p>* Hansen Bailey IEA report dated July 2016.</p> <p>* Manning Coal IEA – Response to Audit Recommendations dated 2 September 2016.</p> <p>* Response to Audit Recommendations to accompany submission of IEA Report.</p> <p>* <u>Admin Non-compliant</u>: Hansen Bailey IEA report not submitted within required timeframe. No submission letter provided to SLR.</p> <p>For the 2019 IEA, SLR were endorsed by the DPE on 28 February 2019. SLR were officially commissioned by LakeCoal -Pty Ltd Administrators Appointed on 5 March 2019, when a purchase order was granted. Therefore 12 weeks from this date is 28 May 2019 for submission.</p>	REC 37: Ensure future IEA reports are submitted within the required timeframe.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Schedule 5 Condition 10	<p>The Proponent must:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> the documents referred to in condition 2 of Schedule 2; all relevant statutory approvals for the project; all approved strategies, plans and programs required under the conditions of this approval; a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval; a complaints register, which is to be updated on a monthly basis; minutes of CCC meetings; the annual reviews required under this approval; any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit; and any other matter required by the Secretary; and <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	Administrative Non-Compliance	<p><u>Admin Non-compliant:</u> The following documents are not included on the project (LakeCoal) website:</p> <ul style="list-style-type: none"> * The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4); * Up-to-date Complaints Register. The Register only includes complaints up to February 2019; * CCC minutes for 2017, 2018 and 2019; * 2016 Audit Action Plan; * Noise monitoring data not included in the Monthly Website Report; and * 2018 - 2020 MOP. <p>New Delta Coal website checked on 13 May 2018 and the following documents are not included on the website:</p> <ul style="list-style-type: none"> * The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4); * Complaints Register (link not working); * Noise monitoring data not included in the Monthly Website Report; and * EMS and Management Plans (only PIRMP up on website). 	<p>REC 38: Include the following documentation on the project website:</p> <ul style="list-style-type: none"> * The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4); * Up-to-date Complaints Register. The Register only includes complaints up to February 2019; * CCC minutes for 2017, 2018 and 2019; * 2016 Audit Action Plan; * Noise monitoring data not included in the Monthly Website Report; and * 2018 - 2020 MOP.

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APPENDIX 4B: ALTERNATE NOISE CONDITIONS 1	<p><i>Table 1: Noise limits dB(A)</i></p> <table> <tr> <th>Day <i>L_{Aeq}(15 min)</i></th><th>Evening <i>L_{Aeq}(15 min)</i></th><th colspan="2">Night</th><th>Location</th></tr> <tr> <th></th><th></th><th><i>L_{Aeq}(15 min)</i></th><th><i>L_{A1}(1 min)</i></th><th></th></tr> <tr><td>40</td><td>40</td><td>40</td><td>49</td><td>4 – di Rocco</td></tr> <tr><td>43</td><td>43</td><td>41</td><td>49</td><td>5 – Keighran</td></tr> <tr><td>42</td><td>42</td><td>41</td><td>49</td><td>6 – Swan</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>47</td><td>7 – Druitt</td></tr> <tr><td>46</td><td>46</td><td>46</td><td>47</td><td>8 – May</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>51</td><td>9 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>49</td><td>11 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>51</td><td>18 – Jeans</td></tr> <tr><td>40</td><td>40</td><td>40</td><td>51</td><td>20 – Knight and all other Chain Valley Bay residences</td></tr> </table> <p><i>Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.</i></p>	Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night		Location			<i>L_{Aeq}(15 min)</i>	<i>L_{A1}(1 min)</i>		40	40	40	49	4 – di Rocco	43	43	41	49	5 – Keighran	42	42	41	49	6 – Swan	39	39	39	47	7 – Druitt	46	46	46	47	8 – May	41	41	41	51	9 – Jeans	39	39	39	49	11 – Jeans	39	39	39	51	18 – Jeans	40	40	40	51	20 – Knight and all other Chain Valley Bay residences	Non-Compliant (Low Risk)	<p>* Recommencement of underground coal extraction at Manning Colliery until 18 months thereafter is; April 2016 till October 2017.</p> <p>* <u>Non-compliant</u>: According to 2016 Annual Review, on 12 August 2016 LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016 for Manning Colliery.</p> <p>* Noise complaints increased during the audit period, with 0 noise complaints in 2016 and 2017, but 10 complaints in 2018, and 10 complaints from January 2019 to March 2019.</p>	<p>REC 4</p> <p>REC 5</p> <p>REC 6</p> <p>REC 39: Prepare a report to determine what further actions can be undertaken to reduce noise exceedances and noise complaints.</p>
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APPENDIX 4B: ALTERNATE NOISE CONDITIONS 2	<p><i>Table 2: Noise limits dB(A)</i></p> <table> <tr> <th>Day <i>L_{Aeq}(15 min)</i></th><th>Evening <i>L_{Aeq}(15 min)</i></th><th colspan="2">Night</th><th>Location</th></tr> <tr> <th></th><th></th><th><i>L_{Aeq}(15 min)</i></th><th><i>L_{A1}(1 min)</i></th><th></th></tr> <tr><td>40</td><td>40</td><td>40</td><td>49</td><td>4 – di Rocco</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>49</td><td>5 – Keighran</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>49</td><td>6 – Swan</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>47</td><td>7 – Druitt</td></tr> <tr><td>45</td><td>45</td><td>43</td><td>47</td><td>8 – May</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>51</td><td>9 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>49</td><td>11 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>51</td><td>18 – Jeans</td></tr> <tr><td>40</td><td>40</td><td>40</td><td>51</td><td>20 – Knight and all other Chain Valley Bay residences</td></tr> </table> <p><i>Note: The location of the land referred to in Table 2 is shown on the figure in Appendix 4.</i></p>	Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night		Location			<i>L_{Aeq}(15 min)</i>	<i>L_{A1}(1 min)</i>		40	40	40	49	4 – di Rocco	41	41	41	49	5 – Keighran	41	41	41	49	6 – Swan	39	39	39	47	7 – Druitt	45	45	43	47	8 – May	41	41	41	51	9 – Jeans	39	39	39	49	11 – Jeans	39	39	39	51	18 – Jeans	40	40	40	51	20 – Knight and all other Chain Valley Bay residences	Non-Compliant (Low Risk)	<p><u>Non-compliant</u>: According to 2016 Annual Review, on 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring.</p> <p>* Noise complaints increased during the audit period, with 0 noise complaints in 2016 and 2017, but 10 complaints in 2018, and 10 complaints from January 2019 to March 2019.</p>	<p>REC 4</p> <p>REC 5</p> <p>REC 6</p> <p>REC 39</p>
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Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
APPENDIX 4B: ALTERNATE NOISE CONDITIONS 3	<p>The Proponent must prepare a report on all noise mitigation measures required to achieve the noise limits in Table 2 to the satisfaction of the Secretary. This report must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified and experienced acoustic consultant whose appointment has been approved by the Secretary; (b) be prepared in consultation with EPA, and submitted to the Department for approval within 6 months after recommencement of underground coal extraction; and (c) include an action plan for the implementation of any reasonable and feasible recommendations of the report. <p>The Proponent must implement the noise mitigation measures prior to the expiry of the 18 month period referred to in condition 1 above.</p>	Non-Compliant (Low Risk)	<p>* The Preliminary Noise Mitigation Options Report for the Manning Colliery - Continuation of Mining Project dated 31 May 2017, prepared by Atkins Acoustics and Associates Pty Ltd could not be provided to SLR from Lake Coal</p> <p>* DPE approval letter dated 9 June 2017, for the Preliminary Noise Mitigation Options Report.</p> <p><u>Admin non-compliant</u>: Acoustic consultant was not endorsed by DPE</p> <p><u>Non-compliant</u>: Noise mitigation measures required to be undertaken by October 2017. According to site communications these mitigation measures were undertaken from 2017 to February 2019.</p>	Nil recommendation
APPENDIX 4B: ALTERNATE NOISE CONDITIONS 4	<p>The Proponent must prepare a Noise Compliance Report for the project to the satisfaction of the Secretary. The report must:</p> <ul style="list-style-type: none"> (a) be prepared by a suitably qualified acoustic consultant, whose appointment has been approved by the Secretary; (b) be prepared in consultation with EPA, and be submitted for approval within 6 months of the expiry of the 18 month period referred to in condition 1 above; and (c) investigate and evaluate the effectiveness of the noise mitigation measures required under condition 3 and compliance with the noise limits in Table 2. 	Non-Compliant (Low Risk)	<p>(a) <u>Non-compliant</u>: Letter of endorsement for EMM to undertake the 2019 Noise Mitigation Study could not be found by LakeCoal.</p> <p>(b) <u>Non-compliant</u>: The Noise Mitigation Study was not prepared in consultation with EPA and was not submitted for approval by March 2018.</p> <p>(c) According to the EMM Noise Mitigation Study dated March 2019:</p> <ul style="list-style-type: none"> -Noise mitigation works implemented by the previous operators in 2018 have decreased site noise emission levels at all neighbouring noise-sensitive receivers. -Current and proposed MC noise emissions are predicted to comply with the relevant long-term noise criteria outlined in MP 06_0311 at all assessment locations under worst case meteorological conditions. -LAmx noise level events at the site are also predicted to remain below the relevant sleep disturbance criteria. 	Nil recommendation
PA 06_0311 Statement of Commitments (Mod 4)				

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Water Management	<p>LakeCoal will undertake a review of the existing site water management system in consultation with the EPA.</p> <p>The water level within the sediment pond system will be monitored and kept at a relatively low operating level, such that the ponds can provide a detention function in a significant rainfall event.</p> <p>A visual assessment of the unnamed creek will be undertaken every 6 months to monitor stability and erosion.</p> <p>Where practicable, underground water levels will be recorded to monitor changes in the level of water stored in underground depressions and to verify that the rate of extraction is sufficient.</p> <p>The extraction of underground water from the mine workings will be undertaken in accordance with the Bore License (20BL172016) issued under the Water Act 1912.</p> <p>To enable on-going assessment of the quality of water discharged, the existing monitoring program will be maintained for the life of the Project with the following enhancements:</p> <ul style="list-style-type: none"> • An assessment of the surrounding catchments summarising land uses and other background information to characterise an appropriate water quality; and • Annual monitoring of heavy metals at the monitoring location identified as 'Downstream'. 	Non-Compliant (Low Risk)	<p>* During site inspection noted that the sediment pond system has freeboard.</p> <p><u>Non-compliant:</u> Visual assessment of the unnamed creek is not undertaken every 6 months to monitor stability and erosion. This requirement is included in the WMP.</p> <p>*2016, 2017 & 2018 Annual Reviews describe:</p> <ul style="list-style-type: none"> -Groundwater extraction from bore 20BL172016. -Monitoring of groundwater extraction. -Section 8.2 of the WMP provides background information of the water quality of the unnamed creek. <p><u>Non-compliant:</u> Annual monitoring (i.e. monitoring every 12 months) of heavy metals not undertaken at the monitoring location identified as "Downstream".</p> <p>-ALS analytical results dated 18 April 2017, 22 November 2018, 12 March 2019, and include analysis results for heavy metals for monitoring location "Downstream".</p> <p><u>Observation:</u> Monitoring results for the "Downstream" monitoring location is not included in Annual Reviews.</p>	<p>REC 12</p> <p>REC 13</p> <p>REC 14</p> <p>REC 40: Ensure monitoring undertaken at the "Downstream" monitoring location is undertaken every 12 months.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
Aboriginal Heritage	<p>Activities will continue to be managed in accordance with the Colliery's Aboriginal Cultural Heritage Management plan (ACHMP). Given the Colliery's current ACHMP is integrated with other Centennial sites, a separate ACHMP will be developed.</p> <p>If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to cultural heritage in consultation with OEH.</p> <p>All relevant Centennial Manning staff and contractors will be made aware of their statutory obligations for Aboriginal cultural heritage under the NP&W Act as part of the existing mine induction process.</p> <p>An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed and implemented for the identified Aboriginal heritage items within the Project Site in consultation with the relevant Aboriginal stakeholders. If additional sites are identified they will be assessed for cultural significance and be incorporated into the ACHMP.</p> <p>In the unlikely event that skeletal remains are identified, the NSW Police Coroner will be contacted to determine if the material is of Aboriginal origin. If determined to be Aboriginal, contact will be made with the OEH, a suitably qualified archaeologist and representatives of the relevant Aboriginal stakeholder groups to determine an action plan for the management of the skeletal remains and formulate management recommendations if required.</p>	Administrative Non-Compliance	<p><u>Admin non-compliant:</u> A separate ACHMP has not been developed. It still covers other Centennial sites.</p> <ul style="list-style-type: none"> * Mine-induced subsidence levels do not exceed 20 millimetres * "Lake Coal Surface Generic Surface Induction" and "Environmental Awareness Training" Assessment includes Aboriginal heritage aspects * Aboriginal Cultural Heritage Management Plan (ACHMP) developed for the identified Aboriginal heritage items within the Project Site. * ACHMP prepared in consultation with the relevant Aboriginal stakeholders (refer to Section 2.0). 	<i>Nil recommendation</i>
European Heritage	<p>If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to non-indigenous heritage.</p> <p>All relevant Centennial Manning staff and contractors will be made aware of their statutory obligations for European cultural heritage under the Heritage Act 1977 as part of the existing mine induction process.</p> <p>If, during the course of development works, significant non-indigenous cultural heritage material is uncovered within the Project Site, the Heritage Branch of OEH will be notified and any required monitoring or management strategies instigated.</p>	Administrative Non-Compliance	<ul style="list-style-type: none"> * Mine-induced subsidence levels do not exceed 20 millimetres * Admin Non-compliant: "Lake Coal Surface Generic Surface Induction" and "Environmental Awareness Training" Assessment does not include European heritage aspects. 	REC 41: Include European heritage aspects in the "Lake Coal Surface Generic Surface Induction" and "Environmental Awareness Training" Assessment

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations																								
Monitoring	The Environmental Monitoring Program will be reviewed and updated, as required, to incorporate the commitments made in the Environmental Assessment and any additional consent conditions.	Administrative Non-Compliance	The Environmental Monitoring Program has not been reviewed and updated since November 2011, and does not to incorporate the commitments made in the Environmental Assessments (EAs) for Mod 1, Mod 2, Mod 3 & Mod 4, and any additional consent conditions (for these modifications).	REC 42: 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).																								
EPL 191																												
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Non-Compliant (Low Risk)	Exceedance of TSS on 2 April 2019. Exceedance constitutes a 'pollution' of waterways based on the POEO Act.	REC 43: Continue to undertake mitigation measures to comply with section 120 of the Protection of the Environment Operations Act 1997.																								
L2.4	<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-Compliant (Low Risk)	Exceedance of TSS on 2 April 2019. Dam flocculated and re-tested, with TSS reading of 10mg/L.	REC 44: Continue to undertake water quality monitoring. If a water quality exceedance is detected undertake measures to improve water quality.
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																							
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Total suspended solids	milligrams per litre				50																							

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
L5	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-Compliant (Low Risk)	<p><u>Non-compliant:</u> According to 2016 Annual Review, on 12 August 2016 LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016 for Manning Colliery.</p> <p>* According to 2016 Annual Review, On 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring.</p> <p>* According to the Noise Mitigation Study dated March 2019:</p> <ul style="list-style-type: none"> -Noise mitigation works implemented by the previous operators in 2018 have decreased site noise emission levels at all neighbouring noise-sensitive receivers. -Current and proposed MC noise emissions are predicted to comply with the relevant long-term noise criteria outlined in MP 06_0311 at all assessment locations under worst case meteorological conditions. <p>* LMax noise level events at the site are also predicted to remain below the relevant sleep disturbance criteria.</p>	<p>REC 4</p> <p>REC 5</p>
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.	Administrative Non-Compliance	<p>*<u>Admin Non-compliant:</u> The Complaints Register does not include the time of the complaint and the personal details of the complainant.</p> <p>* Not all complaints registered included the method by which the complaint was made.</p>	<p>REC 45: Include in the Complaints Register:</p> <ul style="list-style-type: none"> -Time of the complaint; -Personal details of the complainant; and -Method by which the complaint was made.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
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.	Administrative Non-Compliance	*Telephone line for complaints advertised on the LakeCoal and Delta Coal websites. * However no evidence of notifying to the community that the complaints line exists.	REC 46: 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.
M6.4	The licensee must nominate a representative of the company that is available 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. Note: This condition does not apply until two (2) weeks after the date of issue of this licence.	Administrative Non-Compliance	* Designated representatives of the company included in the Pollution Incident Response Plan (PIRMP), dated September 2018. * <u>Admin Non-compliant:</u> The designated representatives of the company, included in the PIRMP, are not current.	REC 47: Update the details of designated representatives of the company in the PIRMP.
CCL 721				
5	a) report against compliance with the MOP; b) report on progress in respect of rehabilitation completion criteria; c) report on the extent of compliance with regulatory requirements; and d) have regard to any relevant guidelines adopted by the Director-General;	Administrative Non-Compliance	a) <u>Admin Non-compliant:</u> The 2016, 2017 & 2018 Annual Reviews do not report against compliance with the MOP. b) N/A - Rehabilitation has not commenced at the site; c) 2016, 2017 & 2018 Annual Reviews - Executive Summary & Section 3 d) <u>Admin Non-compliant:</u> 2016, 2017 and 2018 Annual Reviews not prepared in accordance with the DPE Annual Review guidelines	REC 31 REC 48: Report against compliance with the MOP in future Annual Reviews. *Prepare future Annual Reviews in accordance with the DPE Annual Review guidelines.

