

# **INDEPENDENT ENVIRONMENTAL AUDIT**

## **ACTION PLAN**

### **2019**

**Chain Valley Colliery**

**Non-compliance summary and recommendations Prepared by :**

**SLR Consulting and SCT**

**Confirmation and Due date Prepared by :**

Delta Coal



June 2019

## Action Table from Chain Valley Colliery IEA Audit Findings – Summary of Non-Compliances

**Table 1** outlines the summary of non-compliances relating to the statutory conditions of Chain Valley Colliery, proposed recommendation, Delta confirmation and due date.

**Table 1 Summary of Non-Compliances**

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
<b>SSD 5465 (as modified)</b>					
Schedule 2 Condition 7	The Applicant shall ensure that no laden coal trucks are dispatched from the site to public roads outside of the hours of 5:30 am to 5:30 pm, Monday to Friday, and not at all on Saturdays, Sundays or public holidays	Non-Compliant (Low Risk)	Detailed coal records only provided for 2017. This included loads and tonnages for Delta (Vales Point), Weathertex and Port Waratah Coal Service. There are no times provided in the spreadsheet. SLR requested additional spreadsheets but no detailed information was provided for 2016, 2018 and 2019 year to date. As no information was provided SLR in unable to determine if the site is compliant with this condition.	<b>REC 1</b> Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.	<b>REC 1</b> Agree

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 2 Condition 8	The Applicant shall not dispatch from the site more than: (a) 660,000 tonnes of product coal in any calendar year to Port Waratah Coal Services for export; (b) 180,000 tonnes of product coal in any calendar year to domestic customers other than Vales Point Power Station; (c) a total of 270 laden coal trucks per day by public roads; (d) a total of 32 laden coal trucks per hour; and (e) an average of 16 laden coal trucks per hour by public roads during peak hour periods, calculated monthly, until the intersection of M1 Motorway and Sparks Road Interchange (East Side - unsignalised with stop sign) is upgraded to a signalised intersection.	Non-Compliant (Low Risk)	2018 Annual Review - 394,213 tonnes transported, but 0 t from public roads. 2017 Annual Review- 1,378,996 tonnes transported to power station. 254 tonnes on public roads. 2016 Annual Review - 1,175,523 tonnes to domestic market. 2,414 tonnes on public roads. a) Within this limit; b) Within this limit; c) There is no evidence provided of breakdown on public roads for 2016, 2018 and 2019 year to date; d) There is no evidence provided of breakdown on public roads for 2016, 2018 and 2019 year to date; e) Based on the Annual Review data this has been met.  Detailed coal records only provided for 2017. This included loads and tonnages for Delta (Vales Point), Weathertex and Port Waratah Coal Service. There are no times provided in the spreadsheet. SLR requested additional spreadsheets but no detailed information was provided for 2016, 2018 and 2019 year to date. As no information was provided SLR in unable to determine if the site is compliant with this condition.	As per <b>REC 1</b> Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.	See <b>REC 1</b> Agree
Schedule 2 Condition 10	The Applicant shall restrict the transport of coal by truck to the Vales Point Power Station between 10 pm and 5:30 am to: (a) 16 laden trucks per hour for the Spring and Autumn months; and (b) zero during Winter months.	Non-Compliant (Low Risk)	Detailed coal records only provided for 2017. This included loads and tonnages for Delta (Vales Point), Weathertex and Port Waratah Coal Service. There are no times provided in the spreadsheet. SLR requested additional spreadsheets but no detailed information was provided for 2016, 2018 and 2019 year to date. As no information was provided SLR in unable to determine if the site is compliant with this condition.	As per <b>REC 1</b> Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.	See <b>REC 1</b> Agree

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Schedule 2 Condition 11	<p><b>Planning Agreement</b></p> <p>Within 12 months of the date of this consent, unless otherwise agreed by the Secretary, the Applicant shall enter into a planning agreement with the WSC in accordance with Division 6 of Part 4 of the EP&amp;A Act that provides for payment to the WSC for community enhancement purposes.</p> <p>The agreement must include provision for those matters set out in condition 12 below.</p> <p>If there is any dispute between the Applicant and WSC relating to the preparation or implementation of the planning agreement, then either party may refer the matter to the Secretary for resolution.</p>	Administrative Non - Compliance	<p><u>Administrative non - compliance</u> prior to this audit period. The VPA was not executed with the WSC within the required date - 23 December 2014. There were numerous attempts between 2013 to 2016 to execute this agreement (based on evidence from the prior audit).</p> <p>The VPA was executed on 1 September 2016. Evidence of payment in the 2016, 2017 and 2018 Annual Reviews. Evidence of receipts from 19 March 2018 and 23 March 2017.</p> <p>Historical <u>Admin - Non - Compliance</u> for not meeting 12 month date. No further action proposed</p>	Nil Action	
Schedule 2 Condition 18	<p>The Applicant must regularly review the strategies, plans and programs required under this consent 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 Applicant may at any time submit revised strategies, plans or programs for the approval of the Secretary. With the agreement of the Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis.</p> <p>With the agreement of the Secretary, the Applicant may prepare a revision or stage of any strategy, plan or program required under this consent without undertaking consultation with all parties nominated under the applicable condition in this consent.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• While any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.</li> <li>• 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.</li> </ul>	Administrative Non - Compliance	<p>The following Management Plans are applicable to CVC and outlined on the CVC website:</p> <p>Water Management Plan - July 2015; Air Quality Management Plan - July 2014; Noise Management Plan - March 2014; Heritage - June 2014; Biodiversity Management Plan - 16 March 2016; Seagrass Management Plan - April 2014; and Environmental Management System - 2012.</p> <p><u>Admin Non - Compliance</u>: This condition is non - compliant as plans have not been 'regularly' updated.</p> <p>Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed.</p>	<p><b>REC 2</b></p> <p>All management plans require updating due to the length of time since the previous reviews. All should in a Delta Coal template.</p> <p>Ensure there is a cross referencing table covering this condition in management plans.</p> <p>Additional detail including Trigger, Action, Response Tables (contingency plan) should be developed in the next round of management plan updates.</p>	REC 2 Agree 30/09/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 1	<p><b>Monitoring of Coal Transport</b></p> <p>The Applicant shall:</p> <p>(a) keep accurate records of the amount of coal transported from the site (on a weekly basis); and</p> <p>(b) make these records publicly available on its website at the end of each calendar quarter.</p>	Non – Compliant (Low Risk)	<p>a) Detailed coal records only provided for 2017. This included loads and tonnages for Delta (Vales Point), Weathertex and Port Waratah Coal Service. There are no times provided on the spreadsheet provided. SLR requested additional spreadsheets but no detailed information was provided for 2016, 2018 and 2019 year to date. As no information was provided SLR is unable to determine if the site is compliant with this condition.</p> <p>b) Evidence of publically available information regarding transport. However this information showed most quarters in 2016 and 2017. However no coal records on the website in 2018 or 2019. <u>Admin Non - Compliance.</u></p>	<p>As per <b>REC 1</b></p> <p>Ensure detailed records of coal transportation are recorded and able to be provided to auditors upon request. The spreadsheets should cover the requirements of the key conditions of the Development Consent.</p> <p><b>REC 3</b></p> <p>Ensure transport records from this Audit period (January 2016) onwards are recorded on the website. This could be appended to the Annual Review summarising the weekly transport.</p>	<p>See <b>REC 1</b> Agree</p> <p><b>REC 3</b> Agree 30/09/19</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 2	<p><b>Road Works</b></p> <p>The Applicant shall upgrade the Ruttleys Road and Construction Road intersection within 6 months of the date of this consent, unless the Secretary directs otherwise, by:</p> <p>(a) installing additional signage on and adjacent to Construction Road prior to the intersection;</p> <p>(b) repairing the surface of Construction Road as required and ensuring the edge seal of the left turn lane is of sufficient width to accommodate coal trucks;</p> <p>(c) installing or replacing "Stop" signs in accordance with Austroads guidelines;</p> <p>(d) repainting road line markings and raised pavements associated with this intersection; and</p> <p>(e) installing barriers to prevent trucks parking on the gravel area adjacent to the intersection and the electricity substation located in the vicinity of this intersection.</p> <p>The design and construction of these works must be undertaken in consultation with, and to the relevant satisfaction of, WSC, RMS and Delta Electricity and to the satisfaction of the Secretary.</p>	<b>Administrative Non - Compliance</b>	<p>'Based on site communications with Environment and Community Co-ordinator. No upgrades completed during this audit period. However there is a historical Admin Non - Compliance from the previous audit period, with these details noted by Hansen Bailey (2016).</p> <p>- WSC Civil Design Approval SCC11-2013 dated 1/04/14 and WSC invoice for construction assessment and certificate dated 17/07/13;</p> <p>- Email from Lyle Marshall &amp; Associated (LC construction contractor) to WSC dated 21/03/14; and</p> <p>- Email from LC to Delta Electricity dated 29/01/14 and response from Delta Electricity dated 11/02/14 confirming approval of the proposed works.</p> <p>No evidence that the required Ruttleys Road and Construction Road intersection upgrade was to the satisfaction of RMS and DPE.</p> <p>Construction works for the intersection upgrade were completed on 14/08/2014, which is outside of 6 months of the date of approval of SSD-5465 (i.e. 23/06/2014). Historical admin non - compliance with no further action.</p>	Nil recommendation	

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Schedule 3 Condition 3	<p><b>Road Transport Protocol</b></p> <p>The Applicant shall prepare a Road Transport Protocol to the satisfaction of the Secretary. This protocol shall:</p> <p>(a) be prepared in consultation with RMS, NCC, WSC, DRE and CCC and submitted to the Secretary for approval within 6 months of the date of this consent;</p> <p>(b) describe the designated haulage routes to be used (as shown in Appendix 5); the maximum number of road movements proposed and the haulage hours permitted under this consent;</p> <p>(c) include a Traffic Management Plan, which includes:</p> <ul style="list-style-type: none"> <li>procedures to ensure that drivers adhere to the designated haulage routes;</li> <li>measures to maximise the use of a low frequency (regular) trucking schedule rather than an intermittently-high frequency (campaign) trucking schedule, especially during the morning peak hour;</li> <li>contingency plans to apply when (for example) the designated haulage route is disrupted, including procedures for notifying relevant agencies and affected communities of the need to implement such contingency plans;</li> <li>procedures to ensure that all haulage vehicles associated with the development are clearly distinguishable as CVC Colliery coal haulage trucks;</li> <li>details of procedures for receiving and addressing complaints from the community concerning traffic issues associated with truck movements to and from the site;</li> <li>measures to ensure that the provisions of the Traffic Management Plan are implemented, eg driver training in the heavy vehicle driver's Code of Conduct and contractual agreements with heavy vehicle operators; and</li> <li>procedures for ensuring compliance with and enforcement of the heavy vehicle driver's Code of Conduct;</li> </ul> <p>(d) include a Code of Conduct for heavy vehicle drivers that addresses:</p> <ul style="list-style-type: none"> <li>travelling speeds;</li> <li>instructions to avoid grouping or convoying of trucks;</li> <li>instructions to drivers not to overtake each other on the haulage route, as far as practicable, and to maintain appropriate distances between vehicles;</li> </ul>	<b>Administrative Non - Compliance</b>	<p>Evidence of Road Transport Protocol. Road Transport Protocol, which includes; MSP-D-14559 – Coal Haulage Traffic Management Plan and POL-D-14926 Coal Haulage Driver Code of Conduct.</p> <p>Coal Haulage Traffic Management System Plan on the CVC website is dated 18/03/14. This plan has not been updated since the previous audit.</p> <p>Coal Haulage Driver Code of Conduct on the CVC website is dated 04/10/2012.</p> <p>Preparation:</p> <p>a) Evidence of consultation from 2014;</p> <p>b) Section 8.3;</p> <p>c) Overall document. Covered in Section 8;</p> <p>d) Code of conduct discussed in Section 8.11. Not attached to the document.</p> <p>Implementation:</p> <p>Records and training.</p> <p>Section 12 of this plan states - "The Manager of Mining Engineering or his representative shall formerly review this document every three years". No evidence of any review in 2017, therefore Admin Non - Compliant.</p>	<p><b>REC 4</b></p> <p>Ensure Coal Haulage Traffic Management Plan is reviewed as per the requirements of the consent and commitments in the management plan.</p> <p>Attach Driver Code of Conduct to the management plan.</p>	<b>REC 4</b> Agree: 30/09/19

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	<ul style="list-style-type: none"> <li>instruction to drivers to adhere to the designated haulage routes;</li> <li>instruction to drivers to be properly safety conscious and to strictly obey all traffic regulations; and</li> <li>appropriate penalties for infringements of the Code.</li> </ul> <p>The Applicant shall implement the approved Road Transport Protocol as approved from time to time by the Secretary.</p>				
Schedule 3 Condition 4	<p><b>Independent Traffic Audit</b></p> <p>Prior to 31 March 2014, and every 12 months thereafter, unless the Secretary directs otherwise, the Applicant shall commission a suitably qualified person, whose appointment has been approved by the Secretary, to conduct an Independent Traffic Audit of the development. This audit must:</p> <p>(a) be undertaken without prior notice to the Applicant, and in consultation with RMS, NCC, WSC and the CCC;</p> <p>(b) assess the impact of the development on the performance and safety of the road network, including a review of:</p> <ul style="list-style-type: none"> <li>haulage records;</li> <li>accident records on the haulage route, infringements relating to the code of conduct and any incidents involving haulage vehicles;</li> <li>community complaints register; and</li> </ul> <p>(c) assess the effectiveness of the Road Transport Protocol; and, if necessary, recommend measures to reduce or mitigate any adverse (or potentially adverse) impacts.</p>	Administrative Non - Compliance	Admin Non - Compliance: No evidence provided by site indicating Traffic Audits were completed annually.	REC 5 Ensure Traffic Audits are completed annually in accordance with this condition. Ensure the report is submitted to the DPE.	REC 5 Agree: 31/12/19
Schedule 3 Condition 5	<p>Within 1 month of receiving the audit report, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the report to the Secretary, with a detailed response to any of the recommendations contained in the audit report, including a timetable for the implementation of any measures proposed to address the recommendations in the audit report.</p> <p>A summary of the audit report must be included in the Annual Review.</p>	Administrative Non - Compliance	Admin Non - Compliance: No evidence provided by site indicating Traffic Audits were completed annually.	As per REC 5 Ensure Traffic Audits are completed annually in accordance with this condition. Ensure the report is submitted to the DPE.	See REC 5 Agree: 31/03/20



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Schedule 3 Condition 6	<p><b>Alternative Coal Transport Options</b></p> <p>Prior to 31 December 2014, and every three years thereafter, the Applicant shall prepare and submit to the Secretary for approval, a study of the reasonable and feasible options to reduce or eliminate the use of public roads to transport coal from the development. The assessment must include:</p> <p>(a) an analysis of the capital, construction and operating costs of the alternative transport options; and</p> <p>(b) quantified social and environmental impacts associated with road and rail transport.</p>	Administrative Non - Compliance	Evidence provided of 2014 study with the letter dated 10 December 2014. The condition requires an audit every three years which would be in late 2017. No evidence of 2017 report provided to SLR, therefore Admin Non - Compliance.	<p><b>REC 6</b></p> <p>Ensure the Alternative Transport Options Report is completed as per the frequency in this condition.</p>	REC 6 Agree: 31/12/19																																																	
Schedule 3 Condition 7	<p><b>Noise Impact Assessment Criteria</b></p> <p>The Applicant shall ensure that the noise generated by the development at any residence on privately- owned land does not exceed the criteria for the location in Table 1 nearest to that residence.</p> <p><i>Table 1: Noise Criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>A1</sub>(1 min)</th> </tr> </thead> <tbody> <tr> <td>R8</td> <td>38</td> <td>38</td> <td>38</td> <td>45</td> </tr> <tr> <td>R11</td> <td>49</td> <td>49</td> <td>49</td> <td>54</td> </tr> <tr> <td>R12</td> <td>49</td> <td>49</td> <td>49</td> <td>53</td> </tr> <tr> <td>R13</td> <td>43</td> <td>43</td> <td>43</td> <td>49</td> </tr> <tr> <td>R15</td> <td>36</td> <td>36</td> <td>36</td> <td>45</td> </tr> <tr> <td>R19</td> <td>37</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>R22</td> <td>46</td> <td>46</td> <td>46</td> <td>46</td> </tr> <tr> <td>all other privately-owned land</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Location	Day	Evening	Night		L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1 min)	R8	38	38	38	45	R11	49	49	49	54	R12	49	49	49	53	R13	43	43	43	49	R15	36	36	36	45	R19	37	37	37	45	R22	46	46	46	46	all other privately-owned land	35	35	35	45	Non – Compliant (Low Risk)	<p>- Exceedance of LA1(1minute) criteria of 6dB and 7dB at ATN4 and R13 in June 2016. Documented in 2016 Annual Review and Quarterly Monitoring report (Global Acoustics report 16217_R01). Corrective actions undertaken and documented in incident report dated 05/07/2016.</p> <p>- 1dB exceedance of LAeq(15minute) criteria at ATN007 during the daytime period in October 2017 (Q4). Documented in 2017 Annual Review. However it is noted that a discrepancy between+E52 monitoring results presented in the 2017 Annual Review and Q4 Monitoring report (Global Acoustics Report 17424_R01) where no exceedance is recorded.</p> <p>- No exceedances recorded during 2018 period.</p> <p>- No exceedances recorded during the 2019 audit period (January - April 2019).</p>	<p><b>REC 7</b></p> <p>Continue investigations of any noise issues and, where practicable, implement reasonable and feasible mitigation measures.</p> <p>Ensure accurate / consistent monitoring results are presented in Annual Reviews.</p>	REC 7 Agree: 31/03/20
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Schedule 3 Condition 8	<p><b>Operating Conditions</b></p> <p>The Applicant shall:</p> <p>(a) implement best management practice, including all reasonable and feasible noise mitigation measures, to minimise the construction, operational and transport noise generated by the development;</p> <p>(b) regularly assess the noise monitoring and meteorological data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this consent;</p> <p>(c) minimise the noise impacts of the development during meteorological conditions under which the noise limits in this consent do not apply (see Appendix 8);</p> <p>(d) use its best endeavours to achieve the long-term noise goals in Table 2, where reasonable and feasible, and report on progress towards achieving these goals in each Annual Review;</p> <p>(e) carry out a comprehensive noise audit of the development in conjunction with each independent environmental audit; and</p> <p>(f) prepare an action plan to implement any additional reasonable and feasible onsite noise mitigation measures identified by each audit; to the satisfaction of the Secretary.</p> <p><i>Table 2: Long-term Noise Goals dB(A)</i></p> <table border="1"> <thead> <tr> <th rowspan="2">Location</th> <th>Day</th> <th>Evening</th> <th>Night</th> </tr> <tr> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>Aeq</sub>(15 min)</th> </tr> </thead> <tbody> <tr> <td>R11 – R13</td> <td>41</td> <td>41</td> <td>41</td> </tr> <tr> <td>R22</td> <td>40</td> <td>40</td> <td>40</td> </tr> </tbody> </table>	Location	Day	Evening	Night	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	R11 – R13	41	41	41	R22	40	40	40	Administrative Non - Compliance	<p>a) The 2016 Annual Review documented an investigation into repairs/maintenance of ventilation fan silencers. No further evidence during audit period. Therefore no continued implementation. Admin Non - Compliance.</p> <p>b) Evidence of real time noise monitoring conducted throughout 2016, 2017 and 2018 where no triggers were reported. During audit site inspection the real-time noise monitor was not in operation and has been removed from site. The Environment and Community Co-ordinator stated the real - time noise monitoring was removed in January 2019. Admin - Non Compliance as the monitor should have been active the entire IEA period.</p> <p>c) No evidence of reduced operations during adverse meteorological conditions.</p> <p>d) Evidence of inspection of silencers during 2016. No evidence of progress towards long term goal in the 2017-2019 audit period.</p> <p>e) Conducted as part of this Independent Audit. Note that no noise monitoring of site plant/equipment and operations was conducted as part of the audit.</p> <p>f) No evidence of action plan. Admin Non - Compliance.</p> <p>Exceedances of long term noise goals occurred during the monitoring period. However these are longterm noise goals, not criteria.</p>	<p><b>REC 8</b></p> <p>The real - time noise monitor should be re-established for the site. Liaise with the DPE regarding the best location as the majority of noise complaints have resulted from Mannering Colliery operations, not CVC. Mannering Colliery is also owned by Delta Coal. Update the Noise Management Plan.</p>	REC 8 Agree: 31/12/19
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Schedule 3 Condition 9	<p><b>Noise Management Plan</b></p> <p>The Applicant shall prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA and submitted to the Secretary for approval within 4 months of the date of this consent, unless otherwise agreed by the Secretary;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions in this consent;</p> <p>(c) describe the proposed noise management system in detail including the mitigation measures that would be implemented to minimise noise during construction and operations, including on and off site road noise generated by vehicles associated with the development; and</p> <p>(d) include a monitoring program that:</p> <ul style="list-style-type: none"> <li>• uses attended monitoring to evaluate the compliance of the development against the noise criteria in this consent;</li> <li>• evaluates and reports on: <ul style="list-style-type: none"> <li>• the effectiveness of the on-site noise management system; and</li> <li>• compliance against the noise operating conditions; and</li> <li>• defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents.</li> </ul> </li> </ul> <p>The Applicant shall implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non - Compliance	<p>Current plan dated 12 March 2014.</p> <p>Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed. Admin Non - Compliance.</p> <p>Preparation:</p> <p>a) Compliant. Evidence from 2014;</p> <p>b) Compliant - Section 4;</p> <p>c) Compliant - Section 4;</p> <p>d) Compliant - Section 5 and 6</p> <p>Implementation:</p> <p>No evidence of audit, review and update of noise management plan during audit period as prescribed in Section 9. Admin Non - Compliance.</p> <p>No notification to residents following recorded exceedances in accordance with Section 6.2. Admin Non - Compliance.</p> <p>Real time noise monitor removed from site. Admin Non - Compliance.</p>		