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Administrative Non-Compliance	<p><u>Admin Non-compliant</u>: Noise exceedance on 11 August 2016 reported to DPE on 12 August 2016, according to 2016 Annual Review. Detailed incident report could not be provided by LakeCoal, therefore not able to determine when or if an incident report was submitted.</p> <p>* Noise exceedance on 29 August 2018 reported to DPE on same day (email to DPE Compliance Mailbox from LakeCoal dated 29 August 2018). Detailed LakeCoal incident report provided to DPE on 7 September 2018. Compliant as LakeCoal was granted an extension to provide the detailed report, via email from EPA dated 5 September 2016.</p> <p>* TSS exceedance at Point 1 on 2 April 2019 reported to DPE on 11 April 2019 via email and formal letter</p> <p>* <u>Admin Non-compliant</u>: According to site communications the RR required additional environmental reports on specific surface disturbing operations. Reports could not be provided to SLR from LakeCoal.</p> <p><u>Observation</u>: Compliant/incident register indicates no incidents from June 2016 to April 2019.</p>	<p>REC 34</p> <p>REC 35</p> <p>REC 49: Ensure all additional environmental reports on specific surface disturbing operations are provided to the RR as required.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
18	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Non-Compliant (Low Risk)	<p>* Management plans prepared and implemented for the site. Management plans include management controls to minimise any harm to the environment that may result from the operation of the site</p> <p>* During the site inspection noted management controls being implemented at the site:</p> <ul style="list-style-type: none"> -No visible dust; -Water cart used on site to reduce dust; -Majority of the pit top is concreted; -Covered conveyor; -Bunded chemicals (Photo 7); -Rubbish disposed of in labelled waste bins; -Oily water separator; -Noise mitigation measures implemented at site (Photo 8). <p>*Water quality, dust and monitoring undertaken at the site.</p> <p><u>Non-compliant</u>: During audit period non-compliances with noise and water quality criteria.</p>	REC 50: Ensure all practicable measures are undertaken to reduce noise and water quality exceedances (refer to specific recommendations relating to noise and water quality).
CCL 719				

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
3	<p>(a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p> <p>(b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <ul style="list-style-type: none"> (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: <ul style="list-style-type: none"> • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. <p>(c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment</p> <p>(d) The lease holder may apply to the Minister to amend an approved MOP at any time.</p> <p>(e) It is not a breach of this condition if:</p> <ul style="list-style-type: none"> (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. <p>(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <ul style="list-style-type: none"> (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment. <p>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</p>	Non-Compliant (Low Risk)	<p>(a) Site inspection indicates MOP is being implemented.</p> <p>* Approval letter from Resources Regulator (RR) (formerly DRE) dated 27 March 2015, for 2015-2018 MOP</p> <p>* Approval letter from RR dated 26 September 2018 for 2018-2020 MO</p> <p>(b) The MOP must:</p> <ul style="list-style-type: none"> i) MOP plans; ii) MOP plans (3 series); iii) Mine Closure Plan to be prepared at least two years prior to the cessation of mining activities; iv) Section 3; v) Section 4.1; vi) have regard to any relevant guidelines adopted by the Director-General. <p>(c) 2018-2020 MOP has been prepared generally in accordance with DRE (now Resources Regulator) ESG3: MOP Guidelines, dated September 2013.</p> <p>(d) N/A-MOP not amended during MOP period.</p> <p>(e) <u>Non-compliant</u>: Details could not be provided by LakeCoal about non-compliances with the MOP.</p> <p>(f) <u>Admin Non-compliant</u>: Annual Rehabilitation Reports have not been prepared by LakeCoal. Rehabilitation not undertaken at the site but no correspondence provided by LakeCoal stating that Annual Rehabilitation Reports are not required or that these are covered by other reports.</p> <p><u>Observation</u>: The 2016, 2017 and 2018 Annual Reviews do not provide details of non-compliances with the MOP.</p>	<p>REC 51: Prepare Annual Rehabilitation Reports.</p> <p>REC 52: Include in Annual Reviews any non-compliances with the MOP, during the reporting period.</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
5	<p>(a) The lease holder must notify the Department of all:</p> <p>(i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</p> <p>(ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.</p> <p>Note. Refer to www.resources.nsw.qov.au/environmentf for notification contact details.</p> <p>(b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <p>(i) the details of the mining lease;</p> <p>(ii) contact details for the lease holder;</p> <p>(iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</p> <p>(iv) a description of the nature of the incident or breach, likely causes and consequences;</p> <p>(v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).</p> <p>(vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.</p> <p>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.qov.au/environmentfor further details.</p> <p>(c) In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>	Administrative Non-Compliance	<p>* Email from LakeCoal to DPE (RR integrated into DPE), dated 11 April 2019, reporting TSS exceedance at Point 1 on 2 April 2019. Detailed LakeCoal incident report attached to email.</p> <p><u>Admin Non-compliant:</u> Noise exceedance on 11 August 2016 reported to DPE on 12 August 2016, according to 2016 Annual Review. Detailed incident report could not be provided by LakeCoal, therefore not able to determine when or if an incident report was submitted.</p> <p>* Noise exceedance on 29 August 2018 reported to DPE on same day (email to DPE Compliance Mailbox from LakeCoal dated 29 August 2018). Detailed LakeCoal incident report provided to DPE on 7 September 2018. Compliant as LakeCoal was granted an extension to provide the detailed report, via email from EPA dated 5 September 2016.</p> <p>* There were no incidents of hydrocarbon contamination, or significant spills reported in the 2016, 2017 and 2018 Annual Reviews</p> <p><u>Observation:</u> Complaints/incident register indicates no incidents from June 2016 to April 2019.</p>	REC 35

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations
8	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$3,879,000.</p> <p>The leases covered by the group security include: Consolidated Coal Lease Nos 719 & 721 (Act 1973)</p>	Non-Compliant (Low Risk)	<p>* "Rehabilitation Cost Calculation Tool Manning (2015)" indicates \$3,879,000 security for 2015-2018 MOP</p> <p>* <u>Non-compliant</u>: "Chain Valley Colliery (Manning Surface Areas) Underground RCE Report" (Manning RCE) indicates \$3,226,730 security for 2018-2020 MOP. Approval letter from RR for updated security could not be provided to SLR by LakeCoal.</p>	<p>REC 53: Ensure an adequate security deposit is provided as a group security</p> <p>REC 54: Ensure group security has been approved by RR</p>

7 Additional Recommended Actions

Additional recommendations relating to compliant conditions are outlined within **Table 7**.

Table 7 Additional Recommendations

Aspect	Recommendation
Management Systems	REC 55: 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.
Audit Preparations	REC 56: 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.
Water Management	REC 57: Include in Section 9.4 of the Water Management Plan reporting of ground water results in Annual Reviews.
Bushfire and Land Management Plan	REC 58: Attach the Bushfire Management Plan to the Land Management Plan
Air Quality Management	REC 59: <ul style="list-style-type: none"> * Update the AQMP * Include in the updated AQMP a plan showing dust monitoring locations and the location of the weather station.
Waste Management	REC 60: <ul style="list-style-type: none"> * Finish sorting out the piles of reject and rubbish at the pit top area. * Undertake contaminated sites/waste material assessment at the waste stockpile area. * 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. * Install signage at the landfarm material at the pit top.
Subsidence	REC 61: 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.
Pollution Incident Response Management Plan	REC 62: <ul style="list-style-type: none"> * Update the PIRMP to include: <ul style="list-style-type: none"> - Current site contacts; - Email details for government contacts; and - Figures that clearly show the location of hazardous substances and where pollution response equipment is stored.

Aspect	Recommendation
2019 Annual Return	<p>REC 63:</p> <ul style="list-style-type: none">* 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).

8 Conclusion

A total of 200 conditions were assessed across the PA 06_0311, PA 06_0311 Statement of Commitments (Mod 4), EPL 191 and CCL 721. The Audit performance is summarised in **Table 8**.

Table 8 Summary of Audit Performance

Approval	Number of Conditions	Administrative Non-Compliances	Low Risk Non-Compliances
PA 06_0311 (as modified)	62	14	8
PA 06_0311 Statement of Commitments (Mod 4)	11	3	1
EPL 191	75	3	3
CCL 719	18	1	2
CCL 721	34	2	1
Total	200	23	15

In summary:

- There were 23 Administrative Non-Compliances;
- There were 15 Low Risk Non-Compliances; and
- There are a total of 63 recommendations across **Section 6** and **7**.

The majority of non - compliances and recommendations related to administrative issues, including not fully implementing the Project Approval and management plans. The field inspection did not identify any major issues that required immediate attention. The situation at the time of IEA did make the task of auditing more difficult than expected for SLR. This included the change in management from LakeCoal to Delta Coal and the previous Environment and Community Co-ordinator leaving LakeCoal prior to the commencement of the audit. Little information was provided to SLR prior to the audit which resulted in numerous additional information requests following the site component. Additional time is required by Delta Coal to prepare for the next IEA.

The major issue going forward for Mannering will be the management of noise. It has been noted that complaints have increased and the site has been liaising with DPE regarding noise management.

APPENDIX A

Photographs



Photo 1 Coal Reject and Mixed Rubbish from the Underground



Photo 2 Material to be removed from sumps



Photo 3 Some Areas of Lantana onsite



Photo 4 Dams are stable with banks well vegetated



Photo 5 **Licensed Discharge Point**



Photo 6 **Oily Rags contained in general waste bin**



Photo 7 Chemicals stored within bunds



Photo 8 Areas of noise mitigation at the plant

APPENDIX B

Compliance Spreadsheet

Project Approval 06_0311

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
SCHEDULE 2 - ADMINISTRATIVE CONDITIONS				
Obligation to Minimise Harm to the Environment	The Proponent must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the project.	Compliant	Despite there being non compliances during the audit period. No evidence of any non compliance constituting material harm to the environment as per the PEOE Act definition.	
1				
Terms of Approval				
2	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	The project has been undertaken generally in accordance with Environmental Assessments (AS') and the Project Layout Plans.	
2A	The Proponent must carry out the development in accordance with the: (a) Statement of Commitments; and (b) conditions of this approval.	Compliant	The development has been carried out generally in accordance with the Statement of Commitments and conditions of this approval, except where noted below and within the Statement of Commitments Audit Spreadsheet.	
3	If there is any inconsistency between the documents in condition 2, the most recent document shall prevail to the extent of the inconsistency. The conditions of this approval shall prevail over the documents in conditions 2 and 2A(a) to the extent of any inconsistency.	Note		
4	The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.	Compliant	(a) Actions related to DPE review of 2015 Annual Review included in 2016 Annual Review. Actions related to DPE review of 2017 Annual Review included in 2018 Annual Review. * Letter from DPE dated 29 August 2016 requested Mannering Colliery to provide DPE correspondence regarding the approval of the management plans or to include the management plans as part of the program of review. In response, LakeCoal provided a schedule in an email dated 4 March 2016 listing the date management plans were approved by DPE. (b) Email from DPE dated 27 March 2019 details issues raised from a compliance inspection undertaken in 26 March 2019. In an email response dated 29 March 2019, LakeCoal provides an action plan to address these issues.	
Limits on Approval				
5	Mining operations may take place until 30 June 2022. Note: Under this approval, the Proponent is required to rehabilitate the site to the satisfaction of the Secretary and DRE. Consequently this approval 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.	Compliant	Mining operations undertaken during the audit period	
6	The Proponent must not extract more than 1.1 million tonnes of ROM coal a year from the site.	Compliant	2016, 2017 & 2018 Annual Reviews confirm that no more than 1.1 million tonnes per annum of ROM coal was extracted from the site	
6A	The Proponent must not transport more than 1.3 million tonnes of ROM coal a year from the site.	Compliant	2016, 2017 & 2018 Annual Reviews confirm that no more than 1.3 million tonnes per annum of ROM coal was transported from the site	
7	The Proponent must ensure all coal produced and/or received on the site is transported by overland conveyor to Vales Point Power Station.	Compliant	The Environmental Monitoring Program has not been reviewed and updated since November 2011, and does not to incorporate the commitments made in the Environmental Assessments (EAs) for Mod 1, Mod 2, Mod 3 & Mod 4, and any additional consent conditions (for these modifications).	
Updating and Staging Strategies, Plans and Programs				
8	The Proponent must regularly review the strategies, plans and programs required under this approval and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Proponent may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this approval on a staged basis. With the agreement of the Secretary, the Proponent may prepare a revision or stage of any strategy, plan or program required under this approval without undertaking consultation with all parties nominated under the applicable condition in this approval. Notes: • While any strategy, plan or program may be submitted on a staged basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. • If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.	Administrative Non-Compliance	The Proponent has not regularly reviewed the strategies, plans and programs required under this approval (i.e. Environmental Monitoring Program labelled Centennial Coal and dated November 2011, Energy Savings Action Plan labelled Centennial Mannering and dated 2011). Management Plans are out of date.	Develop and implement a plan to update Mannering's Strategies, Plans and Programs.
Structural Adequacy				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
9	The Proponent 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: • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	Not Triggered	* Based on site communications with Environment and Community Co-ordinator no new buildings and structures, nor alterations or additions to existing buildings and structures during the reporting period. * According to the 2016 Annual Review only underground construction works were undertaken. * No construction works undertaken during 2017 & 2018, according to 2017 & 2018 Annual Reviews.	
Demolition				
10	The Proponent 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	* Based on site communications with the Environment and Community Co-ordinator no demolition undertaken during the IEA period. * No demolition undertaken according to 2016, 2017 & 2018 Annual Review.	
Operation of Plant and Equipment				
11	The Proponent must ensure that all plant and equipment used on site is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Non-Compliant (Low Risk)	(a) Downer maintenance records for radiation equipment dated 31 March 2017. * Electrical inspection records for ash analysers from 2016 to 2017. * Maintenance records: "Mannering Front End Loaders work order history as at 2.5.19" (b) During site inspection plant and equipment appeared to be operated in a proper and efficient manner. * <u>Non-compliant</u> ; Complaint register dated 2018 indicated a number of complaints related to noise from the loader at the prep plant.	Ensure that all plant and equipment used on site is operated in a proper and efficient manner.
Community Enhancement Program				
12	The Proponent must pay the affected councils \$0.02 for each tonne of ROM coal produced by the project for the purpose of improving water quality in the Lake Macquarie catchment. This payment must be: (a) shared equally by the affected councils; (b) made by the end of March 2009, and at yearly intervals thereafter; (c) calculated on the ROM coal produced in the previous calendar year; and (d) subject to indexation by the Implicit Price Deflator, as published by the Australian Bureau of Statistics.	Administrative Non-Compliance	* Email from Council dated 2 April 2019 confirming VPA Payment for the 2018 period. * <u>Admin Non-compliant</u> : Receipt From Central Coast Council for VPA payment, dated 5 October 2016. Payment of Voluntary Planning Agreement (VPA) not made by the end of March 2016.	Ensure VPA payments are made prior to the due date.

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																																																		
SCHEDULE 3 - SPECIFIC ENVIRONMENTAL CONDITIONS																																																						
Noise																																																						
Noise Impact Criteria																																																						
1	1. The Proponent must ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately owned land.	Note																																																				
	<p>Table 1: Noise limits d(B(A)</p> <table> <tr> <th>Day LAeq(15 min)</th><th>Evening LAeq(15 min)</th><th colspan="2">Night LAeq(15 min)</th><th>Location (as listed in Appendix 4)</th></tr> <tr> <td>49</td><td>49</td><td>35</td><td>49</td><td>4 – di Rocco</td></tr> <tr> <td>47</td><td>47</td><td>35</td><td>49</td><td>5 – Keighran</td></tr> <tr> <td>44</td><td>44</td><td>35</td><td>49</td><td>6 – Swan</td></tr> <tr> <td>43</td><td>43</td><td>43</td><td>50</td><td>7 – Druitt</td></tr> <tr> <td>46</td><td>46</td><td>46</td><td>50</td><td>8 – May</td></tr> <tr> <td>45</td><td>45</td><td>45</td><td>52</td><td>9 – Jeans</td></tr> <tr> <td>40</td><td>40</td><td>40</td><td>52</td><td>11 – Jeans</td></tr> <tr> <td>43</td><td>43</td><td>43</td><td>52</td><td>18 – Jeans</td></tr> <tr> <td>44</td><td>44</td><td>44</td><td>52</td><td>20 – Knight and all other Chain Valley Bay residences</td></tr> </table> <p>Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.</p>	Day LAeq(15 min)	Evening LAeq(15 min)	Night LAeq(15 min)		Location (as listed in Appendix 4)	49	49	35	49	4 – di Rocco	47	47	35	49	5 – Keighran	44	44	35	49	6 – Swan	43	43	43	50	7 – Druitt	46	46	46	50	8 – May	45	45	45	52	9 – Jeans	40	40	40	52	11 – Jeans	43	43	43	52	18 – Jeans	44	44	44	52	20 – Knight and all other Chain Valley Bay residences	Non-Compliant (Low Risk)	<p>Non-compliant: According to 2016 Annual Review, on 12 August 2016 LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016 for Mannering Colliery.</p> <p>* According to 2016 Annual Review, on 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring.</p> <p>* According to the Noise Mitigation Study dated March 2019:</p> <ul style="list-style-type: none"> -Noise mitigation works implemented by the previous operators in 2018 have decreased site noise emission levels at all neighbouring noise-sensitive receivers. -Current and proposed MC noise emissions are predicted to comply with the relevant long-term noise criteria outlined in MP 06_0311 at all assessment locations under worst case meteorological conditions. -LAmax noise level events at the site are also predicted to remain below the relevant sleep disturbance criteria. <p>* Noise complaints increased during the audit period, with 0 noise complaints in 2016 and 2017, but 10 complaints in 2018, and 10 complaints from January 2019 to March 2019.</p>	<p>* Continue to undertake noise monitoring.</p> <p>* Undertake follow-up actions if noise exceedances occur.</p> <p>* Continue to manage noise complaints.</p> <p>* Provide DPE with EMM Noise Mitigation Study dated March 2019.</p>
Day LAeq(15 min)	Evening LAeq(15 min)	Night LAeq(15 min)		Location (as listed in Appendix 4)																																																		
49	49	35	49	4 – di Rocco																																																		
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44	44	35	49	6 – Swan																																																		
43	43	43	50	7 – Druitt																																																		
46	46	46	50	8 – May																																																		
45	45	45	52	9 – Jeans																																																		
40	40	40	52	11 – Jeans																																																		
43	43	43	52	18 – Jeans																																																		
44	44	44	52	20 – Knight and all other Chain Valley Bay residences																																																		
	Subsidence Control Zone	Note																																																				
Noise Mitigation																																																						
2	The Proponent must prepare a report on potential noise mitigation measures for noisy equipment and activities undertaken on the site to the satisfaction of the Secretary. This report must be: (a) prepared by a suitably qualified acoustic expert; (b) submitted to the Secretary by the end of September 2008; and (c) accompanied by an action plan for the implementation of any reasonable and feasible recommendations of the report.	Compliant	<p>Preparation:</p> <ul style="list-style-type: none"> * Updated (April 2016) Noise Monitoring Program (NMP) submitted to DPE on 29 April 2016 * Updated (April 2016) NMP approved by DPE on 20 October 2008 according to LakeCoal email dated 4 March 2016 * Original NMP was submitted on the 9/9/08 and approved on the 20/10/08 * The NMP was prepared by Carbon Based Environmental * Mitigation measures included in Section 4.2 of the NMP. <p>Implementation:</p> <ul style="list-style-type: none"> * During the site inspection noise sighted noise mitigation measures, undertaken during 2017 & 2018, at the preparation plant. These included the installation of a rubber hood, rubber skirting and a deflection board. A smaller loader is also now used at the coal stockpile area. * Noise Mitigation Study, dated March 2019, prepared by EMM. Noise mitigation measures included the Study, dated March 2019, indicate mitigation measures effective in reducing operational noise * 0 noise complaints in 2016 and 2017. 12 noise complaints during 2018. 18 complaints during 2019. 																																																			
Noise Monitoring																																																						
3	The Proponent must prepare a Noise Monitoring Program for the project to the satisfaction of the Secretary. This program must: (a) be submitted to the Secretary by the end of September 2008; (a1) be revised in consultation with the EPA and be submitted to the Secretary by the end of April 2016; and (b) include the use of continuous and attended noise monitoring measures to monitor the performance of the project. The Proponent must implement the approved Noise Monitoring Program as approved from time to time by the Secretary.	Non-Compliant (Low Risk)	<p>Preparation:</p> <ul style="list-style-type: none"> * Updated (April 2016) NMP approved by DPE on 20 October 2008 according to LakeCoal email dated 4 March 2016 (a) NMP Section 1.2 * Updated (April 2016) Noise Monitoring Program (NMP) submitted to DPE on 29 April 2016 (b) NMP Section 5.1 & 5.2 <p>Implementation:</p> <ul style="list-style-type: none"> * Noise monitoring results included in the 2016, 2017 and 2018 Annual Reviews * Non-compliant: Only attended noise monitoring has been undertaken, according to the 2016, 2017 and 2018 Annual Reviews. 	* Continuous noise monitoring should be undertaken in accordance with Mannering Colliery's Noise Management Plan.																																																		
SUBSIDENCE																																																						
4	The Proponent must limit its coal extraction methods on the site to first workings only, and must not undertake second workings.	Compliant	<ul style="list-style-type: none"> * According to site communications with Environment and Community Co-ordinator only first workings have only been undertaken. * According to 2016 & 2017 Annual Reviews coal was extracted via first workings only. 																																																			
SOIL AND WATER																																																						
Discharge																																																						
6	The Proponent must only discharge water from the site as expressly provided for by its EPL.	Compliant	<ul style="list-style-type: none"> * During site inspection sited LDP01. * According to 2016, 2017 & 2018 Annual Reviews discharge during the reporting period was in accordance with EPL191. * January, February & March 2019 Monthly Website Reports and "Mannering UG Discharge" spreadsheet indicate discharge was in accordance with EPL 191. * LDP1 - Discharge Volumes Master" spreadsheet indicates volume of water discharged from 1 to 10 April 2019 was within the limit 																																																			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
7	The Proponent 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 Secretary; (b) be submitted to the 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	Not within audit period.	
Water Management Plan				
8	The Proponent must prepare a Water Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with DPI Water by suitably qualified expert/s whose appointment/s have been approved by the Secretary; (b) be submitted the 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 Proponent must implement the approved management plan as approved from time to time by the Secretary.	Administrative Non-Compliance	<u>Preparation:</u> (a) Prepared in consultation with DPI Water - Section 4.1. * Document prepared by suitably qualified expert - Section 4.1. (b) Water Management Plan (WMP) approved by DPE on 9 March 2010. (c) Site Water Balance - Section 6.5. • Erosion and Sediment Control Plan - Section 7.0. • Surface Water Monitoring Plan - Section 8.1. • Groundwater Monitoring Program - Section 9.1. <u>Observation:</u> The Water Management Plan has not been updated since January 2013. <u>Observation:</u> Figure 1 does not clearly show clean and dirty water management at the site. <u>Implementation:</u> * During site inspection clean and water management system appeared to be effective in keeping clean water and dirty water separate. * Groundwater and surface water monitoring program undertaken during the audit period per Annual Reviews. * Section 11 of the Management Plan commits to reviewing the plan every three years. This has not been completed, therefore <u>Admin Non - Compliance</u> .	* The WMP needs to be updated. * 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).
Site Water Balance				
9	The Site Water Balance must: (a) include details of: • sources and security of water supply; • water use on site; • water management on site; and (b) investigate, assess and report on measures to minimise water use by the project, particularly potable water from the Wyong Shire town water supply.	Administrative Non-Compliance	<u>Preparation:</u> a) Sources of water supply - WMP Section 6.5. • Water use on site - WMP Section 6.1. • Water management on site - WMP Section 6.0. <u>Admin Non-compliant:</u> The water balance is outdated and does not reflect the current status of the site. Section 6.5 of the WMP references a Water Balance Assessment from December 2011. (b) Investigate, assess and report on measures to minimise water use by the project, particularly potable water from the Wyong Shire town water supply - Section 6.1 <u>Implementation:</u> * Water management system sited during site inspection.	The Water Balance in the WMP needs to be reviewed as its out of date.
Erosion and Sediment Control				
10	The Erosion and Sediment Control Plan must: (a) be consistent with the requirements of Managing Urban Stormwater: Soils and Construction (Landcom 2004, or its latest version); (b) identify activities that could cause soil erosion and generate sediment; (c) describe measures to minimise soil erosion and the potential for transport of sediment from the site; (d) describe the location, function, and capacity of erosion and sediment control structures; and (e) describe what measures would be implemented to monitor and maintain the structures over time.	Compliant	<u>Preparation:</u> (a) WMP Section 7.2. (b) WMP Section 7.2. (c) WMP Section 7.2. (d) WMP Section 7.1 and Figure 1. * <u>Observation:</u> Figure 1 is not clear. The figure needs to be replaced by a figure that clearly shows erosion and sediment control structures. (e) WMP Section 7.1 <u>Implementation:</u> * Erosion and sediment controls sighted during the field inspection. Minimal issues sighted. * Sumps need to be cleaned out of coal. Evidence of one sump almost overflowing (refer to PHOTO 2)	
Surface Water Monitoring Program				
11	The Surface Water Monitoring Plan must include: (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project; (b) surface water impact assessment criteria; (c) a program to monitor the impact of the project on surface water flows and quality; and (d) procedures for reporting the results of this monitoring.	Non-Compliant (Low Risk)	<u>Preparation:</u> (a) WMP Section 8.2. (b) WMP Section 8.1.1. (c) WMP Section 8.2. (d) WMP Section 8.3. <u>Implementation:</u> * Surface water monitoring program undertaken during the audit period per the 2016, 2017 and 2018 Annual Reviews. * LDP 001 sited during the field inspection. <u>Non-compliant:</u> Visual assessment of the unnamed creek (described in Section 8.2.1 of the WMP) is not undertaken every 6 months to monitor stability and erosion.	*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. * 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.
Groundwater Monitoring Program				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																		
12	The Groundwater Monitoring Program must include: (a) detailed baseline data to benchmark the natural variation in groundwater levels, yield and quality; (b) groundwater impact assessment criteria; (c) a program to monitor the impact of the project on groundwater levels, yield and quality; and (d) procedures for reporting the results of this monitoring.	Compliant	<u>Preparation:</u> (a) WMP Section 9.1. (b) WMP Section 9.3.2. (c) WMP Section 9.3. (d) WMP Section 9.4. <u>Observation:</u> Section 9.4 of the WMP does not include reporting via Annual Reviews. <u>Implementation:</u> * Groundwater extraction results included in the 2016, 2017 and 2018 Annual Reviews.	* Include in Section 9.4 of the Water Management Plan reporting of ground water results in Annual Reviews.																		
REHABILITATION																						
13	The Proponent must rehabilitate the site to the satisfaction of the Secretary and DRE. Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, the Statement of Commitments and the following objectives in Table 2 below.	Not Triggered	Rehabilitation has not been undertaken at the site based on discussions with the Environment and Community Co-ordinator.																			
	<table><tr><td colspan="2">Table 2: Rehabilitation Objectives</td></tr><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>Rehabilitation materials</td><td><ul style="list-style-type: none">Materials (including topsoils, substrates and seeds of the disturbed area) are recovered, appropriately managed and used effectively as resources in the rehabilitation.</td></tr><tr><td>Surface Infrastructure</td><td>To be decommissioned and removed, unless the DRE 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">local native plant species (unless the DRE agrees otherwise); anda landform consistent with the surrounding environment.</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">the owner agrees otherwise; orthe damage is fully restored, repaired or compensated under the Mine Subsidence Compensation Act 1961.</td></tr><tr><td>Community</td><td>Ensure public safety.</td></tr></table>	Table 2: Rehabilitation Objectives		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).	Rehabilitation materials	<ul style="list-style-type: none">Materials (including topsoils, substrates and seeds of the disturbed area) are recovered, appropriately managed and used effectively as resources in the rehabilitation.	Surface Infrastructure	To be decommissioned and removed, unless the DRE 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">local native plant species (unless the DRE agrees otherwise); anda landform consistent with the surrounding environment.	Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: <ul style="list-style-type: none">the owner agrees otherwise; orthe damage is fully restored, repaired or compensated under the Mine Subsidence Compensation Act 1961.	Community	Ensure public safety.	Not Triggered	Rehabilitation has not been undertaken at the site based on discussions with the Environment and Community Co-ordinator.	
Table 2: Rehabilitation Objectives																						
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Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: <ul style="list-style-type: none">the owner agrees otherwise; orthe damage is fully restored, repaired or compensated under the Mine Subsidence Compensation Act 1961.																					
Community	Ensure public safety.																					
13A	The Proponent 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, as soon as reasonably practicable, to the satisfaction of the Secretary and DRE.	Compliant	* Rehabilitation has not been undertaken based on discussions with the Environment and Community Co-ordinator. * During site inspection noted: - Water cart used on site to reduce dust; and - Majority of the pit top is concreted.																			
Land Management Plan																						
14	The Proponent must prepare a detailed Land Management Plan for the site to the satisfaction of the Secretary and DRE. This plan must: (a) be submitted to the Secretary by the end of September 2008; (b) be prepared by suitably qualified expert/s whose appointment/s have been endorsed by the Secretary; (c) be prepared in consultation with DRE, OEH and affected councils; and (d) include measures to: • minimise visual impacts; • control weeds, feral pests and access; and • manage bushfires; and (e) provide details of who is responsible for monitoring, reviewing and implementing the plan. Prior to the end of April 2016, the Proponent 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 Secretary for approval. The Proponent must implement the approved management plan as approved from time to time by the Secretary.	Compliant	<u>Preparation:</u> (a) Approval letter from DPE dated 27 May 2016 for the Land Management Plan (LMP). (b) LMP Section 1.2. (c) LMP Section 1.2. (d) LMP Section 3.1 and 3.2, 4, 5 and 6. * The Bushfire Management Plan is not attached to the LMP. (e) LMP Section 8. <u>Implementation:</u> * Visual screen sighted during the field inspection * External lighting audit undertaken in 2016, as discussed in 2016 Annual Review * Weed management undertaken at site, per 2016, 2017 and 2018 Annual Reviews	* Attach the Bushfire Management Plan to the Land Management Plan																		
14A	The Proponent 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 OEH and to the satisfaction of the Secretary.	Compliant	Letter dated 1 December 2016 regarding LakeCoal preferred option (Option 2)																			
Rehabilitation Plan																						

Condition Number	Condition	Compliance Status	Evidence	Recommended Action								
15	<p>The Proponent must prepare a Rehabilitation Plan for the site to the satisfaction of the DRE. This plan must:</p> <p>(a) be submitted within 3 months of approval of Mod 2 for approval by DRE prior to carrying out any disturbing activities of the development, unless otherwise agreed by the Secretary;</p> <p>(b) be prepared in accordance with DRE guidelines and in consultation with the Department, OEH, EPA, DPI 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 approval; 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>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</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 project, will satisfy the requirements of this condition for a Rehabilitation Plan.</p>	Compliant	<p><u>Preparation:</u></p> <p>(a) 2015-2018 MOP, dated 1 April 2015, approved by DPE on 27 March 2015 according to LakeCoal email dated 4 March 2016.</p> <p>* Approval letter from Resources Regulator dated 26 September 2018 for 2018-2020 MOP.</p> <p>* Rehabilitation Plan covered by sites Mining Operations Plans (MOPs).</p> <p>(b) 2018-2020 MOP has been prepared generally in accordance with DRE (now Resources Regulator) ESG3: MOP Guidelines, dated September 2013.</p> <p>Prepared in consultation with the Department, OEH, EPA, DPI Water, affected councils and the mine's CCC - Refer to Section 1.4.3 of 2018-2020 MOP.</p> <p>(c) Section 4.1 of 2018-2020 MOP.</p> <p>(d) Section 3.2 of 2018-2020 MOP.</p> <p>(e) Section 1.4.4, 4, 5.2, 6 and 8 of 2018-2020 MOP.</p> <p><u>Implementation:</u></p> <p>* Domains sighted during site inspection and appear to be in accordance with the domains depicted on the MOP Plans in the 2018-2020 MOP.</p> <p>* During site inspection determined all areas associated with Mannering Colliery are operational. No rehabilitation has been undertaken. This is in accordance with the 2018-2020 MOP.</p>									
AIR QUALITY												
Impact Assessment Criteria												
16	<p>The Proponent 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>	Compliant	<p><u>Preparation:</u></p> <p>* Air Quality Management Plan (AQMP), dated December 2012, prepared.</p> <p>* AQMP approved by DPE on 20 October 2008, according to LakeCoal email dated 4 March 2016</p> <p>* Dust control measures included in Section 4 of the AQMP</p> <p>* <u>Observation:</u> The AQMP hasn't been reviewed since December 2012, however this condition doesnt refer to the management plan (therefore compliant). It was not updated following the 2013 or 2016 audits.</p> <p>* <u>Observation:</u> The AQMP doesn't include a plan with the dust monitoring locations and the location of the weather station.</p> <p><u>Implementation:</u></p> <p>* No dust visible dust during the field inspection.</p> <p>* Water cart seen during the site inspection.</p> <p>* The majority of the pit top is either concreted or grassed.</p>	<p>* Update the AQMP</p> <p>* Include in the updated AQMP a plan showing dust monitoring locations and the location of the weather station.</p>								
	<p><i>Table 3: Long term impact assessment criteria for deposited dust</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td>Deposited dust</td><td>Annual</td><td>2 g/m²/month</td><td>4 g/m²/month</td></tr></table> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 1991, AS/NZS 3580.10.1-2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulates - Deposited Matter - Gravimetric Method.</p>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month	Compliant	<p>* According to 2016, 2017 and 2018 Annual reviews no air quality exceedances occurred.</p> <p>* According to the "MANN Monitoring Master Spreadsheet" air quality monitoring data no exceedances of criteria up to and including April 2019</p> <p>* According to the "MANN Monitoring Master Spreadsheet" air quality monitoring data has been continuous up to and including April 2019</p>	
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level									
Deposited dust	Annual	2 g/m ² /month	4 g/m ² /month									
Monitoring												
17	<p>The Proponent must prepare an Air Quality Monitoring Program for the project to the satisfaction of the Secretary. This program must:</p> <p>(a) be submitted to the Secretary by the end of September 2008; and</p> <p>(b) use dust deposition gauges to monitor the performance of the project.</p> <p>The Proponent must implement the approved monitoring program as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <p>* Air Quality Monitoring Program included as Section 3 of the AQMP, dated December 2012. This is too long between reviews. It was not updated following the 2013 or 2016 audits.</p> <p><u>Admin Non - Compliance.</u></p> <p>* AQMP approved by DPE on 20 October 2008, according to LakeCoal email dated 4 March 2016.</p> <p>* List of dust deposition gauges included in Section 3 of the AQMP.</p> <p><u>Implementation:</u></p> <p>* Monitoring results from deposition gauges reported in the 2016, 2017 and 2018 Annual Reviews.</p>									
Heritage												
Heritage Management Plan												