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Schedule 3 Condition 11	<p>The Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedance of the criteria listed in Tables 3, 4 and 5 at any residence on privately-owned land.</p> <p><i>Table 3: Long-term criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td><sup>a</sup> 90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td><sup>a</sup> 30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 4: Short-term criterion for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td><sup>a</sup> 50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 5: Long-term criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td><sup>c</sup> Deposited dust</td> <td>Annual</td> <td><sup>b</sup> 2 g/m<sup>2</sup>/month</td> <td><sup>a</sup> 4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table>	Pollutant	Averaging period	<sup>d</sup> Criterion	Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>	Pollutant	Averaging period	<sup>d</sup> Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month	Non – Compliant (Low Risk)	<p>2019 - no longterm data for annual averages. Annual Review 2018 - Depositional dust gauges were below criteria.</p> <p>Short term PM<sub>10</sub> non -compliances on 3 April 2018, 18 July 2018 and 4 December 2018. The 2018 annual average of 24hr PM<sub>10</sub> results was 16.1 µg/m<sup>3</sup>. Daily (24-hour) results ranged from a minimum of 6.13 µg/m<sup>3</sup> to a maximum of 112.98 µg/m<sup>3</sup> during 2018. There were some data capture issues in 2018 relating to the TEOM. These were not reported as non -compliances in Section 1 or 7 of the Annual Review. <u>Non - Compliance (Low Risk)</u> for exceeding criteria.</p> <p>Annual Review 2017 - Excluding DDG005, deposited dust levels for the reporting period were below the EPA long term criteria annual maximum level of 4 g/m<sup>2</sup>/month at all sites. Additionally, no gauges showed annual increases in deposited dust levels above the EPA maximum of 2 g/m<sup>2</sup>/month during the reporting period. Note, the depositional dust gauge exceedance was not recorded as an exceedance in Section 1 or 7 of the Annual Review. <u>Non - compliance</u> relating to exceedance of DDG5 and also not reporting in Section 1 or 7 of the Annual Review.</p> <p>The EPA long-term annual average criteria (30 µg/m<sup>3</sup>) for PM<sub>10</sub> was not exceeded during the 2017 period. Daily (24-hour) results ranged from a minimum of 5.39 µg/m<sup>3</sup> to a maximum of 47.78 µg/m<sup>3</sup> during 2017. The 2017 annual average of 24hr PM<sub>10</sub> results was 15.1 µg/m<sup>3</sup>. Within short term criteria. It was noted there was some data capture issues The 2017 Annual Review states that 'When comparing the 2017 annual results to the previous year, the data capture rate was slightly higher in 2017. This was primarily due to power outages associated with electrical storms in 2016 and a failed air conditioner during the 2016 reporting period'. Data capture issues were not reported as <u>non - compliances</u> in Section 1 or 7 of Annual Review.</p>	<p><b>REC 9</b></p> <p>Update the Air Quality Management Plan following this audit.</p> <p>Improve data capture for PM10. Review possibilities of backup power supply.</p> <p>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</p> <p>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</p>	<p><b>REC 9a</b> Agree: 30/09/19</p> <p><b>REC 9c</b> Agree: 30/03/20</p> <p><b>REC 9d</b> Agree: 30/09/19</p>
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Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
			<p>Annual Review 2016 - Deposited dust levels for the reporting period were below the EPA long term criteria annual maximum level of 4 g/m<sup>2</sup>/month at all sites. Additionally, no gauges showed annual increases in deposited dust levels above the EPA maximum of 2 g/m<sup>2</sup>/month.</p> <p>Daily (24-hour) results ranged from a minimum of 2.1 µg/m<sup>3</sup> to a maximum of 39.8 µg/m<sup>3</sup> during 2016.</p> <p>For PM<sub>10</sub> data capture - When comparing the 2016 annual results to the previous year, the data capture rate was slightly lower in 2016. This was primarily due to power outages associated with electrical storms, a failed air conditioner unit in February 2016 and a pest infestation in the units electrical circuit. <u>Non - compliance</u> relating to data capture.</p> <p><u>Field Evidence</u></p> <p>The field assessment did not identify a high number of dust sources. There are disturbed surfaces, but these are small compared to most mines. Water truck sighted. Outside sources contribute to dust. It is highly likely that other sources contribute to dust levels.</p> <p><u>Correspondence</u></p> <p>Incidents reports are prepared and provided to DPE and EPA. Sighted by the audit team. However there is often a delay in identifying short term criterion exceedances.</p>		

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 12	<p><b>Operating Conditions</b></p> <p>The Applicant shall:</p> <p>(a) implement best practice air quality management at the site, including all reasonable and feasible measures to minimise the off-site odour, fume and dust emissions generated by the development;</p> <p>(b) implement best practice management to minimise the risk of spontaneous combustion and related emissions;</p> <p>(c) implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site;</p> <p>(d) operate an air quality management system on site to ensure compliance with the relevant conditions of this consent;</p> <p>(e) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note d to Tables 3-5 above);</p> <p>(f) regularly assess the air quality monitoring data, and modify operations on site to ensure compliance with the relevant conditions of this consent,</p> <p>to the satisfaction of the Secretary.</p>	Administrative Non - Compliance	<p><u>Field Evidence</u></p> <p>The field assessment did not identify a high number of dust sources. There are disturbed surfaces, but these are small compared to most mines. Water truck sighted. Outside sources contribute to dust.</p> <p><u>Correspondence</u></p> <p>Incidents reports are prepared and provided to DPE and EPA. Sighted by the audit team.</p> <p>a) Evidence of dust monitoring and watercart use;</p> <p>b) Based on discussions with Environment and Community Co-ordinator there have been no issues on the surface regarding spontaneous combustion;</p> <p>c) Monitoring of fuel and energy usage;</p> <p>d) Air quality management system - for monitoring continues to be undertaken;</p> <p>e) Based on discussions with Environment and Community Co-ordinator water carts are used on exposed surfaces. Product is generally a wet product, therefore no water sprays required;</p> <p>f) The real time air quality monitor is not being used as a management tool. During the audit period there was no system to notify persons of when the TEOM identified short term impact assessment <u>non - compliances</u>. <u>Non - compliances</u> are only identified during the monthly download. <u>Admin non - compliance</u> relating to not determining TEOM exceedances as soon as they occur.</p>	<p>As per <b>REC 9</b></p> <p>Update the Air Quality Management Plan following this audit.</p> <p>Improve data capture for PM<sub>10</sub>. Review possibilities of backup power supply.</p> <p>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</p> <p>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</p>	See <b>REC 9</b> Agree: 30/09/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 13	<p><b>Air Quality Management Plan</b></p> <p>The Applicant shall prepare an Air Quality Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and submitted to the Secretary for approval within 6 months of the date of this consent;</p> <p>(b) describe the measures that would be implemented to ensure compliance with the relevant air quality criteria and operating conditions of this consent;</p> <p>(c) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site;</p> <p>(d) describe the proposed on-site air quality management system; and</p> <p>(e) include an air quality monitoring program that:</p> <ul style="list-style-type: none"> <li>• is capable of evaluating the operating conditions of this consent;</li> <li>• evaluates and reports on:</li> <li>• the effectiveness of the air quality management system; and</li> <li>• compliance against the air quality operating conditions;</li> <li>• defines what constitutes an air quality incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any air quality incidents.</li> </ul> <p>The Applicant shall implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non - Compliance	<p><u>Preparation:</u></p> <p>Evidence of Air Quality Management Plan dated 15 January 2016. The Air Quality Management Plan on the website 18 July 2014, with this approved on 24 July 2014. No evidence of approval provided by Delta Coal for 2016 Management Plan, therefore 2014 plan reviewed for adequacy.</p> <p>a) Section 1.4; b) Section 3; c) Section 4; d) and e) - Section 5</p> <p>Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed.</p> <p><u>Implementation:</u></p> <p>Evidence of monitoring; Minimal issues observed with dust management; and The real time air quality monitor is not being used as a management tool. Section 5.3 of 2014 Air Quality Management Plan states: <i>Every 30 minutes the real time data from the monitor is sent via wireless (Next-G) connection to a web based data management system (Vista Data Vision) which is also used for the Company's real time noise monitoring system. A web based interface then allows the data to be viewed or downloaded, reports to be created and automated alarm generation when the predefined triggers are reached.</i></p> <p><u>Admin Non - Compliance</u> as no alarm was set up. The only way exceedances could be determine during the audit period was by manual download or viewing of results. This generally occurred every month.</p>	<p>As per <b>REC 9</b></p> <p>Update the Air Quality Management Plan following this audit.</p> <p>Improve data capture for PM<sub>10</sub>. Review possibilities of backup power supply.</p> <p>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</p> <p>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</p>	See <b>REC 9</b> Agree: 30/09/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 17	<p><b>Sewage Management</b></p> <p>The Applicant shall manage on-site sewage in accordance with NSW Environmental Guidelines: Use of Effluent by Irrigation (DEC 2004) and the National Guidelines for Sewerage Systems - Effluent Management (ANZECC 1997) or its latest version, to the satisfaction of EPA.</p>	Administrative Non - Compliance	<p>Sewage system - 2 systems. Envirocycle for offices and second system is a septic system that handles the bathhouse and toilet facilities. This water is treated onsite.</p> <p>There is limited detail in the Water Management Plan regarding the sewage water management system. Garden Wastemaster Australia complete servicing. Evidence of one email from 6 March 2019 organising servicing. However no evidence of servicing provided. <u>Admin Non - Compliant</u>. Evidence of testing of wastewater through lab results.</p>	<p><b>REC 10</b></p> <p>Include additional detail in the Water Management Plan regarding sewage management.</p> <p>Include an update of sewage system during the audit period in the Annual Review.</p> <p>Ensure servicing is completed and records kept onsite.</p>	<p><b>REC 10</b> Agree: 30/09/19 and 31/03/20</p>



Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 18	<p><b>Water Management Plan</b></p> <p>The Applicant shall prepare a Water Management Plan for the surface facilities sites to the satisfaction of the Secretary. This plan must be prepared in consultation with DPI Water and EPA, by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary, and submitted to the Secretary for approval within 6 months of the date of this consent. This plan must include:</p> <p>(a) a comprehensive water balance for the development that includes details of:</p> <ul style="list-style-type: none"> <li>• sources and security of water supply;</li> <li>• water make in the underground workings;</li> <li>• water transfers from the underground operations to the surface;</li> <li>• water use; and</li> <li>• any water discharges;</li> </ul> <p>(b) management plans for the surface facilities sites, that include:</p> <ul style="list-style-type: none"> <li>• a detailed description of water management systems for each site, including: <ul style="list-style-type: none"> <li>• clean water diversion systems;</li> <li>• erosion and sediment controls; and</li> <li>• any water storages;</li> </ul> </li> <li>• measures to minimise potable water use and to reuse and recycle water;</li> <li>• measures to manage acid sulphate soils, if encountered;</li> <li>• activities that would involve ground disturbance at the site; and</li> <li>• monitoring and reporting procedures.</li> </ul> <p>(c) a Surface Water Management Plan which:</p> <ul style="list-style-type: none"> <li>• includes baseline data on surface water flows and quality of Swindles Creek;</li> <li>• details surface water impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on surface water resources or surface water quality;</li> <li>• provides a program to monitor: <ul style="list-style-type: none"> <li>• surface water discharges;</li> <li>• surface water flows and quality; and</li> <li>• channel stability;</li> </ul> </li> </ul>	Administrative Non - Compliance	<p>The current Water Management Plan is dated July 2015. This plan was approved by the DPE on 21 July 2015. This plan is out of date due to the age of the plan and also does not cover MOD 2. Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed. <u>Admin Non - Compliance</u>.</p> <p>The Plan outlines several activities which are planned to be undertaken in 2015. Evidence of consultation in 2015 update with this outlined in Section 1.2.</p> <p><u>Preparation:</u></p> <p>a) Section 3 of the report. Most of the information of the Water Balance is from 2013 and should be reviewed;</p> <p>b) Section 4. Includes details of mitigation measures. Figure 4 is a detailed figure, but may require some updating based on minor changes at the pit top. Monitoring information outlined in Section 5;</p> <p>c) Covered in Section 4;</p> <p>d) Covered in Appendix B; and</p> <p>e) Covered in several sections.</p> <p><u>Implementation:</u></p> <ul style="list-style-type: none"> <li>- The plan is a little out of date - from 2015, with some information dating back to 2013;</li> <li>- Evidence of surface water and groundwater monitoring in Annual Review;</li> <li>- Water management sighted in the field. Separation of water streams. Dams are stable; and</li> <li>- Some desilting of a drainage line is required.</li> </ul>	<p><b>REC 11</b></p> <p>Update the water balance or justify why the current water balance is still applicable to the current operations.</p> <p>Ensure dams and drainage lines are free on silt. Establish a maintenance schedule.</p>	<b>REC 11</b> Agree 31/03/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
	<p>(d) a Ground Water Monitoring Program which includes a program to:</p> <ul style="list-style-type: none"> <li>• monitor and report groundwater inflows to underground workings;</li> <li>• predict, manage and monitor impacts to nearby groundwater bores on privately-owned land that may be impacted by the development; and</li> </ul> <p>(e) a detailed review of surface water management at the site, with particular reference to the water storages within the dirty water management system, to:</p> <ul style="list-style-type: none"> <li>• determine whether the capacity, integrity, retention time and management of the dirty water storages (particularly the final Pollution Control Dam) are sufficient to ensure that water discharged from the site meets the EPL limits and surface water impact assessment criteria within the Surface Water Management Plan; and</li> <li>• propose any appropriate changes to the surface water management system.</li> </ul> <p>The Applicant shall implement the approved management plan as approved from time to time by the Secretary.</p> <p>Note: The Secretary may require the Applicant to implement upgrades and other changes identified under paragraph (e), in accordance with condition 4 of schedule 2.</p>				

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule Condition 20	<p><b>Biodiversity Management Plan</b></p> <p>The Applicant shall prepare a Biodiversity Management Plan for the surface facilities sites, for all areas that are not, or will not, be subject to condition 7 of schedule 4, to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by a suitably qualified person approved by the Secretary; in consultation with OEH, and submitted to the Secretary within 6 months of the date of this consent;</p> <p>(b) establish baseline data for the existing habitat in the Biodiversity Enhancement Area and elsewhere on the site;</p> <p>(c) describe the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> <li>• manage the impacts of clearing vegetation;</li> <li>• manage the remnant vegetation and habitat in the Biodiversity Enhancement Area and elsewhere on the site; and</li> <li>• implement the Biodiversity Enhancement Strategy, including detailed performance and completion criteria;</li> </ul> <p>(d) include a program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;</p> <p>(e) identify the potential risks to the successful implementation of the Biodiversity Enhancement Strategy, and the contingency measures that would be implemented to mitigate these risks; and</p> <p>(f) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>The Applicant shall implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non - Compliance	<p>The Biodiversity Management Plan is dated 16 March 2016. This was approved by the DPE on 20 April 2016. Covers pit top and fan sites. Seagrass management covered under a separate plan. Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed. <u>Admin Non - Compliance</u>.</p> <p><u>Preparation:</u></p> <p>a) Original document prepared by EMM. Updated document prepared by LakeCoal. The original document met this timeframe;</p> <p>b) Baseline data in Section 3.2;</p> <p>c) Mostly covered in Section 4 and 5, but not split into short, medium and longterm measures;</p> <p>d) Section 11;</p> <p>e) See Table 11;</p> <p>f) Section 13.</p> <p><u>Implementation:</u></p> <p>Section 14 refers to the resubmission of this management plan within three months of submitting the Independent Environmental Audit. The previous audit is dated July 2016. Evidence of biodiversity monitoring reports.</p>	<p><b>REC 12</b></p> <p>Include the biodiversity monitoring reports as appendices to the Annual Review.</p> <p>The current monitoring is provided in a spreadsheet with an email summary. Prepare a small report outlining results, a comparison against trigger levels and potential reasons for changes.</p> <p>Prepare a separate section with short, medium and longterm measures in the Biodiversity Management Plan.</p>	<b>REC 12</b> Agree: 31/12/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 21	<p><b>Heritage Management Plan</b></p> <p>The Applicant shall prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This Plan must:</p> <p>(a) be prepared in consultation with any relevant Aboriginal stakeholders;</p> <p>(b) be submitted to the Secretary for approval within 6 months of the date of this consent;</p> <p>(c) include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;</p> <p>(d) detail the responsibilities of all stakeholders; and</p> <p>(e) include programs/procedures and management measures for:</p> <ul style="list-style-type: none"> <li>• the ongoing monitoring of site 45-7-0189 at Summerland Point;</li> <li>• managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols;</li> <li>• ongoing consultation and involvement of the Aboriginal community in the conservation and management of Aboriginal heritage within the site; (including procedures for keeping records of this);</li> <li>• appropriate identification, management, conservation and protection of both Aboriginal and non-Aboriginal heritage items identified on the site; and</li> <li>• ensuring relevant workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions.</li> </ul> <p>The Applicant shall implement the approved management plan as approved from time to time by the Secretary.</p>	Administrative Non - Compliance	<p><u>Preparation:</u></p> <p>Plan dated 23/6/2014. Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed.</p> <p><u>Admin Non - Compliance.</u></p> <p>a) Section 4.4 and 4.5;</p> <p>b) Condition outside of audit period;</p> <p>c) Section 4;</p> <p>d) Section 11;</p> <p>e) In various sections.</p> <p><u>Implementation:</u></p> <p>Evidence of some monitoring of shell midden site #45-7-0189 in Annual Reviews. Monitoring every 2 years until Year 5 (Year 1, 3 and 5). 2017 was the fifth year, hence no further monitoring required.</p> <p>Section 12 of the Heritage Management Plan refers to the resubmission of this management plan within three months of submitting the Independent Environmental Audit. This was not completed.</p>	<p><b>REC 13</b></p> <p>Update the Heritage Management Plan, including the removal of Site #45-7-0154.</p>	<p><b>REC 13</b> Agree: 30/09/19</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 22	<p><b>Visual Amenity and Lighting</b></p> <p>The Applicant shall:</p> <p>(a) minimise visual impacts, and particularly the off-site lighting impacts, of the Surface facilities sites;</p> <p>(b) take all reasonable and feasible measures to further mitigate off-site lighting impacts from the development; and</p> <p>(c) ensure that all external lighting associated on site complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Secretary.</p>	Administrative Non - Compliance	<p>The most recent lighting audit for CVC is from 2013. Prepared by Wadco May 2013.</p> <p>a) and b) The pit top area and ventilation shaft site are not dominant features of the landscape the pit top area is somewhat overshadowed by the adjacent power station. The ventilation fans were designed to maintain a relatively low profile, below the surrounding vegetation to ensure amenity and lighting impacts were minimised. Some lights have been removed, including those at the stockpile. There were no complaints to visual or lighting during the audit period.</p> <p>c) Compliance with this requirement could not be determined due to the date of the previous Visual and Lighting audit. Therefore <u>Admin - Non - Compliance</u>.</p>	<p><b>REC 14</b></p> <p>Complete a visual and lighting assessment against the Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.</p>	REC14 Agree: 31/12/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 3 Condition 27	<p><b>Rehabilitation</b></p> <p>The Applicant shall prepare a Rehabilitation Management Plan for the development, in consultation with OEH, DPI Water, WSC, LMCC, and the CCC, and to the satisfaction of the DRE. This plan must:</p> <p>(a) be submitted to the Secretary and the DRE for approval within 12 months of the date of approval of this development consent;</p> <p>(b) be prepared in accordance with any relevant DRE guideline and be consistent with the rehabilitation objectives in the EIS and in Table 7;</p> <p>(c) describe how the performance of the rehabilitation would be monitored and assessed against the objectives in Table 7;</p> <p>(d) describe the process whereby additional measures would be identified and implemented to ensure the rehabilitation objectives are achieved;</p> <p>(e) provide for detailed mine closure planning, including measures to minimise socio-economic effects due to mine closure, to be conducted prior to the site being placed on care and maintenance; and</p> <p>(f) be integrated with the other management plans required under this consent.</p> <p>The Applicant shall implement the approved management plan as approved from time to time by the Secretary.</p> <p>Note: The Rehabilitation Management Plan should address all land impacted by the development whether prior to, or following, the date of this consent.</p>	Administrative Non - Compliance	<p>Evidence of Rehabilitation Management Plan. Update dated 1 March 2019. This plan appears unapproved and no evidence of this plan being sent to the DPE. Current approved Rehabilitation Management Plan is from December 2014. Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed. <u>Admin Non - Compliance.</u></p> <p><u>Preparation:</u></p> <p>a) Outside of audit period;</p> <p>b) Covers this requirement. Note, a separate MOP has also been prepared for the site;</p> <p>c) Section 8;</p> <p>d) Generally covered in Section 7;</p> <p>e) Section 6;</p> <p>f) Linked to MOP.</p> <p><u>Implementation:</u></p> <p>There is no rehabilitation onsite. Minimal surface footprint.</p> <p>Extraction Plans cover subsidence management.</p> <p>The Rehabilitation Management Plan is not on the CVC website, which makes this <u>Admin Non - Compliant.</u></p>	<p><b>REC 15</b></p> <p>Ensure a copy of the approved Rehabilitation Management Plan is put on the website.</p>	<p><b>REC 15</b> Agree: 30/09/19</p>
Schedule 4 Condition 1	<p><b>Subsidence</b></p> <p>The Applicant shall ensure that vertical subsidence within the High Water Mark Subsidence Barrier and within seagrass beds is limited to a maximum of 20 millimetres (mm). If at any stage predicted subsidence levels are exceeded within these areas, an ecological monitoring program shall be initiated to assess the impacts to ecological communities and threatened species and if appropriate, offsets are to be provided for any impacts detected.</p>	Administrative Non - Compliance	<p>This condition is outlined in the Annual Review (see Section 3.16.4 in 2018 Annual Review), however no update has been provided on whether the condition has been met. Based on this the auditor cannot determine compliance.</p>	<p><b>REC 16</b></p> <p>See <b>Section 5.2</b> of the Main Audit Report for Subsidence Recommendations.</p>	<p><b>REC 16</b> Agree: 31/03/20</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date														
Schedule 4 Condition 2	<p><b>Performance Measures – Natural Environment</b></p> <p>The Applicant shall ensure that the development does not cause any exceedance of the performance measures in Table 8 to the satisfaction of the Secretary.</p> <p><i>Table 8: Subsidence Impact Performance Measures – Natural and Heritage Features</i></p> <table border="1"> <thead> <tr> <th colspan="2"><b>Biodiversity</b></th> </tr> </thead> <tbody> <tr> <td>Threatened species or endangered populations</td> <td>Negligible environmental consequences</td> </tr> <tr> <td>Seagrass beds</td> <td>Negligible environmental consequences including: <ul style="list-style-type: none"> <li>• negligible change in the size and distribution of seagrass beds;</li> <li>• negligible change in the functioning of seagrass beds; and</li> <li>• negligible change to the composition or distribution of seagrass species within seagrass beds.</li> </ul> </td> </tr> <tr> <td>Benthic communities</td> <td>Minor environmental consequences, including minor changes to species composition and/or distribution.</td> </tr> <tr> <th colspan="2"><b>Mine workings</b></th> </tr> <tr> <td>First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible environmental consequences</td> <td>To remain long-term stable and non-subsiding.</td> </tr> <tr> <td>Second workings</td> <td>To be carried out only in accordance with an approved Extraction Plan.</td> </tr> </tbody> </table>	<b>Biodiversity</b>		Threatened species or endangered populations	Negligible environmental consequences	Seagrass beds	Negligible environmental consequences including: <ul style="list-style-type: none"> <li>• negligible change in the size and distribution of seagrass beds;</li> <li>• negligible change in the functioning of seagrass beds; and</li> <li>• negligible change to the composition or distribution of seagrass species within seagrass beds.</li> </ul>	Benthic communities	Minor environmental consequences, including minor changes to species composition and/or distribution.	<b>Mine workings</b>		First workings under an approved Extraction Plan beneath any feature where performance measures in this table require negligible environmental consequences	To remain long-term stable and non-subsiding.	Second workings	To be carried out only in accordance with an approved Extraction Plan.	Administrative Non - Compliance	<p>The subsidence performance is outlined in the Annual Reviews. There is no specific table or section addressing if the site has met these performance measures.</p> <p>Reports from 2016 to 2018 titled Seagrass Survey of Chain Valley Bay, Summerland Point, Bardens Bay and Crangan Bay, Lake Macquarie, NSW. These reports do not assess against these performance measures as the word 'negligible' is not in the report. There is no definition of negligible.</p> <p>Biodiversity Monitoring Reports do not cover these performance measures.</p> <p>Benthic monitoring reports do not specifically address these performance measures.</p> <p>Despite this there is no evidence that these performance measures have been exceeded, however the auditor is not able to determine compliance based on the information provided.</p>	<p><b>REC 16</b></p> <p>See <b>Section 5.2</b> of the Main Audit Report for Subsidence Recommendations.</p>	See <b>REC 16</b> Agree: 31/03/20
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Schedule 4 Condition 3	<p><b>Offsets</b></p> <p>If the Applicant exceeds the performance measures in Table 8 and the Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the impact or environmental consequence; or</p> <p>(b) the remediation measures implemented by the Applicant have failed to satisfactorily remediate the impact or environmental consequence;</p> <p>then the Applicant shall provide a suitable offset to compensate for the impact or environmental consequence to the satisfaction of the Secretary.</p> <p>Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.</p>	Administrative Non - Compliance	<p>There is no specific assessment against subsidence criteria in the Annual Review, therefore we cannot determine compliance.</p> <p>The 2017 Annual Review stated there was an exceedance of predicted subsidence values over the MW7-12 mining area, but not an exceedance of the performance measures in this table.</p>	<p><b>REC 16</b></p> <p>See <b>Section 5.2</b> of the Main Audit Report for Subsidence Recommendations.</p>	See <b>REC 16</b> Agree: 31/03/20														