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
18	<p>The Proponent must prepare a Heritage Management Plan for the project to the satisfaction of the Secretary. This Plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with any relevant Aboriginal stakeholders; (b) be submitted, prior to 31 March 2013, for approval to the Secretary; (c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site; (d) detail the responsibilities of all stakeholders; and (e) include programs/procedures and management measures for: <ul style="list-style-type: none"> • dealing with previously unidentified Aboriginal objects (excluding human remains), including any need to halt works in the vicinity, assessment of significance, determination of appropriate mitigation measures (by a qualified archaeologist in consultation with Aboriginal stakeholders), re-commencement of works, notifying OEH, and registering the new site(s) in the OEH AHIMS register; • dealing with any human remains which may be discovered, including halting of works in the vicinity; notifying NSW Police, OEH, the Department and Aboriginal stakeholders; and not re-commencing any works in the vicinity unless authorised; • heritage induction for construction personnel (including procedures for keeping records of inductions); • ongoing Aboriginal consultation and involvement (including procedures for keeping records of this); • appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site; and • dealing with previously unidentified non-Aboriginal heritage items which may be discovered during the project. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> * Approval letter from DPE dated 26/11/2012 for Aboriginal Cultural Heritage Management Plan (ACHMP) (dated November 2012). It was not updated following the 2013 or 2016 audits. <u>Admin Non - Compliance.</u> * Approval letter from DPE dated 10 September 2013 for Non-Indigenous Heritage Management Plan (dated February 2013). (a) ACHMP - Section 6.0. (b) N/A - Outside of the audit period. (c) ACHMP - Attachment 3. Non-Indigenous Heritage Management Plan - Section 4. (d) ACHMP - Section 16. Non-Indigenous Heritage Management Plan - Section 3. (e) ACHMP - Section 6, 7, 13 and 17.2. Non-Indigenous Heritage Management Plan - Section 3, 6.1 & 6.2. <p>* <u>Observation:</u> ACHMP was last updated November 2012 and is labelled Centennial and contains areas which are not relevant to the Mannering site.</p> <p>* <u>Observation:</u> Non-Indigenous Heritage Management Plan was last updated February 2013 is labelled Centennial.</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> * ACHMP & Non-Indigenous Heritage Management Plan appear to have been implemented during the audit period, with no complaints or incidents related to heritage recorded in the 2016, 2017 and 2018 Annual Reviews and Complaints Log. 	<ul style="list-style-type: none"> * Update the ACHMP to make it reflective of the Mannering site only. * Update the Non-Indigenous Heritage Management Plan
VISUAL				
19	<p>The Proponent must:</p> <ul style="list-style-type: none"> (a) ensure no outdoor lights shine above the horizontal; (b) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting; (c) take all practicable measures to mitigate off-site lighting impacts from the project; and (d) minimise the visual impacts of the project, to the satisfaction of the Secretary. 	Compliant	<ul style="list-style-type: none"> * Lighting audit undertaken in December 2016 by Light Studio 21 . * The lighting audit concluded that all lighting at Mannering Colliery complies with the Australian Standard 4282 – Control of Obtrusive Lighting Effects of outdoor lighting. * No lighting complaints received during the reporting period. 	
TRANSPORT				
Monitoring of Coal Transport				
20	The Proponent must keep records of the amount of coal transported from the site each year, and include these records in the Annual Review.	Compliant	<ul style="list-style-type: none"> * 2016, 2017 and 2018 Annual Reviews state the amount of coal transported from the site each year. * 2016 - 93,972 tonnes * 2017 - 522,132 tonnes * 2018 - 394,213 tonnes 	
Ruttleys Road Intersection				
21	<p>The Proponent must:</p> <ul style="list-style-type: none"> (a) complete a road safety audit of the intersection of Ruttleys Road and Mannering Colliery Access Road by the end of March 2009; (b) provide copies of this audit to RMS, Central Coast Council and the Secretary within one month of its completion; and (c) within 3 months of approval of Mod 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; (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 (e) prior to the number of workers (direct employees and contractors) at Mannering Colliery exceeding 70, the Proponent 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; to the satisfaction of the Secretary. 	Compliant	<ul style="list-style-type: none"> (a)(b)(c) Not triggered - outside of audit period (d) Email regarding Annual Road Maintenance Agreement Costs for the 2016 Period, dated 23 January 2017 * Road Maintenance Agreement dated 1 July 2013. e) Not triggered-not more than 70 workers during audit period 	
GREENHOUSE AND ENERGY EFFICIENCY				
22	<p>The Proponent must prepare a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> (a) be prepared in consultation with EPA and generally in accordance with the Guidelines for Energy Savings Action Plans (DEUS 2005, or its latest version); (b) be submitted to the Secretary for approval by the end of September 2008; (c) include a program to monitor greenhouse gas emissions and energy use generated by the project; (d) include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use at the site; and (e) describe how the performance of these measures would be monitored over time. <p>The Proponent must implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> (a) N/A - Prepared outside of audit period (b) Energy Savings Action Plan (ESAP) was approved by DPE on 20 October 2008 according to LakeCoal email dated 4 March 2016 (c) ESAP - Page 17, 22 (d) ESAP - Page 4 (e) ESAP - Page 4 <p><u>Admin Non-Compliant:</u> The methodology to monitor greenhouse gas emissions generated by the project is not clearly stated in the ESAP.</p> <ul style="list-style-type: none"> * The ESAP has not been reviewed since 2008 and is labelled Centennial Mannering <p><u>Implementation:</u></p> <ul style="list-style-type: none"> *According to site communications, energy savings due to minor operations completed during the audit period *Greenhouse gas emissions reported in 2016, 2017 and 2018 Annual Reviews. 	<p>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).</p>

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
WASTE				
23	The Proponent must: (a) monitor the amount of waste generated by the project; (b) investigate ways to minimise waste generated by the project; (c) implement reasonable and feasible measures to minimise waste generated by the project; and (d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.	Compliant	(a) The amount of waste generated by the project is reported in the 2016, 2017 and 2018 Annual Reviews (b)(c) As sited during the inspection, Waste material generated by the project and brought to the surface is currently being sorted. Bins for scrap material and recycle bins for co-mingled waste sited during the field inspection. (d) Waste management and minimisation is reported in the 2016, 2017 and 2018 Annual Reviews. 2016 & 2017 Annual Reviews approved by DPE. <u>Observation:</u> Waste storage area contains a number of stockpiles of rubbish being sorted for recycling/disposal.	* Finish sorting out the piles of reject and rubbish at the pit top area. * Undertake contaminated sites/waste material assessment at the waste stockpile area. * 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. * Install signage at the landfarm material at the pit top.
SCHEDULE 4 - ADDITIONAL PROCEDURES				
INDEPENDENT REVIEW				
1	If a landowner considers the project to be exceeding the impact assessment criteria in schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the project on his/her land. If the Secretary is satisfied that an independent review is warranted, the Proponent must within 2 months of the Secretary's decision: (a) consult with the landowner to determine his/her concerns; (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to conduct monitoring on the land, to: • determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and • identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and • give the Secretary and landowner a copy of the independent review.	Not Triggered	Landowner has not requested an Independent Review to be undertaken by DPE but DPE is undertaking their own	
2	If the independent review determines that the project is complying with the relevant impact assessment criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.	Not Triggered	As above	
3	If the independent review determines that the project is not complying with the relevant impact assessment criteria in schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent must: (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and (b) conduct further monitoring to determine whether these measures ensure compliance. If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Secretary.	Not Triggered	As above	
4	If the independent review determines that the relevant criteria in schedule 3 are being exceeded, but that more than one project is responsible for this non-compliance, then the Proponent must, together with the relevant project/s: (a) take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and (b) conduct further monitoring to determine whether these measures ensure compliance; or (c) secure a written agreement with the landowner and other relevant projects to allow exceedances of the criteria in schedule 3, to the satisfaction of the Secretary. If the additional monitoring referred to above subsequently determines that the projects are complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the Secretary.	Not Triggered	As above	
5	If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Secretary for resolution. If the matter cannot be resolved within 21 days, the Secretary shall refer the matter to an Independent Dispute Resolution Process.	Not Triggered	As above	
SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING AND REPORTING				
ENVIRONMENTAL MANAGEMENT				
Environmental Management Strategy				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1	<p>The Proponent must revise an Environmental Management Strategy for the project. This strategy must:</p> <ul style="list-style-type: none"> (a) be submitted for approval to the Secretary prior to 30 June 2013; (b) provide the strategic framework for the environmental management of the project; (c) identify the statutory approvals that apply to the project; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project; (e) describe the procedures that would be implemented to: <ul style="list-style-type: none"> • keep the local community and relevant agencies informed about the operation and environmental performance of the project; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the project; • respond to any non-compliance; and • respond to emergencies; and (f) include: <ul style="list-style-type: none"> • copies of any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this approval. <p>The Proponent must implement the approved management strategy as approved from time to time by the Secretary.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> * Approval letter from DPE dated 10 September 2013 for the Environmental Management Strategy (EMS). It was not updated following the 2013 or 2016 audits. <u>Admin Non - Compliance.</u> (a) EMS submission letter dated 26 June 2013 (b) EMS - Section 1.0 (c) EMS - Section 4.0 (d) EMS - Section 5.0 (e) EMS - Section 8.1, 8.2, 8.3, 8.6 and 8.7 (f) EMS - Section 9.0, 12.0 and copies of management plans maintained on the Mannering Colliery website <p><u>Admin Non-compliant:</u> Table 9 and 10 list the incorrect monitoring frequency for conductivity, TSS, pH and Oil & Grease</p> <p><u>Observation:</u> The EMS was last reviewed in September 2013 and is labelled Centennial Mannering</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> * Results from environmental monitoring (dust, noise, surface water and groundwater) reported in 2016, 2017 and 2018 Annual Reviews. * Management plans reviewed and assessed as part of this audit. * Complaints/Incidents Register for Mannering maintained. * 2 April 2019 non-compliance (TSS exceedance) reported to EPA. 	<ul style="list-style-type: none"> * Review the Environmental Management Strategy (EMS). * Include in the reviewed EMS the incorrect monitoring frequency for conductivity, TSS, pH and Oil & Grease
Management Plan Requirements				
2	<p>The Proponent must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> • impacts and environmental performance of the project; • effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (f) a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and (g) a protocol for periodic review of the plan. <p>Note: The Secretary may waive some of these requirements if they are unnecessary for particular management plans.</p>	Administrative Non-Compliance	<ul style="list-style-type: none"> (a) WMP: Section 8.2, LMP: Section 6.1, ACHMP: Attachment 3, Non-Indigenous CHMP: Section 4.0 & 5.0 (b) WMP: Section 4.0 & 8.0, LMP: Section 2, ACHMP: Attachment 3, Non-Indigenous CHMP: Section 1.2 (c) WMP: Section 8.0 & 9.0, LMP: Section 4.4 & 6.2, ACHMP: Attachment 3, Non-Indigenous CHMP: Section 6.0 (d) WMP: Section 8.0, 9.3 & 9.4, Non-Indigenous CHMP: Section 7.1 <p><u>Admin Non-compliant:</u> The LMP & ACHMP does not include reporting mechanisms (i.e. Annual Review)</p> <ul style="list-style-type: none"> (e) LMP: Section 9.1, ACHMP: Section 13.0, Non-Indigenous CHMP: Section 6.2 <p><u>Admin Non-compliant:</u> The WMP does not include 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> <ul style="list-style-type: none"> (f) LMP: Section 9.1 & 7.1, ACHMP: Section 13.0 & 18.0, Non-Indigenous CHMP: Section 7.1 <p><u>Admin Non-compliant:</u> The WMP does not include 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.</p> <p><u>Admin Non-compliant:</u> The ACHMP does not include a complaints handling procedure</p> <ul style="list-style-type: none"> (g) a protocol for periodic review of the plan. WMP: Section 11 <p><u>Admin Non-compliant:</u> The ACHMP does not include a protocol for periodic review of the plan.</p> <p><u>Observation:</u> The management plans condition has not been included in regulatory requirements section of the WMP, LMP, ACHMP and Non-Indigenous CHMP</p>	<ul style="list-style-type: none"> * All management plans require updating due to the length of time since the previous reviews. * Ensure there is a cross referencing table covering this condition in management plans. * Additional detail including Trigger, Action, Response Tables (contingency plan) should be developed in the next round of management plan updates. * Include in the LMP and ACHMP reporting mechanisms (i.e. Annual Review) * 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 * 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 * Include a complaints handling procedure in the include ACHMP * Include a protocol for periodic review of the ACHMP * Ensure all management plans required under PA 06_0311 detail and consider the management condition.
Annual Review				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
3	<p>By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must submit a report to the Department reviewing the environmental performance of the project to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current financial year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past calendar year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> the relevant statutory requirements, limits or performance measures/criteria; requirements of any plan or program required under this approval; the monitoring results of previous years; and the relevant predictions in the documents listed in condition 2 of Schedule 2; <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current financial year to improve the environmental performance of the project.</p>	Administrative Non-Compliance	<p><u>Preparation:</u></p> <ul style="list-style-type: none"> * Approval letter from DPE for 2016 Annual Review, dated 6 July 2017. * Approval letter from DPE for 2017 Annual Review, dated 20 March 2018. <p><u>Admin Non-compliant:</u> 2016 Annual Review not submitted by March 31 2017. Submission email from LakeCoal to DPE dated 30 April 2017.</p> <ul style="list-style-type: none"> * Letter from LakeCoal to DPE dated 29 March 2019 stating Annual Review uploaded on the Mannering Colliery website. * Email from LakeCoal to DPE dated 30 March stating Annual Review uploaded on the Mannering Colliery website. <p>(a) Section 2, 5 & 8 - 2016, 2017, 2018 Annual Reviews</p> <p>(b) Section 3 & 4 - 2016, 2017, 2018 Annual Reviews</p> <p><u>Admin Non-compliant:</u> The Annual Reviews do not provide:</p> <ul style="list-style-type: none"> * Clearly state the performance criteria for noise and water quality; * Requirements of plans/programs required under this approval for noise and water quality; * The monitoring results of previous years, for noise and water; and * The relevant predictions in environmental assessments for air quality, noise and water. <p>(c) Executive summary, Section 3 & 7 - 2016, 2017, 2018 Annual Reviews</p> <p>(d) <u>Non-compliant:</u> Trends in the monitoring data (for air quality, noise and water) over the life of the project are not included in the 2016, 2017 and 2018 Annual Reviews.</p> <p>(e) <u>Non-compliant:</u> Discrepancies between the predicted impacts in the EAs (for air quality, noise and water) and actual impacts of the project are not included in the 2016, 2017 and 2018 Annual Reviews.</p> <p>(f) Section 2, 3 & 6 - 2016, 2017 and 2018 Annual Reviews.</p> <p><u>Admin Non-compliant:</u> The Annual Reviews have not been prepared to cover the current Annual Review Guidelines. See link:</p> <p>https://www.planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/~/_media/3AA21D35168042FE813DD0FB92E00E58.ashx</p>	<ul style="list-style-type: none"> * Ensure Annual Reviews are submitted to DPE by 31 March. * Future Annual Reviews should clearly state noise and water quality performance criteria, and provide monitoring results against these. * Include in future Annual Reviews: <ul style="list-style-type: none"> - Requirements of plans/programs required under PA 06_0311 for noise and water quality; - The monitoring results of previous years, for noise and water; - The relevant predictions in environmental assessments for air quality, noise and water; - Trends in the monitoring data for air quality, noise and water, over the life of the project; and - Discrepancies between the predicted impacts in the EAs for air quality, noise and water, and actual impacts of the project. * The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines. * IEA Actions Plans should be included in every Annual Review going forward.
Revision of Strategies, Plans and Programs				
4	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 3 above;</p> <p>(b) the submission of an incident report under Condition 6 below;</p> <p>(c) the submission of an audit under Condition 8 below; or</p> <p>(d) any modification to the conditions of this approval (unless the conditions require otherwise),</p> <p>the Proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</p>	Administrative Non-Compliance	<p><u>Admin Non-compliant:</u> Management plans have not been updated:</p> <p>(a) Within 3 months of the submission of the 2016 and 2017 Annual Reviews;</p> <p>(b) Since the submission of an incident (incidents described in the 2016 and 2017 Annual Reviews);</p> <p>(c) Since the submission of the 2016 IEA by Hansen Bailey; and</p> <p>(d) Since the modification to PA 06_0311 (Mod 4), from August 2016.</p> <p>These management plans include the WMP dated January 2013, LMP dated April 2016, ACHMP dated November 2012 and Non-Indigenous CHMP dated February 2013.</p>	<ul style="list-style-type: none"> * 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. * Develop and implement a plan to update Mannering's Strategies, Plans and Programs
Community Consultative Committee				
5	<p>The Proponent must continue to operate a Community Consultative Committee (CCC) for the project in accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version), and to the satisfaction of the Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> * The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and * In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Councils and the local community. 	Compliant	<ul style="list-style-type: none"> * CCC described in 2016, 2017 and 2019 Annual Reviews: Comprised of an independent chair and appropriate representation from the Proponent, Councils and the local community. * Quarterly CCC meeting minutes from 2016, 2017 and 2018. * CCC is combined for Mannering Colliery and Chain Valley Colliery. 	
REPORTING				
Incident Reporting				
6	<p>The Proponent must notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incidents associated with the project, the Proponent must notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	Administrative Non-Compliance	<p><u>Admin Non-compliant:</u> Noise exceedance on 11 August 2016 reported to DPE on 12 August 2016, according to 2016 Annual Review. Detailed incident report could not be provided by LakeCoal, therefore not able to determine when or if an incident report was submitted.</p> <ul style="list-style-type: none"> * Noise exceedance on 29 August 2018 reported to DPE on same day (email to DPE Compliance Mailbox from LakeCoal dated 29 August 2018). Detailed LakeCoal incident report provided to DPE on 7 September 2018. Compliant as LakeCoal was granted an extension to provide the detailed report, via email from EPA dated 5 September 2016. * Email from LakeCoal to DPE, dated 11 April 2019, reporting TSS exceedance at Point 1 on 2 April 2019. Detailed LakeCoal incident report attached to email. <p><u>Observation:</u> Complaints/incidents register indicates no incidents during the audit period.</p>	<ul style="list-style-type: none"> * Ensure all incidents are reported within the required timeframe. * Ensure the complaints/incidents register includes all incidents.
Operation of Plant and Equipment				
7	<p>The Proponent must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.</p>	Compliant	<p>As of 22 April 2019:</p> <ul style="list-style-type: none"> * Annual Reviews posted on Mannering Colliery website. * Monthly Environmental Report posted on Mannering website. 	
INDEPENDENT ENVIRONMENTAL AUDIT				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
8	By the end of March 2013 and every three years thereafter, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); (d) review the adequacy of any approved strategy/plan/program required under this approval: and, if necessary; (e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, strategy/plan/program required under the abovementioned approvals; and (f) be conducted and reported to the satisfaction of the Secretary. Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.	Compliant	* Last independent environmental audit (IEA) undertaken in 2016 by Hansen Bailey * Hansen Bailey IEA Report dated 26 July 2016 (a) DPE letter dated 28 January 2016 endorsing audit team (Hansen Bailey). (b) Hansen Bailey IEA Report - Section 1.5.3 & Table 4. (c) Hansen Bailey IEA Report - Section 3 & 4 & Appendix E (Table B). (d) Hansen Bailey IEA Report - Section 4 & Appendix E. (e) Hansen Bailey IEA Report - Section 6. (f) DPE approval letter to LakeCoal dated 9 January 2017.	
9	Within 12 weeks of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.	Administrative Non-Compliance	* Correspondence indicating when the Hansen Bailey IEA report was submitted to DPE could not be provided by LakeCoal. Correspondence indicating requesting/granting extension could not be provided. * According to DPE letter dated 28 January 2016 IEA audit was due to be completed on 30 March 2016. * Hansen Bailey IEA report dated July 2016. * Mannering Coal IEA – Response to Audit Recommendations dated 2 September 2016. * Response to Audit Recommendations to accompany submission of IEA Report. * <u>Admin Non-compliant</u> : Hansen Bailey IEA report not submitted within required timeframe.No submission letter provided to SLR. For the 2019 IEA, SLR were endorsed by the DPE on 28 February 2019. SLR were officially commissioned by LakeCoal -Pty Ltd Administrators Appointed on 5 March 2019, when a purchase order was granted. Therefore 12 weeks from this date is 28 May 2019 for submission.	*Ensure future IEA reports are submitted within the required timeframe.
ACCESS TO INFORMATION				
10	The Proponent must: (a) make copies of the following publicly available on its website: • the documents referred to in condition 2 of Schedule 2; • all relevant statutory approvals for the project; • all approved strategies, plans and programs required under the conditions of this approval; • a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any approved plans or programs required under the conditions of this or any other approval; • a complaints register, which is to be updated on a monthly basis; • minutes of CCC meetings; • the annual reviews required under this approval; • any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit; and • any other matter required by the Secretary; and (b) keep this information up-to-date, to the satisfaction of the Secretary.	Administrative Non-Compliance	<u>Admin Non-compliant</u> : The following documents are not included on the project (LakeCoal) website: * The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4); * Up-to-date Complaints Register. The Register only includes complaints up to February 2019; * CCC minutes for 2017, 2018 and 2019; * 2016 Audit Action Plan; * Noise monitoring data not included in the Monthly Website Report; and * 2018 - 2020 MOP. New Delta Coal website checked on 13 May 2018 and the following documents are not included on the website: * The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4); * Complaints Register (link not working); * Noise monitoring data not included in the Monthly Website Report; and * EMS and Management Plans (only PIRMP up on website).	Include the following documentation on the project website: * The documents referred to in condition 2 of Schedule 2 (EAs for the original project and Mod 1 - Mod 4); * Up-to-date Complaints Register. The Register only includes complaints up to February 2019; * CCC minutes for 2017, 2018 and 2019; * 2016 Audit Action Plan; * Noise monitoring data not included in the Monthly Website Report; and * 2018 - 2020 MOP.
APPENDIX 4A: NOISE COMPLIANCE ASSESSMENT				
Applicable Meteorological Conditions				
1	The noise criteria in Tables 1 and 2 in Appendix 4B are to apply under all meteorological conditions except the following: (a) wind speeds greater than 3m/s at 10 metres above ground level; (b) stability category F temperature inversion conditions and wind speeds greater than 2 m/s at 10 m above ground level; or (c) stability category G temperature inversion conditions.	Note		
Determination of Meteorological Conditions				
2	Except for wind speed at microphone height, the data to be used for determining meteorological conditions must be that recorded by the meteorological station located on the site.	Compliant	Meteorological station located on the site.	
Compliance Monitoring				
3	Attended monitoring is to be used to evaluate compliance with the relevant conditions of this approval.	Compliant	Attended monitoring included in 2016, 2017 and 2018 Annual Reviews	
4	This monitoring must be carried out at least once a month (at least two weeks apart) for the first 12 months following recommencement of underground coal extraction, and then quarterly thereafter, unless the Secretary directs otherwise. Note: The Secretary may direct that the frequency of attended monitoring increase or decrease at any time during the life of the project.	Compliant	* According to 2016 Annual Review monthly noise monitoring commenced after the recommencement of mining operations. May 2016 to December 2016 noise monitoring results included in the Annual Review. Operations recommenced in May 2016, according to the 2016 Annual Review and confirmed by site communications. * Monitoring results included in 2017 & 2018 Annual Review.Based on the recommencement of operations (May 2016) monitoring should have been completed monthly until May 2017. Monthly monitoring completed in 2016 and 2017. * "Mannering Colliery Quarterly Attended Noise Monitoring Quarter 1 - 2019" report	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																																																		
5	Unless the Secretary agrees otherwise, this monitoring is to be carried out in accordance with the relevant requirements for reviewing performance set out in the NSW Industrial Noise Policy (as amended from time to time), in particular the requirements relating to: (a) monitoring locations for the collection of representative noise data; (b) meteorological conditions during which collection of noise data is not appropriate; (c) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; and (d) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration	Compliant	Mannering Colliery Quarterly Attended Noise Monitoring Quarter 1 - 2019" report, "Mannering Colliery Environmental Noise Monitoring, April 2018" report and "Mannering Colliery Environmental Noise Monitoring, February 2017" report reference NSW Industrial Noise Policy, for noise assessment methodology.																																																			
APPENDIX 4B: ALTERNATE NOISE CONDITIONS																																																						
1	From the recommencement of underground coal extraction at Mannering Colliery until 18 months thereafter, the Proponent must ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land.	Note																																																				
	<p><i>Table 1: Noise limits dB(A)</i></p> <table> <tr> <th>Day <i>L_{Aeq}(15 min)</i></th><th>Evening <i>L_{Aeq}(15 min)</i></th><th colspan="2">Night <i>L_{Aeq}(15 min)</i> <i>L_{A1}(1 min)</i></th><th>Location</th></tr> <tr><td>40</td><td>40</td><td>40</td><td>49</td><td>4 – di Rocco</td></tr> <tr><td>43</td><td>43</td><td>41</td><td>49</td><td>5 – Keighran</td></tr> <tr><td>42</td><td>42</td><td>41</td><td>49</td><td>6 – Swan</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>47</td><td>7 – Drutt</td></tr> <tr><td>46</td><td>46</td><td>46</td><td>47</td><td>8 – May</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>51</td><td>9 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>49</td><td>11 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>51</td><td>18 – Jeans</td></tr> <tr><td>40</td><td>40</td><td>40</td><td>51</td><td>20 – Knight and all other Chain Valley Bay residences</td></tr> </table> <p><i>Note: The location of the land referred to in Table 1 is shown on the figure in Appendix 4.</i></p>	Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night <i>L_{Aeq}(15 min)</i> <i>L_{A1}(1 min)</i>		Location	40	40	40	49	4 – di Rocco	43	43	41	49	5 – Keighran	42	42	41	49	6 – Swan	39	39	39	47	7 – Drutt	46	46	46	47	8 – May	41	41	41	51	9 – Jeans	39	39	39	49	11 – Jeans	39	39	39	51	18 – Jeans	40	40	40	51	20 – Knight and all other Chain Valley Bay residences	Non-Compliant (Low Risk)	<p>* Recommencement of underground coal extraction at Mannering Colliery until 18 months thereafter is; April 2016 till October 2017.</p> <p>* Non-compliant: According to 2016 Annual Review, on 12 August 2016 LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016 for Mannering Colliery.</p> <p>* Noise complaints increased during the audit period, with 0 noise complaints in 2016 and 2017, but 10 complaints in 2018, and 10 complaints from January 2019 to March 2019.</p>	<p>* Continue to undertake noise monitoring.</p> <p>* Undertake follow-up actions if noise exceedances occur.</p> <p>* Continue to manage noise complaints.</p> <p>* Prepare a report to determine what further actions can be undertaken to reduce noise exceedances and noise complaints.</p>
Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night <i>L_{Aeq}(15 min)</i> <i>L_{A1}(1 min)</i>		Location																																																		
40	40	40	49	4 – di Rocco																																																		
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40	40	40	51	20 – Knight and all other Chain Valley Bay residences																																																		
	<p>Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy (as may be updated from time-to-time). Appendix 4A sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</p> <p>However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Note																																																				
2	Following the expiry of the 18 month period referred to in condition 1 above, the Proponent must ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 2 at any residence on privately-owned land.	Note																																																				
	<p><i>Table 2: Noise limits dB(A)</i></p> <table> <tr> <th>Day <i>L_{Aeq}(15 min)</i></th><th>Evening <i>L_{Aeq}(15 min)</i></th><th colspan="2">Night <i>L_{Aeq}(15 min)</i> <i>L_{A1}(1 min)</i></th><th>Location</th></tr> <tr><td>40</td><td>40</td><td>40</td><td>49</td><td>4 – di Rocco</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>49</td><td>5 – Keighran</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>49</td><td>6 – Swan</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>47</td><td>7 – Drutt</td></tr> <tr><td>45</td><td>45</td><td>43</td><td>47</td><td>8 – May</td></tr> <tr><td>41</td><td>41</td><td>41</td><td>51</td><td>9 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>49</td><td>11 – Jeans</td></tr> <tr><td>39</td><td>39</td><td>39</td><td>51</td><td>18 – Jeans</td></tr> <tr><td>40</td><td>40</td><td>40</td><td>51</td><td>20 – Knight and all other Chain Valley Bay residences</td></tr> </table> <p><i>Note: The location of the land referred to in Table 2 is shown on the figure in Appendix 4.</i></p>	Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night <i>L_{Aeq}(15 min)</i> <i>L_{A1}(1 min)</i>		Location	40	40	40	49	4 – di Rocco	41	41	41	49	5 – Keighran	41	41	41	49	6 – Swan	39	39	39	47	7 – Drutt	45	45	43	47	8 – May	41	41	41	51	9 – Jeans	39	39	39	49	11 – Jeans	39	39	39	51	18 – Jeans	40	40	40	51	20 – Knight and all other Chain Valley Bay residences	Non-Compliant (Low Risk)	<p>Non-compliant: According to 2016 Annual Review, on 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring.</p> <p>* Noise complaints increased during the audit period, with 0 noise complaints in 2016 and 2017, but 10 complaints in 2018, and 10 complaints from January 2019 to March 2019.</p>	<p>* Continue to undertake noise monitoring.</p> <p>* Undertake follow-up actions if noise exceedances occur.</p> <p>* Continue to manage noise complaints.</p> <p>* Prepare a report to determine what further actions can be undertaken to reduce noise exceedances and noise complaints.</p>
Day <i>L_{Aeq}(15 min)</i>	Evening <i>L_{Aeq}(15 min)</i>	Night <i>L_{Aeq}(15 min)</i> <i>L_{A1}(1 min)</i>		Location																																																		
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	<p>Noise generated by the project is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy (as may be updated from time-to-time). Appendix 4A sets out</p> <p>the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.</p> <p>However, these criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Note																																																				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
3	<p>The Proponent must prepare a report on all noise mitigation measures required to achieve the noise limits in Table 2 to the satisfaction of the Secretary. This report must:</p> <p>(a) be prepared by a suitably qualified and experienced acoustic consultant whose appointment has been approved by the Secretary;</p> <p>(b) be prepared in consultation with EPA, and submitted to the Department for approval within 6 months after recommencement of underground coal extraction; and</p> <p>(c) include an action plan for the implementation of any reasonable and feasible recommendations of the report.</p> <p>The Proponent must implement the noise mitigation measures prior to the expiry of the 18 month period referred to in condition 1 above.</p>	Non-Compliant (Low Risk)	<p>* The Preliminary Noise Mitigation Options Report for the Mannering Colliery - Continuation of Mining Project dated 31 May 2017, prepared by Atkins Acoustics and Associates Pty Ltd could not be provided to SLR from Lake Coal</p> <p>* DPE approval letter dated 9 June 2017, for the Preliminary Noise Mitigation Options Report.</p> <p><u>Admin non-compliant:</u> Acoustic consultant was not endorsed by DPE</p> <p><u>Non-compliant:</u> Noise mitigation measures required to be undertaken by October 2017. According to site communications these mitigation measures were undertaken from 2017 to February 2019.</p>	
4	<p>The Proponent must prepare a Noise Compliance Report for the project to the satisfaction of the Secretary. The report must:</p> <p>(a) be prepared by a suitably qualified acoustic consultant, whose appointment has been approved by the Secretary;</p> <p>(b) be prepared in consultation with EPA, and be submitted for approval within 6 months of the expiry of the 18 month period referred to in condition 1 above; and</p> <p>(c) investigate and evaluate the effectiveness of the noise mitigation measures required under condition 3 and compliance with the noise limits in Table 2.</p>	Non-Compliant (Low Risk)	<p>(a) <u>Non-compliant:</u> Letter of endorsement for EMM to undertake the 2019 Noise Mitigation Study could not be found by LakeCoal.</p> <p>(b) <u>Non-compliant:</u> The Noise Mitigation Study was not prepared in consultation with EPA and was not submitted for approval by March 2018.</p> <p>(c) According to the EMM Noise Mitigation Study dated March 2019:</p> <ul style="list-style-type: none"> -Noise mitigation works implemented by the previous operators in 2018 have decreased site noise emission levels at all neighbouring noise-sensitive receivers. -Current and proposed MC noise emissions are predicted to comply with the relevant long-term noise criteria outlined in MP 06_0311 at all assessment locations under worst case meteorological conditions. -L_Amax noise level events at the site are also predicted to remain below the relevant sleep disturbance criteria. 	

Statement of Commitments and Noise Compliance Conditions

Condition Aspect	Condition	Compliance Status	Evidence	Recommended Action
Appendix 3 - Statement of Commitments				
Revised Statement of Commitments (December 2015) - Revised Statement of Commitments				
Subsidence	Mining to be limited to the approved bord-and-pillar method where coal recovery is limited to first workings only. Monitoring of the existing subsidence monitoring marks will continue and additional subsidence monitoring marks will be installed above the proposed mining areas to measure the subsidence and verify that subsidence is within the predicted levels. If it is identified that subsidence levels are greater than the predicted maximum of 20 millimetres, the DTIRIS Minerals Division will be consulted to determine appropriate management and mitigation actions.	Compliant	<p>* 2016 & 2017 Annual Reviews confirm bord-and-pillar method was used for coal recovery.</p> <p>* 2016 & 2017 Annual Reviews confirm additional subsidence monitoring marks were installed above the proposed mining areas.</p> <p>* 2016 & 2017 Annual Reviews state "No discernible subsidence impact from the LRP workings was observed during the reporting period." and subsidence monitoring results for Mannering Colliery included in the reports. Based on a review of monitoring results provided in Annual Review all results appear below the 20mm trigger.</p> <p><u>Observation:</u> The 2016 & 2017 Annual Reviews do not indicate where the subsidence monitoring data originated from and who undertook the subsidence monitoring.</p>	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
Water Management	LakeCoal will undertake a review of the existing site water management system in consultation with the EPA. The water level within the sediment pond system will be monitored and kept at a relatively low operating level, such that the ponds can provide a detention function in a significant rainfall event. A visual assessment of the unnamed creek will be undertaken every 6 months to monitor stability and erosion. Where practicable, underground water levels will be recorded to monitor changes in the level of water stored in underground depressions and to verify that the rate of extraction is sufficient. The extraction of underground water from the mine workings will be undertaken in accordance with the Bore License (20BL172016) issued under the Water Act 1912. To enable on-going assessment of the quality of water discharged, the existing monitoring program will be maintained for the life of the Project with the following enhancements: <ul style="list-style-type: none">• An assessment of the surrounding catchments summarising land uses and other background information to characterise an appropriate water quality; and• Annual monitoring of heavy metals at the monitoring location identified as 'Downstream'.	Non-Compliant (Low Risk)	<p>* During site inspection noted that the sediment pond system has freeboard.</p> <p><u>Non-compliant:</u> Visual assessment of the unnamed creek is not undertaken every 6 months to monitor stability and erosion. This requirement is included in the WMP.</p> <p>*2016, 2017 & 2018 Annual Reviews describe: -Groundwater extraction from bore 20BL172016. -Monitoring of groundwater extraction. -Section 8.2 of the WMP provides background information of the water quality of the unnamed creek. <u>Non-compliant:</u> Annual monitoring (i.e. monitoring every 12 months) of heavy metals not undertaken at the monitoring location identified as "Downstream". -ALS analytical results dated 18 April 2017, 22 November 2018, 12 March 2019, and include analysis results for heavy metals for monitoring location "Downstream".</p> <p><u>Observation:</u> Monitoring results for the "Downstream" monitoring location is not included in Annual Reviews.</p>	<p>*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.</p> <p>*Include results of the visual assessment of the unnamed creek in Annual Reviews. Include a reference again previous results.</p> <p>* Ensure monitoring undertaken at the "Downstream" monitoring location is undertaken every 12 months.</p> <p>* Include analysis results from monitoring undertaken at the "Downstream" monitoring location in Annual Reviews.</p>
Terrestrial Ecology	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	<p>* Weed management described in 2016, 2017 & 2018 Annual Reviews.</p> <p>* During site inspection noted: -Weed management is being undertaken at the site; and -Large trees are retained at the site.</p> <p>* No disturbance at site during the audit period, according to 2016, 2017 & 2018 Annual Reviews.</p> <p>* Letter dated 1 December 2016 regarding LakeCoal preferred option (Option 2)</p> <p>* According to 2016, 2017 & 2018 Annual Reviews no discernible subsidence impact from the Link Road Project (LRP) workings was observed during the audit period.</p>	
Aquatic Ecology	If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to aquatic ecology.	Compliant	According to 2016, 2017 & 2018 Annual Reviews no discernible subsidence impact from the Link Road Project (LRP) workings was observed during the audit period.	