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 4 Condition 7	<p><b>Extraction Plan</b></p> <p>The Applicant shall prepare an Extraction Plan for all second workings on site, to the satisfaction of the Secretary. Each Extraction Plan must:</p> <p>(h) include a Benthic Communities Management Plan, which has been prepared in consultation with OEH, LMCC, and DPI Fisheries, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on benthic communities, and which includes:</p> <ul style="list-style-type: none"> <li>• surveys of the lake bed to enable contours to be produced and changes in depth following subsidence to be accurately measured;</li> <li>• benthic species surveys within the area subject to second workings, as well as control sites outside the area subject to second workings (at similar depths) to establish baseline data on species number and composition within the communities;</li> <li>• a program of ongoing seasonal monitoring of benthic species in both control and impact sites;</li> <li>• development of a model to predict likely impact of increased depth and associated subsidence impacts and effects, including but not limited to light reduction and sediment disturbance, on benthic species number and benthic communities composition, incorporating the monitoring and survey data collected; and</li> <li>• updating the model every 2 years using the most recent monitoring and survey data;</li> </ul>	Administrative Non - Compliance	<p><u>Preparation:</u></p> <p>Evidence of Benthic Communities Management Plans in EP 1, 3 and 4. Overall Extraction Plan and management plans have been approved by the DPE. No Benthic Communities Management Plan for EP 2 (Modification to EP 1). Plan updated for each EP. The Plans cover the requirements of the sub conditions. Evidence of consultation included in management plans.</p> <p><u>Implementation:</u></p> <p>Evidence of bi-annual benthic communities monitoring during the Audit period. Reports are prepared every six months except no evidence of September 2018 report provided to SLR. Reports prepared by John and Emma Laxton. Results are also summarised in the Annual Review.</p> <p>There is no definition of what a 'minor' impact is in the Benthic Communities Management Plan or the bi-annual monitoring reports, with this being a subsidence performance criteria in Schedule 4 Condition 2.</p> <p>- Minor environmental consequences including minor changes to species composition of distribution.</p> <p>There is no definitive guide as to what constitutes reporting of an incident or non - compliance ie. 'What is greater than minor?' See Section 6 of May 2018 Benthic Communities Management Plan. As there is little interpretation of results against subsidence performance measures this is a <u>Admin Non - Compliance</u>.</p> <p>The Extraction Plan - EP3 (Appendix 1) outlines a Trigger Action Response Plan (TARP). It has triggers relating to statistical change in benthic communities. eg. Trigger Level 1 = ANOVA/ANOSIM level is approaching 5%. There is no discussion in the bi-annual reports about how the site is tracking against those triggers.</p>	<p><b>REC 16</b></p> <p>See Section 5.2 of the Main Audit Report for Subsidence Recommendations.</p>	See <b>REC 16</b> Agree: 31/03/20



Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 5 Condition 1	<p><b>Notification of Landowners</b></p> <p>As soon as practicable after obtaining monitoring results showing:</p> <p>(a) an exceedance of any relevant criteria in Schedule 3, the Applicant shall notify affected landowners in writing of the exceedance, and provide regular monitoring results to each affected landowner until the development is again complying with the relevant criteria; and</p> <p>(b) an exceedance of any relevant air quality criteria in Schedule 3, the Applicant shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land).</p>	Administrative Non - Compliance	<p>a) 2018 - Short term PM<sub>10</sub> <u>non - compliances</u> on 3 April 2018, 18 July 2018 and 4 December 2018. For 2018 there was evidence provided to SLR through correspondence with EPA that these dust events were regional. There was however no evidence provided of contact with 'affected landowners' (<u>Admin Non - Compliance</u>).</p> <p>2017 - Noise <u>non - compliance</u> in 2017 (24 October 2017 at ATN007 (Summerland Point). Evidence of report to the DPE on 8 November 2017. No evidence of notifying 'affected landowner/s'.</p> <p>2016 - Exceedance of daily discharge limit at LDP1 on January 2016 as a result of heavy rainfall (SLR believes no affected landowners, therefore no notification required). Exceedance of night time LA1 Minute criteria at two residential receivers during Q2 2016 monitoring.</p> <p>b) No evidence that the 'Mine Dust and You' fact sheet was provided for 2018 dust exceedances for 'affected landowners'. However as these events were proven to be regional, the auditors do not believe this is required for the 2018 exceedances.</p>	<p><b>REC 17</b></p> <p>Define who are potentially 'affected landowners' in the Air Quality Management Plan?</p> <p>Affected landowners should be contacted when there is a <u>non - compliance</u> relating to dust or noise. This should be completed even if it is a regional dust event as Delta Coal are still recording it as a <u>non - compliance</u> in the Annual Review.</p>	<b>REC 17</b> Agree: 30/09/19 and ongoing

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 6 Condition 1	<p><b>Environmental Management Strategy</b></p> <p>The Applicant shall prepare an Environmental Management Strategy for the development to the satisfaction of the Secretary. This strategy must:</p> <p>(a) be submitted to the Secretary for approval within 7 months of the date of this consent;</p> <p>(b) provide the strategic framework for environmental management of the development;</p> <p>(c) identify the statutory approvals that apply to the development;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>• receive, handle, respond to, and record complaints;</li> <li>• resolve any disputes that may arise during the course of the development;</li> <li>• respond to any non - compliance;</li> <li>• respond to emergencies; and</li> </ul> <p>(f) include:</p> <ul style="list-style-type: none"> <li>• copies of any strategies, plans and programs approved under the conditions of this consent; and</li> <li>• a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.</li> </ul> <p>The Applicant shall implement the approved management strategy as approved from time to time by the Secretary.</p>	Administrative Non - Compliance	<p>EMS Document is dated 12 October 2012. The EMS was approved by DP&amp;E with a letter dated 6/11/12. Evidence of letter to DPE from LakeCoal dated 28 July 2016 stating that a series of management plans would be updated in late 2016/2017. This was not completed. <u>Admin Non - Compliance.</u></p> <p>No evidence that the EMS was updated following the last audit or other modifications.</p> <p><u>Preparation:</u></p> <p>a) - NA as outside audit period;</p> <p>b) Framework provided as part of document;</p> <p>c) Approvals are listed but are out of date;</p> <p>d) Section 9.5;</p> <p>e) Covered in Several Sections 8-11; and</p> <p>f) Plans listed in Section 9.</p> <p><u>Implementation:</u></p> <p>There is evidence of complaints and incident management. No evidence of landowners being contacted for dust or noise exceedances. Non complaint for implementation (<u>Admin Non - Compliance</u>).</p> <p>The EMS is supposed to be reviewed every three years. Last review was 2012, therefore <u>Admin Non - Compliance.</u></p>	<p><b>REC 18</b></p> <p>Prepare a cross referencing table outlining where sub conditions have been covered.</p> <p>Ensure plans are reviewed as per Schedule 6 Condition 5.</p> <p>Include Schedule 5 Condition 2 requirement in the EMS to notify landowners of exceedances 'as soon as practical'. Define a time period for as soon as practical.</p>	<b>REC 18</b> Agree: 30/09/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 6 Condition 2	<p><b>Adaptive Management</b></p> <p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedules 3 and 4. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.</p>	Non-Compliant (Low Risk)	<p>There have been some exceedances of criteria during the audit period.</p> <p>a) Exceedances noted for air (regional dust), noise and a discharge volume issue during the audit period. Also <u>Non - Compliance</u> relating to subsidence which is outlined in the 2017 Annual Review. Evidence of exceedance/incident reports provided;</p> <p>b) Incident reports submitted to the DPE, however some reports have been well after the incident or non - compliance occurred;</p> <p>c) Remedial measures - additional subsidence modelling completed following MW7-12 subsidence exceedance.</p> <p>Exceedances have generally been investigated with no further recommendations.</p>	Nil recommendation.	

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 6 Condition 4	<p><b>Annual Review</b></p> <p>By the end of March each year, or other timing as may be agreed by the Secretary, the Applicant shall review the environmental performance of the development 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 calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>• relevant statutory requirements, limits or performance measures/criteria;</li> <li>• requirements of any plan or program required under this consent;</li> <li>• monitoring results of previous years; and</li> <li>• relevant predictions in the documents listed in condition 2 of Schedule 2;</li> </ul> <p>(c) identify any non - compliance over the past calendar 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 development;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the development, 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 development.</p>	<b>Administrative Non - Compliance</b>	<p>The 2016, 2017 and 2018 Annual Reviews were reviewed as part of the IEA.</p> <p>a) Section 1 and 2;</p> <p>b) Section 3. Some sections do not report against all Development Consent criteria eg. subsidence;</p> <p>c) Section 7 - however this is different to the Annual Review guidelines;</p> <p>d) Trends covered for water management and air quality;</p> <p>e) Limited information on this condition in the Annual Reviews;</p> <p>f) Section 8;</p> <p>The Annual Reviews have not been prepared to cover the current Annual Review Guidelines. See link:</p> <p><a href="https://www.planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/~/_/media/3AA21D35168042FE813DD0FB92E00E58.ashx">https://www.planning.nsw.gov.au/Policy-and-Legislation/Mining-and-Resources/~/_/media/3AA21D35168042FE813DD0FB92E00E58.ashx</a></p> <p>Therefore <u>Admin Non - Compliance</u>.</p>	<p><b>REC 19</b></p> <p>The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines.</p> <p>Ensure transport records from this Audit period (January 2016) onwards are recorded on the website. This could be appended to the Annual Review summarising the weekly transport.</p> <p>Include the biodiversity monitoring reports as appendices to the Annual Review.</p> <p>See Section 5.2 of the Main Audit Report for Subsidence Recommendations.</p> <p>Include an update on Audit Action Plan.</p>	<b>REC 19</b> Agree: 31/03/20

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 6 Condition 5	<p><b>Revision of Strategies, Plans and Programs</b></p> <p>Within 3 months of:</p> <p>(a) the submission of an annual review under Condition 4 above;</p> <p>(b) the submission of an incident report under Condition 7 below;</p> <p>(c) the submission of an audit report under Condition 9 below; or</p> <p>(d) any modification to the conditions of this consent, (unless the conditions require otherwise),</p> <p>the Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent, to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted for the approval 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 development.</p>	Administrative Non-compliance	This timing has not been met. Several of the management plans were not updated since the previous audit.	<p><b>REC 20</b></p> <p>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> <p>Develop and implement a plan to update CVC's Strategies, Plans and Programs.</p>	<b>REC 20</b> Agree: 31/03/20 and 30/09/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 6 Condition 7	The Applicant shall immediately notify 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 incident associated with the development, the Applicant shall notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	Administrative Non - compliance	<p>Evidence of incident notification in 'Incident Management' folder provided to SLR. Evidence provided in Annual Reviews.</p> <p>No evidence of any incident causing material harm requiring immediate notification.</p> <p>Evidence of notification to Secretary and EPA for dust incidents in 2018. One incident occurred on 18 July 2018, with the site finding this non - compliance on 1 August 2018. The exceedance was then reported on 10 August 2018 (greater than 7 days - <u>Admin Non - Compliance</u>). It appears that short term dust exceedances are only determined during the monthly data download, with reporting sometimes occurring two to three weeks after an incident occurs. The two other dust exceedances in 2018 appear to have been reported as per this condition.</p> <p>2017 - Noise non - compliance in 2017 (24 October 2017 at ATN007 (Summerland Point). Evidence of report to the DPE on 8 November 2017. Greater than 7 days - <u>Admin Non - Compliance</u>.</p> <p>There was a non - compliance relating to an exceedance of predicted subsidence. The non - compliance was determined based on bathymetric surveys (October 2017) but was not reported (as per Exceedance Report) until 13 December 2017.</p>	<p>See <b>REC 9</b></p> <p>Update the Air Quality Management Plan following this audit.</p> <p>Improve data capture for PM<sub>10</sub>. Review possibilities of backup power supply.</p> <p>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</p> <p>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</p> <p><b>REC 21</b></p> <p>Ensure exceedances and other incidents are reported as per this condition (Detailed Incident Report within 7 days).</p>	<p><b>REC 9</b> Agree: 30/09/19</p> <p><b>REC 21</b> Agree</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Schedule 6 Condition 8	<p><b>Regular Reporting</b></p> <p>The Applicant shall provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent.</p>	Administrative Non - compliance	<p>Evidence of reporting on the Lake Coal and Delta Coal website.</p> <p>Note Schedule 3 Condition 1 outlines requirements to report transport.</p> <p>The Applicant shall:</p> <p>(a) keep accurate records of the amount of coal transported from the site (on a weekly basis); and</p> <p>(b) make these records publicly available on its website at the end of each calendar quarter.</p> <p>Admin Non - Compliance: This has not been completed.</p> <p>No EIS's shown on the LakeCoal or Delta Coal website.</p> <p>Information now available on the Delta Coal website. However no management plans and EIS's are on the website.</p> <p>No Rehabilitation Management Plan was on the website.</p> <p>No noise monitoring reports on website.</p>	<p><b>REC 22</b></p> <p>Ensure website reporting meets the conditions of the Development Consent.</p>	REC 22 Agree: 30/09/19
Schedule 6 Condition 10	<p><b>Independent Environmental Audit</b></p> <p>Within 6 weeks of the completion of this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.</p>	Administrative Non - compliance	<p>No evidence has been provided of the submission of the previous audit report.</p> <p>The submission timing for this audit has been extended by the DPE until 25 June 2019.</p>	Nil recommendation	