Condition Aspect	Condition	Compliance Status	Evidence	Recommended Action
Aboriginal Heritage	Activities will continue to be managed in accordance with the Colliery's Aboriginal Cultural Heritage Management plan (ACHMP). Given the Colliery's current ACHMP is integrated with other Centennial sites, a separate ACHMP will be developed. If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to cultural heritage in consultation with OEH. All relevant Centennial Mannering staff and contractors will be made aware of their statutory obligations for Aboriginal cultural heritage under the NP&W Act as part of the existing mine induction process. An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed and implemented for the identified Aboriginal heritage items within the Project Site in consultation with the relevant Aboriginal stakeholders. If additional sites are identified they will be assessed for cultural significance and be incorporated into the ACHMP. In the unlikely event that skeletal remains are identified, the NSW Police Coroner will be contacted to determine if the material is of Aboriginal origin. If determined to be Aboriginal, contact will be made with the OEH, a suitably qualified archaeologist and representatives of the relevant Aboriginal stakeholder groups to determine an action plan for the management of the skeletal remains and formulate management recommendations if required.	Administrative Non-Compliance	<u>Admin non-compliant:</u> A separate ACHMP has not been developed. It still covers other Centennial sites. * Mine-induced subsidence levels do not exceed 20 millimetres * "Lake Coal Surface Generic Surface Induction" and "Environmental Awareness Training" Assessment includes Aboriginal heritage aspects * Aboriginal Cultural Heritage Management Plan (ACHMP) developed for the identified Aboriginal heritage items within the Project Site. * ACHMP prepared in consultation with the relevant Aboriginal stakeholders (refer to Section 2.0).	
European Heritage	The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.	Administrative Non-Compliance	* Mine-induced subsidence levels do not exceed 20 millimetres * <u>Admin Non-compliant:</u> "Lake Coal Surface Generic Surface Induction" and "Environmental Awareness Training" Assessment does not include European heritage aspects.	Include European heritage aspects in the "Lake Coal Surface Generic Surface Induction" and "Environmental Awareness Training" Assessment
Air Quality	A review of dust management strategies and mitigation measures will be undertaken against the best practice dust mitigation measures identified in the NSW Coal Mining Benchmarking Study: International Best Practice Measures to Prevent and/or Minimise Emissions of Particulate Matter from Coal Mining (Katestone Environmental Pty Ltd 2011), which was prepared for OEH. The review will identify any additional dust management practices that are reasonable and feasible for implementation at Mannering Colliery and will be undertaken generally in accordance with any requirements of a pollution reduction program that may be imposed by the OEH on the Mannering Colliery EPL in the future.	Compliant	Outside of the audit period. This document would need to have been prepared for the previous mining lease renewal. The CCL 719 was renewed by the RR in a letter dated 2 October 2015.	
Traffic	Centennial Mannering will upgrade the Rutleys Road - Mannering Colliery Access Road intersection to improve safety and operational efficiency.	Not Triggered	According to site communications and the 2016, 2017 & 2018 Annual Reviews an upgrade to the Rutleys Road - Mannering Colliery Access Road intersection was not undertaken during the audit period.	
Socio-Economic	Centennial Mannering is committed to on-going community consultation and will continue to engage the community for the purposes of providing information relating to on-going operations and the Extension of Mine Project.	Compliant	* CCC described in 2016, 2017 and 2019 Annual Reviews. * Quarterly CCC meeting minutes from 2016, 2017 and 2018 * CCC is combined for Mannering Colliery and Chain Valley Colliery	
Rehabilitation	Rehabilitation will be undertaken in accordance with the Colliery's mining operations plan, which will be updated to include any changes as a result of the proposed modification. The Mining Operations Plan will be amended to reflect the proposed modification and will include integrated rehabilitation and environmental management.	Compliant	* Rehabilitation has not been undertaken at the site * The 2018 - 2020 Mining Operations Plan (MOP) reflects Mod 4 and includes integrated rehabilitation and environmental management.	
Monitoring	The Environmental Monitoring Program will be reviewed and updated, as required, to incorporate the commitments made in the Environmental Assessment and any additional consent conditions.	Administrative Non-Compliance	The Environmental Monitoring Program has not been reviewed and updated since November 2011, and does not to incorporate the commitments made in the Environmental Assessments (EAs) for Mod 1, Mod 2, Mod 3 & Mod 4, and any additional consent conditions (for these modifications).	* 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).

Environment Protection Licence

Condition Number	Condition	Compliance Status	Evidence	Recommended Action									
1 Administrative Conditions													
A1	What the licence authorises and regulates	Note											
A1.1	<p>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>	Note											
	<table><tr><th>Scheduled Activity</th><th>Fee Based Activity</th><th>Scale</th></tr><tr><td>Coal works</td><td>Coal works</td><td>0 - 2000000 T annual handling capacity</td></tr><tr><td>Mining for coal</td><td>Mining for coal</td><td>> 500000 - 2000000 T annual production capacity</td></tr></table> <p>Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.</p>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	0 - 2000000 T annual handling capacity	Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity	Compliant	<p>* 2016 Annual Review - 93,972 tonnes coal mined & handled.</p> <p>* 2017 Annual Review - 3,699 tonne coal mined & 522,132 tonne coal handled.</p> <p>* 2018 Annual Review - 0 tonne coal mined & 394,213 tonne coal handled.</p>	
Scheduled Activity	Fee Based Activity	Scale											
Coal works	Coal works	0 - 2000000 T annual handling capacity											
Mining for coal	Mining for coal	> 500000 - 2000000 T annual production capacity											
A1.2	<p>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 handling more than 1.3 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 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 27 November 2014.</p>	Compliant	<p>* 2016 Annual Review - 93,972 tonnes coal mined & handled.</p> <p>* 2017 Annual Review - 3,699 tonne coal mined & 522,132 tonne coal handled.</p> <p>* 2018 Annual Review - 0 tonne coal mined & 394,213 tonne coal handled.</p>										
A2	Premises or plant to which this licence applies	Note											
A2.1	<p>The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:</p> <p>(a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and</p> <p>(b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.</p>	Note											
	<div><div></div><div><p>Premises Details</p><p>MANNERING COLLIERY</p><p>RUTLEYS ROAD</p><p>DOYALSON</p><p>NSW 2262</p><p>SURFACE PREMISES DESCRIBED BY PLAN OF PREMISES TITLED "MANNERING COLLIERY EPL PREMISES PLAN FIGURE 2 SURFACE EXTENTS, COMPLIANCE AND MONITORING LOCATIONS" DATED 24 JANUARY 2014 DOC15/31114 AND MINING FOR COAL IN THE FASSIFERN AND GREAT NORTHERN COAL SEAMS DESCRIBED BY THE PLAN OF THE PREMISES TITLED "MANNERING COLLIERY EPL PREMISES PLAN FIGURE 1 PROJECT EXTENTS" DATED 24 JANUARY 2014 DOC15/31114. THIS PLAN IS HELD ON FILE LIC08/38-03 DUE TO SIZE OF PLAN.</p></div></div>	Compliant	<p>Outside of the audit period.</p> <p>This document would need to have been prepared for the previous mining lease renewal. The CCL 719 was renewed by the RR in a letter dated 2 October 2015.</p>										
A3	Information supplied to the EPA	Note											
A3.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	Note											

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																												
2 Discharges to Air and Water and Applications to Land																																
P1	Location of monitoring/discharge points and areas	Note																														
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.	Note																														
	<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 "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.</td></tr><tr><td>4</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 4 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.</td></tr><tr><td>5</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 5 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.</td></tr><tr><td>6</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 6 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.</td></tr><tr><td>7</td><td>Dust monitoring</td><td></td><td>Dust deposition gauge identified as point 3 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.</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 "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.	4	Dust monitoring		Dust deposition gauge identified as point 4 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.	5	Dust monitoring		Dust deposition gauge identified as point 5 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.	6	Dust monitoring		Dust deposition gauge identified as point 6 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.	7	Dust monitoring		Dust deposition gauge identified as point 3 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03 due to size of plan.	Compliant	* Dust monitoring locations described in the 2016, 2017 & 2018 Annual Reviews. * EPL Premises Plan shows location of dust deposition gauges 3 - 7.	
Air																																
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																													
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P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.	Note																														
P1.3	The Proponent 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: • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	Note																														
	<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 from Final Treatment Pond (surface and groundwater) identified as point 1 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03</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 from Final Treatment Pond (surface and groundwater) identified as point 1 on plan titled "Manning Colliery EPL Premises Plan - Figure 2 Surface Extents, Compliance and Monitoring Locations" dated 24 January 2014 DOC15/31114. Held on LIC08/38-03	Compliant	Sighted EPA Point 1 during the site inspection.																	
Water and land																																
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3 Limit Conditions																																
L1	Pollution of waters	Note																														
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Non-Compliant (Low Risk)	Exceedance of TSS on 2 April 2019. Exceedance constitutes a 'pollution' of waterways based on the POEO Act.	* Continue to undertake mitigation measures to comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> .																												
L2	Concentration limits	Note																														
L2.1	For each monitoring/discharge point or utilisation area specified in the table/s 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																														
3 - SPECIFIC ENVIRONMENTAL C	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Note																														
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/s.	Note																														
L2.4	Water and/or Land Concentration Limits	Note																														

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																								
	<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-Compliant (Low Risk)	Exceedance of TSS on 2 April 2019. Dam flocculated and re-tested, with TSS reading of 10mg/L.	Continue to undertake water quality monitoring. If a water quality exceedance is detected undertake measures to improve water quality.
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	Volume and mass limits	Note																										
L3.1	Subsidence Control Zone	Note																										
	<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	* 2016, 2017 & 2018 Annual Reviews indicate total yearly discharge of surface water within the discharge limit. * 6 January 2016 discharge over limit but was a result of rainfall at the premises exceeding 10mm during the 24 hours immediately prior to the commencement of discharge * January, February & March 2019 Monthly Website Reports and "Mannering UG Discharge" spreadsheet indicate discharge was in accordance with EPL 191. * LDP1 - Discharge Volumes Master" spreadsheet indicates volume of water discharged from 1 to 10 April 2019 was within the limit																			
Point	Unit of Measure	Volume/Mass Limit																										
1	kilolitres per day	4000																										
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	Note																										
L4	Waste	Note																										
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. 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. 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.	Not Triggered	Waste not received at the site from outside sources																									
	<table><tr><th>Code</th><th>Waste</th><th>Description</th><th>Activity</th><th>Other Limits</th></tr><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></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	Not Triggered	Waste not received at the site from outside sources										
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																								
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.	Not Triggered	* Waste not received at the site from outside sources * During the site inspection noted that waste is not being disposed of at the site * 2016, 2017 and 2018 Annual Reviews indicate that waste is collected disposed of by a licenced contractor.																									
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.	Not Triggered	The storage of waste at the site does not require an environment protection licence (EPL).																									
L5	Noise limits	Note																										
	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 <i>Environmental Planning and Assessment Act 1979</i> . Under the <i>Environmental Planning and Assessment Act 1979</i> the Department of Planning is the appropriate authority in respect of the administration and regulation of the Project Approval.	Non-Compliant (Low Risk)	Non-compliant: According to 2016 Annual Review, on 12 August 2016 LakeCoal was advised by its independent noise monitoring consultant (Global Acoustics) that they had recorded a 3dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the evening monitoring on 11 August 2016 for Mannering Colliery. * According to 2016 Annual Review, On 29 August 2018, there was an exceedance recorded at 1dB exceedance of the site's LAeq15 Minute noise criteria at receiver RA2 (Macquarie Shores Retirement Village) during the scheduled night monitoring. * According to the Noise Mitigation Study dated March 2019: -Noise mitigation works implemented by the previous operators in 2018 have decreased site noise emission levels at all neighbouring noise-sensitive receivers. -Current and proposed MC noise emissions are predicted to comply with the relevant long-term noise criteria outlined in MP 06_0311 at all assessment locations under worst case meteorological conditions. * LAmix noise level events at the site are also predicted to remain below the relevant sleep disturbance criteria.	* Continue to undertake noise monitoring and follow-up actions if noise exceedances occur.																								

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
4 Operating Conditions				
O1	Activities must be carried out in a competent manner	Note		
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Compliant	(a) During site inspection noted: - Minimal coal stored at site; - No visible dust; - Hazardous materials and other substances like oil banded; - Piles of rubbish/materials stored at the surface, ready for sorting; - Rubbish and recycling bins located around the pit top area; <u>Observation:</u> Landfarm material at the pit top is not sign posted. * 2016, 2017 and 2018 Annual Reviews indicate that waste is collected disposed of by a licenced contractor.	* Finish sorting out the piles of rubbish at the pit top area. * Undertake contaminated sites/waste material assessment at the waste stockpile area. * 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. * Install signage at the landfarm material at the pit top.
O2	Maintenance of plant and equipment	Note		
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Compliant	(a) Downer maintenance records for radiation equipment dated 31 March 2017 * Electrical inspection records for ash analysers from 2016 to 2017. * Maintenance records: "Manning Front End Loaders work order history as at 2.5.19" (b) During site inspection plant and equipment appeared to be operated in a proper and efficient manner.	
O3	Dust	Note		
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	* During the site inspection noted: - No visible dust; - Water cart used on site to reduce dust (PHOTO XXX); and - Majority of the pit top is concreted or grassed (PHOTO XXX). * According to 2016, 2017 and 2018 Annual reviews no air quality exceedances occurred * According to the "MANN Monitoring Master Spreadsheet" air quality monitoring data no exceedances of criteria up to and including April 2019	
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	* During the site inspection noted: - No visible dust; - Water cart used on site to reduce dust; and - Minimal coal stored at the pit top. * According to 2016, 2017 and 2018 Annual reviews no air quality exceedances occurred * According to the "MANN Monitoring Master Spreadsheet" air quality monitoring data no exceedances of criteria up to and including April 2019	
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	* During the site inspection noted: - No visible dust; - Speed limit; - Water cart used on site to reduce dust; and - Majority of the pit top (including roadways) is concreted. * According to 2016, 2017 and 2018 Annual reviews no air quality exceedances occurred * According to the "MANN Monitoring Master Spreadsheet" air quality monitoring data no exceedances of criteria up to and including April 2019	
O3.4	Trucks transporting coal from the premises must be covered immediately after loading to prevent wind blown emissions and spillage. The covering must be maintained until immediately before unloading the trucks.	Not Triggered	According to 2016, 2017 and 2018 Annual Reviews coal is transported via overland conveyor. Trucks are not used to transport coal.	
O3.5	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.	Not Triggered	According to 2016, 2017 and 2018 Annual Reviews coal is transported via overland conveyor. Trucks are not used to transport coal.	
O3.6	Coal stockpiles must be maintained in a condition that will minimise the generation and emission of dust on the premises.	Compliant	* During the site inspection noted: - No coal stockpiled at the pit top; - Covered conveyor; and - No visible dust. * According to the Air Quality Management Plan (AQMP) dated December 2012, the conveyor has water sprays to reduce dust potential. * According to site communications: - The coal is quite wet; - A water cart is used to water the loader wheeling areas; - And a canon can be used to spray down the stockpile area.	
O4	Emergency response	Note		

Condition Number	Condition	Compliance Status	Evidence	Recommended Action								
O4.1	The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency 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 may occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.	Compliant	* Pollution Incident Attendant Duty Card, dated February 2018 * According to site communications, PIRMP was included in the Emergency Control Plan and then removed from it late 2018 * Pollution Incident Response Management Plan (PIRMP) dated September 2018 * PIRMP is kept on-site * <u>Observation</u> : The PIRMP is labelled LakeCoal, has persons listed in it who are no longer at site, does not have email details for government contacts, and figures do not clearly show the location of hazardous substances and where pollution response equipment is stored.	* Update the PIRMP to include: - Current site contacts; - Email details for government contacts; and - Figures that clearly show the location of hazardous substances and where pollution response equipment is stored.								
O5	Other operating conditions	Note										
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	During site inspection noted above-ground tanks were bunded.									
O5.2	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: (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. (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.	Compliant	*During the site inspection noted that vehicles at the site appeared to be clean. * According to 2016, 2017 and 2018 Annual Reviews waste is removed from the site by a licenced contractor. * Controls included in the Water Management Plan (WMP), dated January 2013 and AQMP, dated December 2012.									
5 Monitoring and Recording Conditions												
M1	Monitoring records	Note										
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant	Monitoring required to be conducted by this licence is recorded and retained as set out in this condition (as detailed below)									
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Compliant	a) Monthly website reports; b) Monthly website reports going back to 2013 available from Mannering Colliery website; and c) PIRMP was produced to L. Richards during EPA site inspection.									
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Compliant	Monthly website reports have: 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.									
M2	Requirement to monitor concentration of pollutants discharged	Note										
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Compliant	2016, 2017 & 2018 Annual Returns.									
M2.2	Air Monitoring Requirements	Note										
	<div>POINT 3,4,5,6,7</div> <table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Particulates - Deposited Matter</td><td>grams per square metre per month</td><td>Monthly</td><td>AM-19</td></tr></table>	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19	Compliant	2016, 2017 & 2018 Annual Returns and Annual Reviews. Monitoring frequency appears to meet this condition.	
Pollutant	Units of measure	Frequency	Sampling Method									
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19									
M2.3	Water and/ or Land Monitoring Requirements	Note										

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																																																																																																												
	<div>POINT 1</div> <table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling Method</th></tr><tr><td>Aluminium (dissolved)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Aluminium (total)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Antimony</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Arsenic (dissolved)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Arsenic (total)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Barium</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Beryllium (dissolved)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Beryllium (total)</td><td>micrograms per litre</td><td>Monthly 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sample</td></tr><tr><td>Conductivity</td><td>microsiemens per centimetre</td><td>Weekly during any discharge</td><td>Grab sample</td></tr><tr><td>Copper (dissolved)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Copper (total)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Iron</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Lead (dissolved)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Lead (total)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Lithium</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Magnesium</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Manganese (dissolved)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr><tr><td>Mercury (dissolved)</td><td>micrograms per litre</td><td>Monthly during discharge</td><td>Grab sample</td></tr></table>	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	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	Compliant	Compliant based on 2016, 2017 & 2018 Annual Returns.	
Pollutant	Units of measure	Frequency	Sampling Method																																																																																																													
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M3	Testing methods - concentration limits	Note																																																																																																														
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place. Note: The <i>Protection of the Environment Operations (Clean Air) Regulation 2010</i> requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".	Compliant	Section 3.0 of the AQMP provides the methodology for dust monitoring. The AQMP states that "samples are taken from the depositional gauges every 28 days as per Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".																																																																																																													
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Compliant	Section 8.1.1 of the WMP provides the methodology for water quality monitoring. The WMP states that "water quality is monitored at LPD001 in compliance with the Environment Protection Licence 191."																																																																																																													
M4	Weather monitoring	Note																																																																																																														
M4.1	For each monitoring point specified in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns. Point W1	Note																																																																																																														
	<table><tr><th>Parameter</th><th>Units of Measure</th><th>Frequency</th><th>Averaging Period</th><th>Sampling Method</th></tr><tr><td>Rainfall</td><td>mm</td><td>Continuous</td><td>24 hour</td><td>AM-4</td></tr><tr><td>Wind direction</td><td>degrees</td><td>Continuous</td><td>1 hour</td><td>AM-2 and AM-4</td></tr></table>	Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method	Rainfall	mm	Continuous	24 hour	AM-4	Wind direction	degrees	Continuous	1 hour	AM-2 and AM-4	Compliant	Wind direction is recorded by the on site weather station. Bearing provided in raw data downloads every fifteen minutes.																																																																																														
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Wind direction	degrees	Continuous	1 hour	AM-2 and AM-4																																																																																																												
M4.2	For the purpose of condition M4.1, Point W1 refers to a meteorological station established on the premises	Note																																																																																																														
M4.3	The licensee may use the meteorological station established at Eraring Power Station provided the licensee has authority from Eraring Energy to access data from the Eraring Power Station at all times. However, if this station is not available at any time then	Not Triggered	Data from the meteorological station established at Eraring Power Station was not used during the audit period.																																																																																																													
M4.4	The licensee must fully comply with condition M4 by 30 April 2011.	Compliant	Weather station established at the site.																																																																																																													
M5	Recording of pollution complaints	Note																																																																																																														
M5.1		Compliant	Complaints Register, dated April 2019.																																																																																																													

Condition Number	Condition	Compliance Status	Evidence	Recommended Action									
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.	Administrative Non-Compliance	*Admin Non-compliant: The Complaints Register does not include the time of the complaint and the personal details of the complainant. * Not all complaints registered included the method by which the complaint was made.	*Include in the Complaints Register: -Time of the complaint; -Personal details of the complainant; and -Method by which the complaint was made.									
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaints Registers going back to 2013 posted on the Mannering Colliery website.										
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Compliant	Email from LakeCoal dated 7 March 2019 regarding noise complaint										
M6	Telephone complaints line	Note											
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	Telephone line for complaints advertised on the Mannering Colliery website										
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.	Administrative Non-Compliance	*Telephone line for complaints advertised on the LakeCoal and Delta Coal websites. * However no evidence of notifying to the community that the complaints line exists.	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.									
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Note											
M6.4	The licensee must nominate a representative of the company that is available 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. Note: This condition does not apply until two (2) weeks after the date of issue of this licence.	Administrative Non-Compliance	* Designated representatives of the company included in the Pollution Incident Response Plan (PIRMP), dated September 2018. * Admin Non-compliant: The designated representatives of the company, included in the PIRMP, are not current.	*Update the details of designated representatives of the company in the PIRMP.									
M7	Requirement to monitor volume or mass	Note											
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	Compliant	a) 2016, 2017 & 2018 Annual Returns b) N/A c) N/A										
	<table><tr><td colspan="3">POINT 1</td></tr><tr><td>Frequency</td><td>Unit of Measure</td><td>Sampling Method</td></tr><tr><td>Continuous during discharge</td><td>kilolitres per day</td><td>In line instrumentation</td></tr></table>	POINT 1			Frequency	Unit of Measure	Sampling Method	Continuous during discharge	kilolitres per day	In line instrumentation	Note		
POINT 1													
Frequency	Unit of Measure	Sampling Method											
Continuous during discharge	kilolitres per day	In line instrumentation											
6 Reporting Conditions													
R1	Annual return documents	Note											
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 a copy of the form that must be completed and returned to the EPA.	Compliant	2016, 2017 & 2018 Annual Returns.										
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	2016, 2017 & 2018 Annual Returns.										
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	* Letter from EPA dated 1 April 2019 confirms the EPL was transferred from LakeCoal to Great Southern Energy (trading as Delta Coal). * LakeCoal have not prepared 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). Note, the Annual Return is due within 60 days of the anniversary date.	* 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).									