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Schedule 6 Condition 11	<p>The Applicant shall:</p> <p>(a) make copies of the following publicly available on its website:</p> <ul style="list-style-type: none"> <li>• the EIS;</li> <li>• all current statutory approvals for the development;</li> <li>• all approved strategies, plans and programs required under the conditions of this consent;</li> <li>• a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;</li> <li>• a complaints register (updated monthly);</li> <li>• minutes of CCC meetings;</li> <li>• the Annual Reviews of the development;</li> <li>• any Independent Environmental Audit, and any other audit, and the Applicant's response to the recommendations in these audits;</li> <li>• any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>	Administrative Non - compliance	<p>a) and b) Copies of this information is still available on the Lakecoal website. With the exception of EIS's. Admin Non - Compliant.</p> <p>Information now available on the Delta Coal website. However no management plans and EIS's are on the website.</p> <p>No Rehabilitation Management Plan on the website.</p> <p>No noise monitoring reports on website.</p>	<p><b>REC 23</b></p> <p>Ensure all relevant information is brought across to the Delta Coal website.</p>	<b>REC 23</b> Agree: 30/09/19
<b>SSD 5465 Statement of Commitments</b>					



Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Surface water SOC's	<ul style="list-style-type: none"> <li>develop a program to monitor creek line channel stability and the health of riparian vegetation within Swindles Creek. Monitoring will be undertaken in accordance with Section 8.5.2 of the Surface Water Impact Assessment (EIS Appendix E) and incorporated into the Colliery's WMP or Biodiversity Management Plan;</li> </ul>	Administrative Non - compliance	<p>Evidence of the Water Management Plan.</p> <p>Evidence of surface water monitoring, including results in Annual Reviews.</p> <p>Admin Non - Compliant: Evidence of photos provided of channel stability monitoring of Swindles Creek, however it does not appear to have been completed in accordance with Section 5.4 of the Water Management Plan. No evidence of:</p> <ul style="list-style-type: none"> <li>· Documenting general observations of water quantity and quality;</li> <li>· Documenting locations and dimensions of significant erosive or depositional features;</li> <li>· Documenting evidence of erosion and exposed soils;</li> <li>· Documenting general indicators of stream health, including abundance of flora and fauna; and</li> <li>· Review and comparison of results to previous rounds of monitoring.</li> </ul> <p>There is also no timing proposed for inspections in the Water Management Plan.</p>	<p><b>REC 24</b></p> <p>A separate report should be completed for Stream Health Channel Flow and Riparian Vegetation Monitoring. This should compare results from previous inspections. Information to be included in the Annual Review.</p>	REC 24 Agree: 31/03/20

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Noise SOC's	<p>Management and monitoring of noise will continue to be undertaken in accordance with the Colliery's NMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> <li>• continue attended compliance monitoring on site which will be used to identify potential hot spots and primary noise sources;</li> <li>• continue real-time noise monitoring alerts to site personnel to enable implementation of any required rapid noise management initiatives;</li> <li>• manage potential non - compliance through a noise complaint handling and response system, including the identification of responsible sources to enable targeted remedial action;</li> <li>• assess if further noise mitigation options for the ventilation fans are reasonable and feasible following the receipt of attenuation proposals; and</li> <li>• discuss potential management measures or agreement options with the landowner at 275 Cams Boulevard, following receipt of proposals from acoustics specialists.</li> </ul> <p>In addition to the above, LakeCoal is committed to the progressive implementation of feasible measures to target long term noise goals which are designed to reduce noise emissions from the Colliery. Long term options for investigation include:</p> <ul style="list-style-type: none"> <li>• modification to belt/movement alarms;</li> <li>• investigation of surface conveyer and coal preparation equipment, to determine if noise reductions are possible;</li> <li>• identifying sound attenuation options for the surface bulldozer and front end loader;</li> <li>• strategic placement of acoustic barriers;</li> <li>• attenuation for the surface screener/shaker;</li> <li>• installation of quiet rollers for surface conveyor belts;</li> <li>• acoustic treatments around compressors; and</li> <li>• the use of a conveyor stacker for product coal stockpiling.</li> </ul>	Administrative Non - compliance	<p>No evidence of review or update of Noise Management Plan during audit period. Admin Non - Compliance.</p> <p>Real time noise monitoring system removed during the audit period and has not been replaced.</p> <p>No evidence of progressive noise mitigation implementation</p>	<p>As per REC 7</p> <p>Continue investigations of any noise issues and, where practicable, implement reasonable and feasible mitigation measures.</p> <p>Ensure accurate/consistent monitoring results are presented in Annual Reviews.</p> <p>As per REC 8</p> <p>The real - time noise monitor should be re-established for the site. Liaise with the DPE regarding the best location as the majority of noise complaints have resulted from Mannering Colliery operations, not CVC. Mannering Colliery is also owned by Delta Coal. Update the Noise Management Plan.</p>	<p>See REC 7 Agree: 31/03/20</p> <p>See REC 8 Agree: 31/06/20</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Subsidence SOC's	<p>Management and monitoring of subsidence will continue to be undertaken in accordance with the Colliery's SMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> <li>• provide raw subsidence survey data to OEH within 7 days of completion;</li> <li>• undertake annual bathymetric surveys of the lake bed to determine actual subsidence and undertake a comparison with predicted levels. Should measured subsidence significantly exceed predicted levels, LakeCoal will review future panel designs to limit future impacts to acceptable levels;</li> <li>• install a new foreshore survey line above the first and second workings panels where the underground linkage passes beneath them and possibly extending from the foreshore to the point of connection with the MC workings;</li> <li>• inspect existing conditions in the Fassifern Seam and undertake geotechnical and geological mapping in the roadways proximate to the proposed linkage in both CVC and MC workings;</li> <li>• complete representative borehole core drilling and sampling of the Fassifern Seam floor at the start and finishing ends of the underground linkage and where the headings pass beneath the SPB. Development below the foreshore will be limited to two headings only until floor conditions can be confirmed;</li> <li>• develop infrastructure monitoring and management plans in consultation with infrastructure owners and other relevant stakeholders;</li> <li>• re-establish and re-survey Survey Line 24;</li> <li>• install a suitable survey line at the starting end above Great Northern Seam first workings to provide early warning monitoring data for the tension towers and switchyard structures;</li> <li>• monitor tension and suspension towers and switchyard conductor suspension frames directly above the panels, foreshore and adjacent inlet canal wall;</li> <li>• ensure that a monitoring and management plan for the MP01 sewer rising main is in place prior to commencement of mining that may impact Council's infrastructure; and</li> <li>• complete an annual subsidence report and make this report publicly available on the Colliery's website.</li> </ul>	Non-Compliant (Low Risk)	<p>Subsidence is managed under Extraction Plans, not SMP's. SMP's cover past mining areas.</p> <p>Separate Extraction Plan requirements including monitoring and reporting.</p> <p>Some of the aspects in this condition have not been triggered, however due to a lack of a defined subsidence report it has been difficult for SLR to determine which conditions are not triggered and which are relevant.</p> <p>Subsidence impacts are reported in the Annual Review, however it would be preferable if a standalone subsidence report was prepared. There is not a separate Annual Subsidence Report, therefore Admin Non - Compliant.</p> <p>No evidence of raw survey result being provided to OEH within 7 days of completion. Admin Non - Compliant.</p> <p>No evidence provided regarding - "complete representative borehole core drilling and sampling of the Fassifern Seam floor at the start and finishing ends of the underground linkage and where the headings pass beneath the SPB"</p>	<p>As per <b>REC 16</b></p> <p>See Section 5.2 of the Main Audit Report for Subsidence Recommendations.</p>	See <b>REC 16</b>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Heritage SOC's	<p>Management and monitoring of heritage will continue to be undertaken in accordance with the Colliery's HMP, which will be reviewed and updated as required to include the commitments made below. LakeCoal will:</p> <ul style="list-style-type: none"> <li>• review and revise the HMP to remove site #45-7-0154 and incorporate any other changes as a result of the proposed modification;</li> <li>• update the HMP following approval of the Proposal to include the extended area to which it relates;</li> <li>• ensure that should unanticipated Aboriginal or historic heritage artefacts be found during dam embankment and diversion works, work will cease and the site assessed by an archaeologist; and</li> <li>• ensure that in the unlikely event that skeletal remains are found during dam embankment and diversion works, work will cease immediately in the area and the NSW Police Coroner called to determine if the material is of Aboriginal origin. OEH and relevant Aboriginal community stakeholders will be notified if the remains are positively identified as being of Aboriginal origin to determine their appropriate management prior to works recommencing.</li> </ul>	Administrative Non - compliance	<p>The most recent date of the Heritage Management Plan is 23 June 2014. The highlighted condition is from MOD 2 (December 2015). Site 45-7-0154 is still included the document.</p> <p>Other aspects of this statement of commitments have been met.</p>	<p>As per <b>REC 13</b></p> <p>Update the Heritage Management Plan, including the removal of Site #45-7-0154.</p>	See <b>REC 13</b> 30/09/19
<b>EPL 1770</b>					
L3.1	<p><b>Volume and Mass Limits</b></p> <p>For each discharge point or utilisation area specified below (by a point number), the volume/mass of:</p> <p>a) liquids discharged to water; or;</p> <p>b) solids or liquids applied to the area;</p> <p>must not exceed the volume/mass limit specified for that discharge point or area.</p>	Non – Compliant (Low Risk)	<p>Discharge volumes have been recorded at site.</p> <p>No exceedances in 2017 or 2018 Annual Reviews. Based on information provided by Environment and Community Co-ordinator no exceedances for 2019.</p> <p>Non-compliant: There were two exceedances of the daily volumetric limit (12,161 kL) during the 2016 which were related to significant rainfall events. These exceedances occurred on the:</p> <ol style="list-style-type: none"> <li>1. 6 January 2016 – A total of 14,152 kL was discharged</li> <li>2. 5 June 2016 – A total of 16,391 kL was discharged.</li> </ol> <p>No further recommendations.</p>	Nil recommendations.	

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
L3.2	The volumetric daily discharge limit for the premises is the combined discharge measured at EPA discharge points 1 and 27 and must not exceed 12161 kilolitres per day.	Non – Compliant (Low Risk)	There were two exceedances of the daily volumetric limit (12,161 kL) during 2016 which were related to significant rainfall events. These exceedances occurred on the: 1. 6 January 2016 – A total of 14,152 kL was discharged. 2. 5 June 2016 – A total of 16,391 kL was discharged. No further recommendations.	Nil recommendations.	
L5.1	<b>Noise Limits</b> Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2. <u>See Appendix 2 for full list of criteria</u>	Non – Compliant (Low Risk)	- Exceedance of LA1(1minute) criteria of 7dB at Point 14 in June 2016. Documented in 2016 Annual Review and Quarterly Monitoring report (Global Acoustics report 16217_R01). Corrective actions undertaken and documented in incident report dated 05/07/2016. - 1dB exceedance of LAeq(15minute) criteria at Point 23 during the daytime period in October 2017 (Q4). Documented in 2017 Annual Review. However it is noted that a discrepancy between+E52 monitoring results presented in the 2017 Annual Review and Q4 Monitoring report (Global Acoustics Report 17424_R01) where no exceedance is recorded. - No exceedances recorded during 2018 period. - No evidence obtained on performance during the 2019 audit period.	Nil recommendations.	

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
L5.7	<p>To determine compliance:</p> <p>1. With the LAeq(15 min) noise limits in condition L5.1 and condition L5.2, the licensee must locate noise monitoring equipment;</p> <p>(a) within 30 metres of a dwelling facade (but not closer than 3 metres) where any dwelling on the property is situated more than 30 metres from the property boundary that is closest to the premises;</p> <p>(b) approximately on the boundary where any dwelling is situated 30 metres or less from the property boundary that is closest to the premises, or, where applicable,</p> <p>(c) within approximately 50 metres if the boundary of a national park or nature reserve.</p> <p>2. With the LA1(1 minute) noise limits in condition L5.1 and L5.2, the noise monitoring equipment must be located within 1 metre of a dwelling facade.</p> <p>3. With the noise limits in condition L5.1 and condition L5.2, the noise monitoring equipment must be located;</p> <p>(a) at the most affected point at a location where there is no dwelling at the location, or</p> <p>(b) at the most affected point within an area at a location prescribed by conditions L5.7 1(a) or L5.7 1(b).</p>	Administrative Non-compliance	It is noted that monitoring for LA1(1minute) noise levels is not completed at 1m from a façade - however such noise monitoring is generally not practical due to disturbance to residents during the sensitive night-time period.	Nil recommendations.	
O5.1	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 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.	Administrative Non-compliance	<p>A PIRMP has been prepared for the site. Latest dated 21 September 2018.</p> <p>Evidence of testing PIRMP - including details of tests from 21 December 2018.</p> <p>Although there were some incidents, it does not appear any incident required the PIRMP to be enacted.</p> <p>* PIRMP is kept on-site.</p> <p>* Observation: 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.</p>	<p><b>REC 25</b></p> <p>Update the PIRMP to include:</p> <p>Current site contacts;</p> <p>Email details for government contacts; and</p> <p>Figures that clearly show the location of hazardous substances and where pollution response equipment is stored.</p>	<b>REC 25</b> Agree 30/09/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
O7.2	<p><b>Sewage Treatment</b></p> <p>The licensee is responsible for the correct operation of the sewage treatment system(s) on their premises.</p>	Administrative Non - compliance	<p>Sewage system - 2 systems. Envirocycle for offices and second system is a septic system that handles the bathhouse and toilet facilities. This water is treated onsite.</p> <p>There is limited detail in the Water Management Plan regarding the sewage water management system. Garden Wastemaster Australia complete servicing. Evidence of one email from 6 March 2019 organising servicing. However no evidence of servicing provided. Evidence of testing of wastewater through lab results</p>	<p>As per <b>REC 10</b></p> <p>Include additional detail in the Water Management Plan regarding sewage management.</p> <p>Include an update of sewage system during the audit period in the Annual Review.</p> <p>Ensure servicing is completed and records kept onsite.</p>	See <b>REC 10</b> Agree: 31/09/19 and 31/03/20
O7.3	<p><b>Sewage Treatment</b></p> <p>Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system requirements and must ensure that the necessary service contracts are in place.</p>	Administrative Non - compliance	Same as L7.2	As per <b>REC 10</b>	See <b>REC 10</b> Agree: 31/09/19 and 31/03/20
O7.4	<p><b>Sewage Treatment</b></p> <p>The sewage treatment system(s) must be serviced by a suitably qualified and experienced waste water technician at least once each quarterly period and a minimum of four times per year.</p>	Administrative Non - compliance	Same as L7.2	As per <b>REC 10</b>	See <b>REC 10</b> Agree: 31/09/19 and 31/03/20
O7.5	<p><b>Sewage Treatment</b></p> <p>The licensee must record each inspection and any actions required or recommended by the technician; including all results from tests performed on the sewage treatment system(s) by the technician as defined in Condition O7.4.</p>	Administrative Non - compliance	Same as L7.2	As per <b>REC 10</b>	See <b>REC 10</b> Agree: 31/09/19 and 31/03/20

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date								
M2.1	<p><b>Monitoring and Recording</b></p> <p>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:</p>	Administrative Non - compliance	There has been data capture issues identified in Annual Reviews for PM <sub>10</sub> . <u>Admin Non - Compliance.</u>	<p>As per <b>REC 9</b></p> <p>Update the Air Quality Management Plan following this audit.</p> <p>Improve data capture for PM<sub>10</sub>. Review possibilities of backup power supply.</p> <p>Ensure issues with data capture are reported in Section 1 and 7 of the Annual Review.</p> <p>Ensure TEOM is setup with alarms/notifications for when results are approaching or have exceeded the short term criterion for particulate matter. This will ensure exceedances are immediately detected and reported as soon as possible to the EPA and DPE.</p>	See <b>REC 9</b> Agree: 30/09/19								
M2.2	<p>Air Monitoring Requirements</p> <p>POINT 25</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulate matter</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM 22</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Particulate matter	micrograms per cubic metre	Continuous	AM 22	Administrative Non - compliance	There were some issues with data capture with this outlined in Annual Reviews. See Schedule 3 Condition 11 of the Development Consent.	As per <b>REC 9</b>	See <b>REC 9</b> Agree: 30/09/19
Pollutant	Units of measure	Frequency	Sampling Method										
Particulate matter	micrograms per cubic metre	Continuous	AM 22										



Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
M4.1	<p>To determine compliance with condition L5.1, attended noise monitoring must be undertaken in accordance with conditions L5.7 and L5.8, and</p> <p>(a) at each one of the locations listed in condition L5.1;</p> <p>(b) occur quarterly within the reporting period of the Environment Protection Licence with at least 2 months between monitoring periods;</p> <p>(c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 15 minutes for three of the quarters;</p> <p>(d) the night time 15 minute attended monitoring in accordance with c) must be undertaken between the hours of 1am and 4am;</p> <p>(e) the night time LA1 (1 min) attended monitoring in accordance with c) must be undertaken between the hours of 1am and 4am;</p> <p>(f) one quarterly monitoring must occur during each day, evening and night period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 1.5 hours during the day; 30 minutes during the evening; and 1 hours during the night, and</p> <p>(g) each quarterly monitoring must be undertaken on a different day(s) of the week not including Saturdays, Sundays and public holidays; and</p> <p>(h) these monitoring conditions take effect in the 2015 Reporting period.</p> <p>Note: The intention of this condition is that quarterly monitoring be undertaken at each sensitive receiver. That at each sensitive receiver monitoring is undertaken over a range of different days excluding weekends and public holidays during the reporting period so as to be representative of operating hours. That night time 15 minute attended monitoring and the LA1 (1min) monitoring for three of the quarters be undertaken at worst case being the most stable atmospheric conditions and when noise would be most intrusive to sleep. All of the sensitive receivers do not have to be monitored on the same day, evening and night for sub condition f.</p>	Administrative Non-compliance		<p>As per <b>REC 7</b></p> <p>Continue investigations of any noise issues and, where practicable, implement reasonable and feasible mitigation measures.</p> <p>Ensure accurate/consistent monitoring results are presented in Annual Reviews.</p> <p>As per <b>REC 8</b></p> <p>The real - time noise monitor should be re-established for the site. Liaise with the DPE regarding the best location as the majority of noise complaints have resulted from Mannering Colliery operations, not CVC. Mannering Colliery is also owned by Delta Coal. Update the Noise Management Plan.</p>	<p>See <b>REC 7</b> Agree: 31/03/20</p> <p>See <b>REC 8</b> Agree: 31/06/20</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
M4.2	For the Annual Reporting Period ending March 2015 the EPA will accept all monitoring required by the current Department of Planning and Environment consent (usually quarterly monitoring for noise as dB(A) Leq15minutes) for compliance with noise monitoring requirements in this licence, as a single report attached to the Annual Return for the premises.	Administrative Non - compliance	No evidence of a consolidated noise report prepared for the Annual Returns. Evidence from 2015/16, but none during the audit period.	<b>REC 26</b>  For future Annual Returns a single noise monitoring report should be prepared and attached to the Annual Return.	<b>REC 26</b> Agree: 31/03/20
M6.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Administrative Non - compliance	* <u>Admin Non-compliant</u> : The Complaints Register does not include the personal details of the complainant.  * Not all complaints registered in the register included the method by which the complaint was made.  * There are additional complaints outlined in the Annual Review compared to the Complaints Registers provided to the auditor.	<b>REC 27</b>  Ensure all complaints are recorded in the internal database on site and the relevant details required under this condition are outlined in the Annual Review.	<b>REC 27</b> Agree: 31/03/20
M7.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	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.	<b>REC 28</b>  With the new ownership an advertisement should be placed in the paper/newsletter providing a link to the Delta Coal website and outlining the complaint management details.	<b>REC 28</b> Agree: 30/09/19
M7.4	The licensee must notify the EPA with contact details of personnel capable of a timely response to emergencies or any other exigent circumstances.  (a) the nominated contact must be available at all times. (b) contact details must include a telephone number and must be current.  (c) such notification must be made within 14 days of receiving this licence.	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.	<b>REC 29</b>  Update the details of designated representatives of the company in the PIRMP.	<b>REC 29</b> Agree: 30/09/19

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
R1.5	The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Administrative Non - compliance	<p>The 2017-18 Annual Return is dated 4 June 2018 and was supposed to be submitted to the EPA by 30 May 2018. From the date of the Annual Return it appears it wasn't submitted to the EPA time</p> <p>The 2016-17 Annual Return was dated within the 60 days.</p>	<p><b>REC 30</b></p> <p>Ensure Annual Returns are completed as per the EPA requirements and submitted within the due date.</p>	<b>REC 30</b> Agree: 31/03/20
R4.1	<p>The licensee must submit to the EPA a noise compliance assessment report at the end of each reporting period. The report must be submitted with the Environment Protection Licence Annual Return. The report must be prepared by a suitably qualified and experienced acoustical consultant which:</p> <p>(a) details the noise monitoring undertaken in accordance with condition M4;</p> <p>(b) assesses compliance with noise limits presented in condition L5.1 and condition 5.2; and</p> <p>(c) outlines any management actions taken within the monitoring period to address any exceedances of limits contained in condition L5.1 and condition L5.2.</p> <p>Note: The licensee must provide the EPA with one report, but this report may be a combination of the monitoring undertaken by the licensee as part of their quarterly monitoring program as required by the Project Approval SSD-5456 and must include LA1(1min).</p>		No evidence of a consolidated noise report prepared for the Annual Returns. Evidence from 2015/16, but none during the audit period.	<p><b>REC 31</b></p> <p>Send a combined noise report for the Annual Return period to the EPA.</p>	<b>REC 31</b> Agree: 31/03/20

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
U1.1	<p>By 07 July 2017 the licensee must construct a pump station, rising main and other infrastructure in order to connect the sewage from Chain Valley Colliery to Wyong Shire Council's sewerage system. The construction must be undertaken by an appropriately qualified experienced person. The Licensee must:</p> <p>a) obtain the appropriate approvals and permits required for the development;</p> <p>b) construct option A or option B in accordance with the document titled "Concept Design Report for Sewage Treatment System Upgrade Chain Valley Colliery" dated 1 February 2016 and prepared by RGH Consulting Group;</p> <p>c) include connection of sewage from the administration building to the rising main;</p> <p>c) notify the EPA in writing at <a href="mailto:hunter.region@epa.nsw.gov.au">hunter.region@epa.nsw.gov.au</a> within 2 weeks of the pump station and rising main being commissioned; and</p> <p>d) provide the EPA with a report on commissioning of the pump station and rising main which details the final option constructed within 2 weeks of the pump station and rising main being commissioned.</p>	Administrative Non-compliance	<p>The upgrade has been designed but not yet constructed.</p> <p>This was supposed to be completed by 7 July 2017.</p>	<p><b>REC 32</b></p> <p>Liaise with the EPA regarding the current status of the Sewage System Project. Implement any agreed actions in terms of timing.</p>	REC 32 Agree: 30/06/20
<b>CCL 721</b>					