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
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	The licence has neither been surrendered by the licensee or revoked by the EPA.	
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	* 2016 Annual Return submitted to EPA on 28 February 2017 via email. * 2017 Annual Return submitted to EPA on 28 February 2018 via email. * 2018 Annual Return submitted to EPA on 28 February 2019 via email.	
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	2015, 2016, 2017 & 2018 Annual Returns.	
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	Signed 2016, 2017 and 2018 Annual Returns.	
R2	Notification of environmental harm	Note		
	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.	Not Triggered	A PIRMP has been prepared for the site. Latest dated 21 Sept 2018. Evidence of testing PIRMP. Although there were some incidents, it does not appear any incident required the PIRMP to be enacted. PIRMP is currently being updated. No material harm identified.	
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Not Triggered	Based on discussions with the Environment and Community Co-ordinator this condition has not been triggered.	
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.	Not Triggered	Based on discussions with the Environment and Community Co-ordinator this condition has not been triggered.	
R3	Written report	Note		
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Compliant	EPA requested written report (R3) to address the complaints received by the EPA in November 2017. EPA requested report be supplied by end of March 2018. LakeCoal sent R3 via email on 30 March 2018.	
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Compliant	LakeCoal sent R3 via email on 30 March 2018, within the specified time.	
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.	Compliant	Written report (R3) supplied to EPA.	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action												
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	No further details required													
R4	Other reporting conditions	Note														
	Receival of ROM Coal	Note														
R4.1	The licensee must notify the Manager Hunter Region hunter.region@epa.nsw.gov.au within 24 hours of the receival of ROM Coal at the Coal Handling and Preparation Plant that the plant has been re-commissioned.	Compliant	Email dated 13 May 2016 regarding notification of ROM coal receival.													
7 General Conditions																
G1	Copy of licence kept at the premises or plant	Compliant	Electronic copy of the EPL kept on the site.													
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Compliant	Electronic copy of the EPL kept on the site.													
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Compliant	According to site communications an EPA Officer has not requested to see the EPL.													
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Electronic copy of the EPL available for inspection by any employee or agent.													
G2	Other general conditions	Note														
G2.1	Completed Programs	Note														
	<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	Coal Handling and Preparation Plant Commissioning Water Quality Monitoring Study undertaken, per 2016 Annual Review	
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														

Consolidated Coal Lease 721

Renewed: December 2008

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Mning Lease Conditions 2008				
1	Notice to Landholders Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.	Not Triggered	Renewal outside of audit period	
2	Environmental Harm Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Compliant	Based on information provided there is no evidence of material harm.	
3	Mining Operations Plan (a) Mining operations must not be carried out otherwise than in accordance with: a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries. (b) The MOP must: i) identify areas that will be disturbed by mining operations; ii) detail the staging of specific mining operations; iii) identify how the mine will be managed to allow mine closure; iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment; v) reflect the conditions of approval under: the Environmental Planning and Assessment Act 1979 the Protection of the Environment Operations Act 1997 and any other approvals relevant to the development including the conditions of this lease; and vi) have regard to any relevant guidelines adopted by the Director-General. (c) The titleholder may apply to the Director-General to amend an approved MOP at any time. (d) It is not a breach of this condition if: i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (e) A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.	Compliant	<u>Preparation:</u> (a) Approval letter from Resources Regulator (RR) (formerly DRE) dated 27 March 2015, for 2015-2018 MOP * Approval letter from RR dated 26 September 2018 for 2018-2020 MOP (b) i) MOP plans; ii) MOP plans (3 series); iii) Mine Closure Plan to be prepared at least two years prior to the cessation of mining activities; iv) Section 3; v) Section 4.1; (vi) 2018-2020 MOP has been prepared generally in accordance with DRE (now Resources Regulator) ESG3: MOP Guidelines, dated September 2013. (c) N/A-No amended MOP during the audit period. (d) N/A-According to 2016, 2017 & 2018 Annual Reviews, no such breach during the audit period. (e) N/A <u>Implementation:</u> * Domains sighted during site inspection and appear to be in accordance with the domains depicted on the MOP Plans in the 2018-2020 MOP. * During site inspection determined all areas associated with Mannering Colliery are operational. No rehabilitation has been undertaken. This is in accordance with the 2018-2020 MOP.	
4	The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.			
	The lease holder must lodge Environmental Management Reports (EMR) with the Director- General annually or at dates otherwise directed by the Director-General.	Compliant	Outside of the audit period. This document would need to have been prepared for the previous mining lease renewal. The CCL 719 was renewed by the RR in a letter dated 2 October 2015.	
5	The EMR must: a) report against compliance with the MOP; b) report on progress in respect of rehabilitation completion criteria; c) report on the extent of compliance with regulatory requirements; and d) have regard to any relevant guidelines adopted by the Director-General;	Administrative Non-Compliance	a) <u>Admin Non-compliant</u> : The 2016, 2017 & 2018 Annual Reviews do not report against compliance with the MOP. b) N/A - Rehabilitation has not commenced at the site; c) 2016, 2017 & 2018 Annual Reviews - Executive Summary & Section 3 d) <u>Admin Non-compliant</u> : 2016, 2017 and 2018 Annual Reviews not prepared in accordance with the DPE Annual Review guidelines	*Report against compliance with the MOP in future Annual Reviews. *The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines.

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
6	Additional environmental reports may be required on specific surface disturbing operations or environmental incidents from time to time as directed in writing by the Director-General and must be lodged as instructed.	Administrative Non-Compliance	<p><u>Admin Non-compliant</u>: Noise exceedance on 11 August 2016 reported to DPE on 12 August 2016, according to 2016 Annual Review. Detailed incident report could not be provided by LakeCoal, therefore not able to determine when or if an incident report was submitted.</p> <p>* Noise exceedance on 29 August 2018 reported to DPE on same day (email to DPE Compliance Mailbox from LakeCoal dated 29 August 2018). Detailed LakeCoal incident report provided to DPE on 7 September 2018. Compliant as LakeCoal was granted an extension to provide the detailed report, via email from EPA dated 5 September 2016.</p> <p>* TSS exceedance at Point 1 on 2 April 2019 reported to DPE on 11 April 2019 via email and formal letter</p> <p>* <u>Admin Non-compliant</u>: According to site communications the RR required additional environmental reports on specific surface disturbing operations. Reports could not be provided to SLR from LakeCoal.</p> <p><u>Observation</u>: Compliant/incident register indicates no incidents from June 2016 to April 2019.</p>	<p>* Ensure all incidents are reported within the required timeframe.</p> <p>* Ensure all additional environmental reports on specific surface disturbing operations are provided to the RR as required.</p> <p>* Ensure the complaints/incident register includes all incidents.</p>
7	Rehabilitation			
	Disturbed land must be rehabilitated to a sustainable/agreed end land use to the satisfaction of the Director-General.	Not Triggered	Rehabilitation has not been undertaken at the site.	
8	Subsidence Management			
	<p>(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.</p> <p>(b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EDG17)</p> <p>(c) The lease holder must not commence or undertake underground mining operations that will potentially lead _to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Mine Health & Safety Act 2004, or the document New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09).</p> <p>(d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.</p> <p>(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be _subject to the Annual Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.</p>	Not Triggered	<p>* Subsidence Management Plan prepared outside of the audit period.</p> <p>* First workings only, therefore Subsidence Management Plan not applicable to these workings.</p>	
9	<p>The Proponent 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.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project. 			
	<p>The lease holder must:</p> <p>(a) ensure that at least 142 competent people are efficiently employed on the lease area on each week day except Sunday or any week day that is a public holiday,</p> <p>OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$2,485,000 per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p>	Compliant	<p>a) 2016 Annual Review - 66 employees. 2017 Annual Review - 23 employees. 2018 Annual Review - 23 employees.</p> <p>b) According to site communications over \$2,485,000 was spent at site (based on FTE's & wages bills). Commercially sensitive information, therefore further evidence couldn't be provided.</p>	
10	Control of Operations			
	<p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:-</p> <p>(i) cease working the lease; or</p> <p>(ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified.</p> <p>(b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.</p> <p>(c) A direction referred to in this condition may be served on the Mine Manager.</p>	Not Triggered	According to site communications no such directions provided by the RR officers.	
11	Reports			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following: (a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period; (b) Details of expenditure incurred in conducting that exploration; (c) A summary of all geological findings acquired through mining or development evaluation activities; (d) Particulars of exploration proposed to be conducted in the next twelve months period; (e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.	Not Triggered	Based on discussions with the Environment and Community Co-ordinator there has been no exploration during the audit period.	
12	Licence to Use Reports			
SCHEDULE 3 - SPECIFIC ENVIRONMENTAL CONDITIONS	(a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright (b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.	Not Triggered	Based on discussions with the Environment and Community Co-ordinator there has been no exploration during the audit period.	
13	Confidentiality			
	(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where: (i) the lease holder has agreed that specified reports may be made non-confidential. (ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease. (b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated. (c) The Director-General may extend the period of confidentiality.	Not Triggered	Based on discussions with the Environment and Community Co-ordinator there has been no exploration during the audit period.	
14	Terms of the non-exclusive licence			
	The terms of the non-exclusive copyright licence granted under condition 12 are: (a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports. (b) the Minister and any sub- licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database. (c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright. (d) there is no royalty payable by the Minister for the licence. (e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.	Not Triggered	Based on discussions with the Environment and Community Co-ordinator there has been no exploration during the audit period.	
15	Subsidence Control Zone			
	(a) Ground Vibration The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Climate Change. (b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Climate Change.	Not Triggered	* According to 2016, 2017 and 2018 Annual Reviews no blasting undertaken at the surface of the operation. * Noise Management Plan (NMP) does not include requirement for ground vibration or blast overpressure monitoring.	
16	Safety			
	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Not Triggered	This is not a safety audit.	
17	Exploratory Drilling			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(a) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Water and Energy Regional Hydrologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.</p> <p>(b) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <p>(i) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(ii) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(iii) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</p> <p>(iv) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(v) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(vi) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(vii) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>	Not Triggered	Based on site communications and 2016, 2017 & 2018 Annual Reviews no exploration drilling in this lease area.	
18	Prevention of Soil Erosion and Pollution			
	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	Non-Compliant (Low Risk)	<p>* Management plans prepared and implemented for the site. Management plans include management controls to minimise any harm to the environment that may result from the operation of the site</p> <p>* During the site inspection noted management controls being implemented at the site:</p> <ul style="list-style-type: none"> -No visible dust; -Water cart used on site to reduce dust; -Majority of the pit top is concreted; -Covered conveyor; -Bunded chemicals (Photo 7); -Rubbish disposed of in labelled waste bins; -Oily water separator; -Noise mitigation measures implemented at site (Photo 8). <p>*Water quality, dust and monitoring undertaken at the site.</p> <p><u>Non-compliant:</u> During audit period non-compliances with noise and water quality criteria.</p>	Ensure all practicable measures are undertaken to reduce noise and water quality exceedances (refer to specific recommendations relating to noise and water quality).
19	Transmission lines, Communication lines and Pipelines			
	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.	Not Triggered	<p>*During the site inspection, LakeCoal did not appear to be interfering with or impairing the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area</p> <p>*According to site communications and the 2016, 2017 & 2018 Annual Reviews no transmission lines, communication lines, pipelines or any other utilities were interfered with or impaired during the audit period.</p>	
20	Fences, Gates			
	<p>(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.</p> <p>(b) Gates within the lease area</p>	Not Triggered	<p>*During the site inspection, LakeCoal did not appear to be interfering or damaging any fences or gates</p> <p>*According to site communications and the 2016, 2017 & 2018 Annual Reviews the operations did not interfere or damage any fences or gates during the audit period</p>	
21	Roads and Tracks			
	<p>(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.</p> <p>(b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.</p>	Not Triggered	<p>(a) During site inspection, LakeCoal did not appear to be affecting any roads. Coal is delivered to Vales Point Power Station via a conveyor, according to 2016, 2017 & 2018 Annual Reviews.</p> <p>(b) VPA paid to the Central Coast Council</p>	
22	Trees and Timber			
	<p>(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.</p> <p>(b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Act 2003.</p> <p>(c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.</p>	Not Triggered	<p>*No clearing undertaken at the site during the audit period, according to the 2016, 2017 & 2018 Annual Reviews.</p> <p>*During site inspection noted no recent clearing.</p>	
25	Resource Recovery			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>	Compliant	<p>* During audit period coal operations related to the underground linkage project</p> <p>* Underground linkage project to optimise recovery</p>	
26	Indemnity			
	<p>The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>	Note		
28	Security			
	<p>(a) The single security in the sum of \$1,905,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under CCL 719 and CCL 721. If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:</p> <p>(i) cash,</p> <p>(ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution</p>	Compliant	<p>* "Rehabilitation Cost Calculation Tool Mannering (2015)" indicates \$3,879,000 security for 2015-2018 MOP</p> <p>* "Chain Valley Colliery (Mannering Surface Areas) Underground RCE Report" (Mannering RCE) indicates \$3,226,730 security for 2018-2020 MOP</p>	
29	Prescribed Dam			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Mannering Creek Ash Dam, Colongra Creek Ash Dam and Vales Point Ash Dam without the prior written approval of the Minister and subject to any conditions he may stipulate.</p> <p>(b) Where the lease holder desires to mine within the notification area he must:</p> <p>(i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</p> <p>(ii) provide such information as the Minister may direct.</p> <p>(c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <p>This sub-paragraph is complied with if:</p> <p>(i) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</p> <p>(ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</p> <p>(iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.</p> <p>(iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</p> <p>(v) where the Dams Safety Committee has made recommendations the approval is in terms that are:</p> <p>- in accordance with those recommendations; or</p> <p>- where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.</p> <p>(vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:</p> <p>as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or</p> <p>- in the event of failure to reach such agreement - as determined by the Premier.</p> <p>(d) The Minister, on notice from the Dams Safety Committee, may at any time or times:</p> <p>(i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.</p> <p>(ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</p>	Not Triggered	*During the audit period the Mannering Creek Ash Dam, Colongra Creek Ash Dam and Vales Point Ash Dam were not under mined.	
30	Suspension of Mining Operations			
	The holder of a consolidated mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.	Compliant	*2016 & 2017 Annual Reviews describe mining activity related to the underground linkage. *Approved 2018 MOP states "Mining activities within the Mannering approval boundary will be limited to those required to operate the underground linkage and supporting tunnel network to allow coal conveyance, travel and ventilation to the Mannering pit top."	
31	Cooperation Agreement			
	<p>The licence holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping petroleum title(s). The cooperation agreement should address but not be limited to issues such as:</p> <p>*access arrangements</p> <p>*operational interaction procedures dispute resolution</p> <p>*information exchange well location</p> <p>*timing of drilling</p> <p>*potential resource extraction conflicts and rehabilitation issues.</p>	Not Triggered	According to site communications, there are no petroleum titles that overlap CCL 721.	
Special Conditions				
32	Barriers			
	<p>The lease holder, unless with the consent of the Minister and subject to such conditions as the Minister may impose, shall not conduct mining operations on those parts of the subject area within the highwater level subsidence control zone defined:</p> <p>(a) on the surface by the highwater level of Lake Macquarie and Pallamanaba Creek and a point 2.44 metres in elevation above that highwater level;</p> <p>(b) in the seam by a line defined by an angle of draw of 35° drawn landwards from the line drawn vertically beneath a point 2.44 metres in elevation above the highwater level of Lake Macquarie and Pallamanaba Creek;</p> <p>(c) in the seam by a line defined by an angle of draw of 35° drawn lakewards from the line drawn vertically beneath the highwater level of Lake Macquarie.</p>	Compliant	<p>(a) N/A-Mining operations not undertaken in this area.</p> <p>(b) N/A-Mining operations not undertaken in this area.</p> <p>(c) According to site communications mining operations were undertaken in the seam by a line defined by an angle of draw of 35° drawn lakewards from the line drawn vertically beneath the highwater level of Lake Macquarie (in the underground linkage). Approval was sought and granted by DPE to undertake the underground linkage (PA 06_0311 Mod 2).</p>	
33	Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a lease consolidated into this lease to the effect that the lease holder may conduct mining operations on those parts of the subject area within the highwater level subsidence control zone as defined in Condition 32 shall be deemed to be a consent given for the purposes of the said Condition 32, subject to the same conditions of that approval or consent Provided however that this clause shall also apply to any barrier 60.35 metres wide within the said zone.	Note		
34	The lease holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister by order given in writing to the lease holder so directs, a barrier of such width or a protective pillar or pillars of such size or sizes as is specified in the order, against any surface improvements or any feature whether natural or artificial.	Compliant	First workings only	
35	<p>Unless with the consent of the Minister first had and obtained, and subject to such conditions as he may impose, the lease holder shall not conduct mining operations on those parts of the subject area:</p> <p>(a) beneath the main buildings of the Munmorah and Vales Point Power Stations constructed on the excepted surface of the subject area;</p> <p>(b) within the marginal zone which is the area contained by an angle of draw of 35°. measured outwards from the external walls of the main buildings of the Munmorah and Vales Point Power Station to the floor of the seam.</p>	Not Triggered	LakeCoal did not undermine the main buildings of Munmorah and Vales Point Power Stations during the audit period	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
36	Any approval or consent given by the Minister, including any approval or consent given pursuant to any condition, or term contained in a lease consolidated into this lease, to the effect that the lease holder may conduct mining operations on those parts of the subject area within the barrier defined in Condition 35 shall be deemed to be a consent given for the purposes of the said Condition 35, subject to the same conditions of that approval or consent.	Not Triggered	LakeCoal did not undermine the main buildings of the Munmorah and Vales Point Power Stations during the audit period	
37	The lease holder shall be limited to the following purposes and conditions within the specified areas described on Plan No. 06180 marked Plan 'B'. Condition 12 noted on Plan 'B' is replaced by Condition 37.	Not Triggered	LakeCoal did not undermine these areas during the audit period	

Consolidated Coal Lease 719

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
Mining Lease Conditions 2013				
1	Notice to Landholders (a) Within a period of three months from the date of renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice. (b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.	Not Triggered	Renewal outside of audit period	
2	Rehabilitation Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Not Triggered	Rehabilitation has not been undertaken at the site.	
3	Mining Operations Plan and Annual Rehabilitation Report (a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. (c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment (d) The lease holder may apply to the Minister to amend an approved MOP at any time. (e) It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment . Note: The Rehabilitation Report replaces the Annual Environmental Management Report.	Non-Compliant (Low Risk)	(a) Site inspection indicates MOP is being implemented. * Approval letter from Resources Regulator (RR) (formerly DRE) dated 27 March 2015, for 2015-2018 MOP * Approval letter from RR dated 26 September 2018 for 2018-2020 MO (b) The MOP must: i) MOP plans; ii) MOP plans (3 series); iii) Mine Closure Plan to be prepared at least two years prior to the cessation of mining activities; iv) Section 3; v) Section 4.1; vi) have regard to any relevant guidelines adopted by the Director-General. (c) 2018-2020 MOP has been prepared generally in accordance with DRE (now Resources Regulator) ESG3: MOP Guidelines, dated September 2013. (d) N/A-MOP not amended during MOP period. (e) <u>Non-compliant</u> : Details could not be provided by LakeCoal about non-compliances with the MOP. (f) <u>Admin Non-compliant</u> : Annual Rehabilitation Reports have not been prepared by LakeCoal. Rehabilitation not undertaken at the site but no correspondence provided by LakeCoal stating that Annual Rehabilitation Reports are not required or that these are covered by other reports. <u>Observation</u> : The 2016, 2017 and 2018 Annual Reviews do not provide details of non-compliances with the MOP.	
4	The Proponent must comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, plans, programs or correspondence that are submitted in accordance with the conditions of this approval; and (b) the implementation of any actions or measures contained in these reports, plans, programs or correspondence.			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p> <p>(b) The Compliance Report must include:</p> <p>(i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with;</p> <p>(ii) particulars of any non-compliance with any such conditions or provisions,</p> <p>(iii) the reasons for any such non-compliance;</p> <p>(iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p> <p>(c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p> <p>(d) In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>(i) must accompany any application to renew this mining lease under the Act;</p> <p>(ii) must accompany any application to transfer this mining lease under the Act; and</p> <p>(iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act.</p> <p>(e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.</p> <p>(f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.</p>	Not Triggered	<p>Outside of the audit period.</p> <p>This document would need to have been prepared for the previous mining lease renewal. The CCL 719 was renewed by the RR in a letter dated 2 October 2015.</p>	
5	Environmental Incident Report			
	<p>(a) The lease holder must notify the Department of all:</p> <p>(i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</p> <p>(ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach. Note. Refer to www.resources.nsw.qov.au/environmentf for notification contact details.</p> <p>(b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <p>(i) the details of the mining lease;</p> <p>(ii) contact details for the lease holder;</p> <p>(iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</p> <p>(iv) a description of the nature of the incident or breach, likely causes and consequences;</p> <p>(v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a).</p> <p>(vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease.</p> <p>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.qov.au/environmentfor further details.</p> <p>(c) In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>	Administrative Non-Compliance	<p>* Email from LakeCoal to DPE (RR integrated into DPE), dated 11 April 2019, reporting TSS exceedance at Point 1 on 2 April 2019. Detailed LakeCoal incident report attached to email.</p> <p><u>Admin Non-compliant</u>: Noise exceedance on 11 August 2016 reported to DPE on 12 August 2016, according to 2016 Annual Review. Detailed incident report could not be provided by LakeCoal, therefore not able to determine when or if an incident report was submitted.</p> <p>* Noise exceedance on 29 August 2018 reported to DPE on same day (email to DPE Compliance Mailbox from LakeCoal dated 29 August 2018). Detailed LakeCoal incident report provided to DPE on 7 September 2018. Compliant as LakeCoal was granted an extension to provide the detailed report, via email from EPA dated 5 September 2016.</p> <p>* There were no incidents of hydrocarbon contamination, or significant spills reported in the 2016, 2017 and 2018 Annual Reviews</p> <p><u>Observation</u>: Complaints/incident register indicates no incidents from June 2016 to April 2019.</p>	* Ensure the compliant/incident register includes all incidents.
6	Extraction Plan			


Condition Number	Condition	Compliance Status	Evidence	Recommended Action
	<p>(a) In this condition:</p> <p>(i) approved Extraction Plan means a plan, being:</p> <p>A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or</p> <p>B. a subsidence management plan relating to the mining operations subject to this lease:</p> <p>I. submitted to the Secretary on or before 31 December 2014; and</p> <p>II. approved by the Secretary.</p> <p>(ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p> <p>(b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p> <p>(c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.</p> <p>(d) The lease holder must notify the Secretary within 48 hours of any:</p> <p>(i) incident caused by subsidence which has a potential to expose any person to health and safety risks;</p> <p>(ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or</p> <p>(iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing:</p> <p>A. built features;</p> <p>B. public safety; or</p> <p>c. subsidence monitoring.</p>	Compliant	<p>* Extraction Plan prepared outside of the audit period.</p> <p>* First workings only, therefore Extraction Plan not applicable to these operations - ie. The Linkage Project.</p> <p>* According to the Incidents/Complaints register no subsidence related incidents during the audit period.</p> <p>* 2016 & 2017 Annual Reviews state "No discernible subsidence impact from the LRP workings was observed during the reporting period." and subsidence monitoring results for Mannering Colliery included in the reports.</p> <p><u>Observation:</u> The 2016 & 2017 Annual Reviews do not indicate where the subsidence monitoring data originated from and who undertook the subsidence monitoring.</p>	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
7	Resource Recovery			
	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	Compliant	<p>* During audit period coal operations related to the underground linkage project</p> <p>* Underground linkage project to optimise recovery</p>	
8	Group Security			
	<p>The Proponent 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.</p> <p>Notes:</p> <ul style="list-style-type: none"> Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the project. 	Non-Compliant (Low Risk)	<p>* "Rehabilitation Cost Calculation Tool Mannering (2015)" indicates \$3,879,000 security for 2015-2018 MOP</p> <p>* <u>Non-compliant:</u> "Chain Valley Colliery (Mannering Surface Areas) Underground RCE Report" (Mannering RCE) indicates \$3,226,730 security for 2018-2020 MOP. Approval letter from RR for updated security could not be provided to SLR by LakeCoal.</p>	
9	Cooperation Agreement			
	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> access arrangements operational interaction procedures dispute resolution information exchange well location timing of drilling potential resource extraction conflicts; and rehabilitation issues. 	Not Triggered	According to site communications CCL 719 does not overlap with any other titles	
	Exploration Reporting			
	<p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</p> <p>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</p>	Not Triggered	Based on site communications and 2016, 2017 & 2018 Annual Reviews no exploration during the audit period.	
	<p>SPECIAL CONDITIONS</p> <p>Note: The standard conditions apply to all mining leases. The Division of Resources & Energy (DRE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.</p>	Note		
10	Prescribed Dam			

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
SCHEDULE 3 - SPECIFIC ENVIRONMENTAL CONDITIONS	<p>(a) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Colongra Creek Ash Dam without the prior written approval of the Minister and subject to any conditions stipulated.</p> <p>(b) Where the lease holder desires to mine within the notification area he or she must:</p> <p>(i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</p> <p>(ii) provide such information as the Minister may direct.</p> <p>(c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <p>This sub-paragraph is complied with if:</p> <p>(i) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</p> <p>(ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</p> <p>(iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.</p> <p>(iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</p> <p>(v) where the Dams Safety Committee has made recommendations the approval is in terms that are: in accordance with those recommendations; or where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.</p> <p>(vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or in the event of failure to reach such agreement - as determined by the Premier.</p> <p>(d) The Minister, on notice from the Dams Safety Committee, may at any time or times:</p> <p>(i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.</p> <p>(ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</p>	Not Triggered	Mannerling not mine within the Colongra Creek Ash Da	
11	Petroleum			
	Any proposed activity from time to time in regard to methane drainage and capture should be advised to the Department's Mine Safety Operations and Environmental Sustainability Units for consideration. Such activities may be subject to conditions relative to each site specific case.	Not Triggered	According to site communications during the linkage project methane was not captured and/or drained. 2016 and 2017 Annual Reviews confirm this.	
12	Barriers			
	The lease holder shall not work or cause to be worked any seam of coal within the subject area without leaving, if the Minister by order given in writing to the lease holder so directs, a barrier of such width or a protective pillar or pillars of such size or sizes as is specified in the order, against any surface improvements or any feature whether natural or artificial.	Compliant	First workings only completed during the audit period.	
13	Subsidence Control Zone			
	<p>a) The lease holder, unless with the consent of the Minister and subject to such conditions as the Minister may impose, shall not conduct mining operations on those parts of the subject area within the highwater level subsidence control zone defined:</p> <p>i) on the surface by the highwater level of Lake Macquarie, Lake Munmorah, Karigan Creek and the South Pacific Ocean and a point 2.44 metres in elevation above that highwater level;</p> <p>ii) in the seam by a line defined by an angle of draw of 35° drawn landwards from the line drawn vertically beneath a point 2.44 metres in elevation above the highwater level of Lake Macquarie, Lake Munmorah, Karigan Creek and the South Pacific Ocean;</p> <p>iii) in the seam by a line defined by an angle of draw of 35° drawn lakewards from the line drawn vertically beneath the highwater level of Lake Macquarie and Lake Munmorah and seawards from a line drawn vertically beneath the highwater level of the South Pacific Ocean.</p> <p>b). Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a lease consolidated into this lease to the effect that the lease holder may conduct mining operations on those parts of the subject area within the highwater level subsidence control zone as defined in Condition 13 shall be deemed to be a consent given for the purposes of the said Condition 13, subject to the same conditions of that approval or consent. Provided however that this clause shall also apply to any barrier 60.35 metres wide within the said zone.</p>	Compliant	<p>(a) N/A-Mining operations not undertaken in this area</p> <p>(b) According to site communications mining operations were undertaken in the seam by a line defined by an angle of draw of 35° drawn lakewards from the line drawn vertically beneath the highwater level of Lake Macquarie (in the underground linkage). Approval was sought and granted by DPE to undertake the underground linkage (PA 06_0311 Mod 2).</p>	
14	Power Station			
	<p>a) The lease holder, unless with the consent of the Minister and subject to such conditions as the Minister may impose, shall not conduct mining operations on those parts of the subject area:</p> <p>i) beneath the main buildings of the Vales Point Power Station constructed on the excepted surface of the subject area;</p> <p>ii) within the marginal zone which is the area contained by an angle of draw of 35° measured outwards from the external walls of such buildings to the floor of the seam.</p> <p>b) Any approval or consent given by the Minister including any approval or consent given pursuant to any condition or term contained in a lease consolidated into this lease to the effect that the lease holder may conduct mining operations on those parts of the subject area within the barrier defined in Condition 15 shall be deemed to be a consent given for the purposes of the said Condition 15 subject to the same conditions of that approval or consent.</p>	Not Triggered	Did not undermine the main buildings of Vales Point Power Stations during the audit period.	
15	Details of Lands and Purposes			
	The leases holder shall be limited to the following purposes and conditions within the specified areas described on the plan annexed hereto and marked "B" insofar as such areas relate to the surface and land below the surface to the depth/s specified on the plan.	Note		

Condition Number	Condition			Compliance Status	Evidence	Recommended Action
	COLUMN 1-AREAS	COLUMN 2-PURPOSES	COLUMN 3-CONDITIONS	Not Triggered	Not condition requirements	
	Lands shown by red colour	Constructing, maintaining or using in connection with mining any of the following, namely bin, borehole, bridge, building, coal preparation plant, conveyor systems, dam, drain, drift, machinery, magazine, railway, reservoir, road, shaft, shaft appurtenances, telephone line, tramway, tunnel. The erection, maintenance and use of standards, posts, wires and appliances for the transmission of electricity. The dumping or depositing of coal, minerals, mine residues or tailings. The storing of fuel, machinery, tools, timber or equipment in connection with mining. Erecting dwellings for the use of persons employed on or about a mine or land subject to a lease for mining purposes. Laying, maintaining and using a pipeline or cable in connection with mining. The generation of electricity.	NIL			
	Lands shown by blue colour	Constructing, maintaining or using in connection with mining any of the following, namely borehole, building, dam, drain, machinery, road, shaft, shaft appurtenances and telephone line. The erection, maintenance and use of standards, posts, wires and appliances for the transmission of electricity. The storing of fuel, machinery, tools or equipment in connection with mining. Laying, maintaining and using a pipeline or cable in connection with mining. The generation of electricity.	NIL			
	Lands shown by green colour	Constructing, maintaining or using in connection with mining any of the following, namely bridge, building, dam, drain, machinery, road and telephone line. The erection, maintenance and use of standards, posts, wires and appliances for the transmission of electricity. Laying, maintaining and using a pipeline or cable in connection with mining.	NIL			

APPENDIX C

Audit Certification Form

Development Name	Mannering Colliery
Development Consent No.	PA 06_0311
Description of Development	Underground Coal Mine
Development Address	Off Ruttleys Road, Doyalson North NSW 2262
Operator	Delta Coal
Operator Address	Off Ruttleys Road, Doyalson North NSW 2262
Title of Audit	Mannering Colliery 2019 Independent Environmental Audit
<p><i>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:</i></p> <p><i>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</i></p> <p><i>The findings of the Audit are reported truthfully, accurately and completely;</i></p> <p><i>I have exercised due diligence and professional judgement in conducting the Audit;</i></p> <p><i>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></p> <p><i>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></p> <p><i>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);</i></p> <p><i>Neither I nor my employer have provided consultancy services for the Audited development that were subject to this Audit except as otherwise declared to the lead regulator prior to the Audit; and</i></p> <p><i>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.</i></p> <p>Note.</p> <p><i>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.</i></p> <p><i>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).</i></p>	
Signature	
Name of Lead / Principal Auditor	Chris Jones
Address	10 Kings Road, New Lambton NSW 2305, Australia
Email Address	cjones@slrconsulting.com
Auditor Certification (if relevant)	Principal Environmental Auditor
Date:	27 May 2019

APPENDIX D

Endorsement of SLR

Chris Armit
Environment and Community
Lake Coal
PO Box 7115
MANNERING PARK NSW 2259

Contact: Leah Cook
Phone: 02 65753403
Email: leah.cook@planning.nsw.gov.au
compliance@planning.nsw.gov.au

**Chain Valley Colliery and Mannering Colliery
2019 Independent Environmental Audit Scope and Team Endorsement**

Dear Mr Armit,

Thank you for providing a copy of SLR's Independent Environmental Audit (IEA) proposal for Chain Valley and Mannering Collieries, for endorsement of the team in accordance with SSD 5465, as modified and PA 06_0311, as modified.

The Department has reviewed the information provided and endorses the scope of the IEA and proposed audit team with the following personnel:

- Chris Jones – Lead Auditor
- Tracey Ball – Senior Assistant Auditor
- Martin Davenport - Noise specialist

The Department has also requested that the audit team includes an independent subsidence specialist (endorsement pending) and their audit findings should be incorporated into the SLR report.

The Department expects that the audit will be conducted in accordance with the Independent Audit Guideline, October 2015. A copy of this guideline is available at:

<http://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/independent-audit-guideline-2015-10-23.ashx>

Please ensure that your audit team consults with relevant agencies to ascertain any aspects that the agencies wish the audit to address. Evidence of agency consultation and clear referencing to audit findings in relation to any agency request is to be provided in the audit report.

Please note that the Chain Valley approval has a tighter timeframe for delivery of the audit report and response to audit recommendations (RAR) (6weeks for the date of inspection, unless otherwise agreed). Please ensure that the RAR includes responses to all non-compliances and auditor recommendations with clear timeframes (dd-mm-yyyy) for implementation of the proposed corrective action.

Please contact me if you require any further clarification.

Yours sincerely,



28/11/19

Leah Cook
Team Leader - Compliance
As Nominee of the Secretary

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