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Condition 3.	<p><b>Mining Operations Plan</b></p> <p>(a) Mining operations must not be carried out otherwise than in accordance with:</p> <p>a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries.</p> <p>(b) The MOP must:</p> <p>i) identify areas that will be disturbed by mining operations;</p> <p>ii) detail the staging of specific mining operations;</p> <p>iii) identify how the mine will be managed to allow mine closure;</p> <p>iv) identify how mining operations will be carried out on site in order to prevent and or minimise harm to the environment;</p> <p>v) reflect the conditions of approval under:</p> <p>the Environmental Planning and Assessment Act 1979</p> <p>the Protection of the Environment Operations Act 1997</p> <p>and any other approvals relevant to the development including the conditions of this lease; and</p> <p>vi) have regard to any relevant guidelines adopted by the Director-General.</p> <p>(c) The titleholder may apply to the Director-General to amend an approved MOP at any time.</p> <p>(d) It is not a breach of this condition if:</p> <p>i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and</p> <p>ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <p>{e} A MOP ceases to have affect 7 years after date of approval or other such period as identified by the Director-General. An approved amendment to the MOP under condition 5 does not constitute an approval for the purpose of this paragraph unless otherwise identified by the Director-General.</p>	Non-Compliant (Low Risk)	<p>Two MOPs provided for this audit.</p> <p>MOP 1 - 1 April 2015 - 31 March 2018.</p> <p>MOP 2 - 1 October 2018 - 31 December 2020.</p> <p>There appears to be a gap in the MOPs between March and October 2017. There has been no evidence of the reason why there was a gap and whether the site was approved to operate without a MOP in that period. As there is no information provided this condition is <u>non-compliant. There is now an approved MOP therefore there is no further recommendation relating to this period of time.</u></p> <p>Both MOPs cover the required aspects of this condition.</p> <p><u>Implementation:</u></p> <p>No areas available for rehabilitation at site.</p>	Nil recommendation	

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Condition 5	<p><b>The EMR must:</b></p> <p>a) report against compliance with the MOP;</p> <p>b) report on progress in respect of rehabilitation completion criteria;</p> <p>c) report on the extent of compliance with regulatory requirements; and</p> <p>d) have regard to any relevant guidelines adopted by the Director-General.</p>	Administrative Non-compliance	<p>a) Admin Non-compliant: The 2016, 2017 &amp; 2018 Annual Reviews do not report against compliance with the MOP.</p> <p>b) N/A - Rehabilitation has not commenced at the site;</p> <p>c) 2016, 2017 &amp; 2018 Annual Reviews - Executive Summary &amp; Section 3; and</p> <p>d) Admin Non-compliant: 2016, 2017 and 2018 Annual Reviews not prepared in accordance with the DPE Annual Review guidelines.</p>	<p>As per <b>REC 19</b></p> <p>The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines.</p> <p>Ensure transport records from this Audit period (January 2016) onwards are recorded on the website. This could be appended to the Annual Review summarising the weekly transport.</p> <p>Include the biodiversity monitoring reports as appendices to the Annual Review.</p> <p>See Section 5.2 of the Main Audit Report for Subsidence Recommendations.</p> <p>Include an update on Audit Action Plan.</p> <p><b>REC 33</b></p> <p>Report against compliance with the MOP in future Annual Reviews.</p>	<p>See <b>REC 19</b> Agree: 31/03/20</p> <p><b>REC 33</b> Agree: 31/03/20</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Condition 11	<p><b>Reports</b></p> <p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Administrative Non - compliance	<p>Evidence of submission for 2016, 2017 and 2018 Group Exploration Reports.</p> <p>LakeCoal received a PIN from the Resources Regulator on 7 November 2017 for late lodgement.</p> <p>In the version supplied to SLR there are no figures.</p>	<p><b>REC 34</b></p> <p>Ensure Group Exploration Reports meet the required timeframe.</p> <p>Ensure figures are included in the reports.</p>	REC 34 Agree
<b>CCL 707</b>					

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Condition 2 1-4	<p><u>Sub Condition 1</u> Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:-</p> <p>(a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project.</p> <p><u>Sub Condition 2</u> The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>A Plan must be lodged with the Director-General:- (a) prior to the commencement of mining operations (including mining purposes); (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General.</p> <p><u>Sub Condition 3</u> A Plan must be lodged with the Director-General:- (a) prior to the commencement of mining operations (including mining purposes); (b) subsequently as appropriate prior to the expiry of any current Plan; and (c) in accordance with any direction issued by the Director-General.</p> <p>The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:-</p>	Non-Compliant (Low Risk)	<p>All sub conditions are <u>non - compliant</u>. Two MOPs provided for this audit. MOP 1 - 1 April 2015 - 31 March 2018. MOP 2 - 1 October 2018 - 31 December 2020.</p> <p>There appears to be a gap in the MOPs between March and October 2017. There has been no evidence of the reason why there was a gap and whether the site was approved to operate without a MOP in that period. As there is no information provided this condition is <u>non - compliant</u>. There is now an approved MOP therefore there is no further recommendation relating to this period of time.</p>	Nil recommendation	



Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
	<p><u>Sub Condition 4</u></p> <p>(a) area(s) proposed to be disturbed under the Plan;</p> <p>(b) mining and rehabilitation method(s) to be used and their sequence;</p> <p>(c) areas to be used for disposal of tailings/waste;</p> <p>(d) existing and proposed surface infrastructure;</p> <p>(e) existing flora and fauna on the site;</p> <p>(f) progressive rehabilitation schedules;</p> <p>(g) areas of particular environmental, ecological and cultural sensitivity and measures to protect these areas;</p> <p>(h) water management systems (including erosion and sediment controls);</p> <p>(i) proposed resource recovery; and</p> <p>(j) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining land use/vegetation.</p>				

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Condition 3-2	<p>AEMR</p> <p>The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:</p> <p>(a) the accepted Mining Operations Plan;</p> <p>(b) development consent requirements and conditions;</p> <p>(c) Department of Environment and Conservation and Department of Planning licences and approvals;</p> <p>(d) any other statutory environmental requirements;</p> <p>(e) details of any variations to environmental approvals applicable to the lease area; and</p> <p>(f) where relevant, progress towards final rehabilitation objectives.</p>	Administrative Non-compliance	Annual Review covers conditions b-f. However there is minimal information regarding a review and forecast against the MOP.	<p>As per <b>REC 19</b></p> <p>The Annual Reviews are set out differently to the DPE Annual Review Guidelines (2015). Ensure table of contents matches the guidelines.</p> <p>Ensure transport records from this Audit period (January 2016) onwards are recorded on the website. This could be appended to the Annual Review summarising the weekly transport.</p> <p>Include the biodiversity monitoring reports as appendices to the Annual Review.</p> <p>See Section 5.2 of the Main Audit Report for Subsidence Recommendations.</p> <p>Include an update on Audit Action Plan.</p> <p>As per <b>REC 33</b></p> <p>Report against compliance with the MOP in future Annual Reviews.</p>	<p>See <b>REC 19</b> Agree: 31/03/20</p> <p>See <b>REC 33</b> Agree: 31/03/20</p>

Schedule and Condition Number	Condition	Compliance Status	Evidence	Recommendations	Delta Coal Confirmation Due date
Condition 7	<p><b>Reports</b></p> <p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>	Administrative Non-compliance	<p>Evidence of submission for 2016, 2017 and 2018 Group Exploration Reports.</p> <p>LakeCoal received a PIN from the Resources Regulator on 7 November 2017 for late lodgement.</p> <p>In the version supplied to SLR there are no figures.</p>	<p>As per <b>REC 34</b></p> <p>Ensure Group Exploration Reports meet the required timeframe.</p> <p>Ensure figures are included in the reports.</p>	See <b>REC 34</b>

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

**Table 2 Additional Recommendations**

Aspect	Recommendation	Delta Coal Confirmation and Due Date
Management Systems	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.	Agree: 30/09/19
Audit Preparations	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 Independent Environmental Audit. An internal audit is recommended prior to the next Independent Environmental Audit to ensure information and evidence is available to the Independent Environmental Auditor.	Disagree first sentence: Most of documents requested in original RFI prior to site audit were provided and publicly available information present on the website. Further requests resulted as Auditors got into auditing. Some time-delays were encountered from both parties.
Waste Management	<p>Ensure the minor waste management issues identified during the audit are rectified, including:</p> <ul style="list-style-type: none"> <li>• Improve bin labelling;</li> <li>• Ensure all hydrocarbon containers (empty or full) are stored within bunds.</li> </ul>	Agree: 30/09/19

Aspect	Recommendation	Delta Coal Confirmation and Due Date
Groundwater	Attempt to contact property owners and ask for permission to monitor the private groundwater bores. Some additional consultation with Council may be required.	Agree: 31/12/19
Surface Water Discharges	The Annual Reviews need to provide a clear statement regarding whether discharge criteria have been met.	Agree: 31/03/20
Future Annual Returns	LakeCoal and Delta Coal to prepare Annual Returns based on the period of the Annual Return and dates of the sale of CVC.	Agree: 31/03/20

#### Taken from Subsidence Section 5.2.3 from Chain Valley Colliery IEA

Recommendation	Delta Coal Confirmation and Due Date
A more conservative approach to assessing future impacts from further mining is recommended to build confidence that the subsidence processes in play are understood and impacts that rely on the subsidence impacts can be suitably assessed prior to mining	Noted.
A significant upgrade of subsidence monitoring systems and reporting protocols at CVC is recommended	Noted
The use of three dimensional surveying with total station survey and high quality global positioning system (GPS) control is recommended. This technology is readily available and widely used for subsidence monitoring in NSW.	Noted
For sensitive high value features such as the marina or similar features, real-time continuous GNSS monitoring is available at relatively low cost and can be used to provide high confidence subsidence monitoring in three dimensions.	Noted
A thorough review of the survey data and monitoring approach for Line 23 along the northern lakeshore of CVC Bay is recommended.	Noted
A review of benthic and seagrass community monitoring systems is recommended to confirm that the monitoring is capable of discriminating minor and negligible impacts as required by the development consent conditions.	Agree: 31/12/19

Recommendation	Delta Coal Confirmation and Due Date
<p>A separate subsidence impact assessment report should be prepared annually and appended to the Annual Review. Presentation of all future survey data in Annual Reviews would benefit from a thorough and comprehensive analysis of the subsidence monitoring being undertaken by an external consultant so that the data can be meaningfully interpreted and is comprehensible by anyone with an interest in the outcomes; and</p>	<p>Agree: 31/03/19 It doesn't specifically require an external consultant but potentially a peer review and separate subsidence impact assessment report.</p>
<p>The report should assess performance against subsidence impact performance measures from the Development Consent as well as any other commitments, triggers and management measures from Extraction Plans. This report should assess how the Extraction Plans tracked against Trigger Action Response Plan (TARP's).</p>	<p>Agree: 31/03/19</p>
<p>Include how the site is tracking against subsidence performance criteria (Schedule 4 Condition 4) in the Biodiversity Monitoring Reports, Annual Seagrass Monitoring Report and the Annual Review. This should include a table outlining if performance criteria have been met and where further information can be found.</p>	<p>Agree: 31/03/19</p>
<p>Develop a TARP when updating the Benthic Communities Management Plan. This should address the wording of Schedule 4 Condition 2 SSD 5465. A series of triggers should be developed based on quantitative data and this should be reported in the bi - annual monitoring reports and the Annual Review. An example of a trigger would be '% change in organisms between monitoring events'.</p>	<p>Agree: 30/09/19</p>
<p>Assess the triggers from the Extraction Plans eg. ANOVA/ANOSIM level is approaching 5% in the bi-annual monitoring reports.</p>	<p>Agree: 31/12/19</p>