



Bulga Coal

Mandatory Independent Environmental Audit 2024

Bulga Coal Management Pty Limited

18 March 2025

→ The Power of Commitment



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Executive summary

Bulga Coal Management Pty Ltd (Bulga Coal) engaged GHD Pty Ltd (GHD) to undertake an Independent Environmental Audit (IEA) of the operations of its Bulga Coal Mine located on Broke Road, Singleton in New South Wales (NSW).

The Bulga Coal Mine is located within the Singleton Shire Council local government area, 90 kilometres north-west from Newcastle and 20 km south from Singleton. The site has been in operation since 1982 with an underground mines and an open cut surface mine at Bulga with approval for 20 million tonne per annum ROM coal per calendar year from the Bulga Coal Complex. The underground mine had been operating under DA-376-8-2003 MOD8 and the open cut mine has been operating under SSD-4960 MOD4 and several Mining Leases, issued by the NSW Minister for Mineral Resources.

The audit comprised review of documentation, a site inspection on 4 and 5 November 2024, interview with site personnel, consultation with agencies, review of documentary evidence provided and reporting of findings (this report). The audit was undertaken in accordance with the brief outlined in the GHD Proposal (dated 2 May 2024) and carried out in accordance with the requirements of ISO 19011:2018 Guidelines for auditing management systems and the NSW Independent Audit Post Approval Requirements guideline (2020). Environmental performance of the project was reviewed by assessing compliance with the requirements and conditions of the following approvals:

- Consolidated Consent SSD 4960 (1 December 2014, Modification 4, dated February 2022)
- Consolidated Consent – Development Application DA-376 (2004, Modification 8, dated February 2022)
- Consent DA41-03-99 (relinquished on 31 August 2022) – outstanding actions from the previous IEA

Additionally, the audit reviewed compliance against Environmental Protection Licence (EPL) No. 563, Coal Lease and various Mining Leases (ML) applicable to the Bulga Coal Complex operations. Environmental and rehabilitation specific conditions of these MLs have been omitted as per instruments of variation dated October 2022 and the site is currently operating under the mining regulations 2016.

The IEA was required as per the following conditions:

- SSD 4960 Mod 4 (Bulga Open Cut) Schedule 5, Conditions 9
- DA 376-8-2003 Mod 8 (Bulga Underground) Schedule 6, Condition 9
- DA 41-03-99 Schedule 2, Condition 8.4a

The previous IEA was completed by RPS in November 2021. Bulga Coal is required to conduct another IEA by the end of November 2024. We understand that the audit against the relinquished DA 41-03-99 is limited to closing out any outstanding items from the previous audit up to the date of relinquishment as it falls within this audit period.

This audit covered the period from November 2021 to November 2024.

Bulga Coal cooperated throughout the audit including the planning and organisation of site inspection and in the provision of documentary evidence to satisfy compliance review.

At the time of audit Bulga Coal demonstrated a good level of compliance. Positive measures that were observed during the audit that demonstrated compliance with requirements of the approvals included:

- Site monitoring and record keeping of environmental performance measures as required were being undertaken diligently.
- The mine operational area appeared to be mostly neat and managed well.
- Site personnel were knowledgeable on the mine operations and management of environmental aspects as applicable to relevant stakeholders.
- Areas surrounding the processing plant area were kept in an environmentally responsible manner with regard to soil and water management.
- Areas under rehabilitation works were maintained well with access to local wildlife.

- Resolution of non-conformances and observations from previous IEA.
- Community involvement demonstrated via various events, sponsorships and other initiatives.

Issues and opportunities for improvement were noted relating to:

- Lack of clarity on the requirements of rehabilitation management strategy.
- Dust emissions from open surfaces.
- Exceedances of environmental parameters (investigated and reported on time).
- Review and update of certain documentation.
- Recurring noise and lighting related complaints.

A large number of management plans have been prepared for the mine's operations including programs and plans developed in accordance with the consent conditions, ML and EPL. All plans are current while not all plans were required to be revised after the previous IEA.

This report is subject to, and must be read in conjunction with, the limitations set out in section 1 and the assumptions and qualifications contained throughout the Report.

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Abbreviations

Abbreviation	Term
AS/NZS ISO 19011:2019	Standards Australia, Standards New Zealand, International Organisation for Standardization 19011:2019
AQGGMP	Air Quality and Greenhouse Gas Management Plan
CCC	Bulga Coal Community Consultative Committee
CEMP	Construction Environmental Management Plan
DA	Development Approval
DCCEEW	NSW Department of Climate Change, Environment, Energy and Water
DPE	(former) NSW Department of Planning and Environment
DPIE	(former) NSW Department of Planning, Infrastructure and Environment
DPHI	NSW Department of Planning, Housing and Infrastructure
EPL	Environment Protection Licence
ERSED	Erosion and Sediment Controls
GHD	GHD Pty Ltd
IAPAR	Independent Audit Post Approval Requirements
IEA	Independent Environmental Audit
NSW EPA	NSW Environmental Protection Authority
RFI	Request for Information
RMP	Rehabilitation Management Plan
SSD	State Significant Development
TARP	Trigger Action Response Plan

1. Introduction

1.1 Purpose of this report

This report has been prepared by GHD to record details of the Independent Environmental Audit (IEA) undertaken as per the project requirements in accordance with the requirements of ISO 19011:2018 'Guidelines for auditing management systems' and the Department of Planning Housing and Infrastructure 'Independent Audit Post Approval Requirements' (DPIE, 2020) – IAPAR 2020. This IEA covers the audit period of November 2021 to November 2024.

1.2 Project background

Bulga Coal Management Pty Ltd, owned by Glencore Australia, operates the Bulga Coal Mine Complex, located approximately 12 km southwest of Singleton, and 2 km from the townships of Broke and Bulga in the Upper Hunter Valley of NSW. In May 2018, Bulga Underground mine ceased operations and the mine was sealed in July 2018.

The Bulga Coal Complex (Bulga Coal) includes the Bulga Open Cut and the Bulga Underground Operations. Bulga Open Cut mine currently operates under development consent SSD-4960, while Bulga Underground mine operated under DA 376-8-2003. Previously, the Open Cut mine operated under DA-41-03-99 which has now been surrendered. Both sites operate under Environment Protection Licence (EPL) 563 and several mining and exploration leases.

Bulga Coal Management Pty Ltd engaged GHD to undertake this IEA as per requirements within the consent conditions noted in Section 1.3. The previous IEA was undertaken in November 2021 and report finalised in February 2022.

1.3 Audit scope

Bulga Coal is required to complete an IEA to satisfy the requirements of:

– **SSD 4960 Mod 4 (Bulga Open Cut) Schedule 5, Conditions 9:**

By the end of 2015, and every three years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- a. Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary.*
- b. Include consultation with the relevant agencies.*
- c. Assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals).*
- d. Review the adequacy of strategies, plans or programs required under the abovementioned approvals.*
- e. Recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals.*
- f. Be conducted and reported to the satisfaction of the Planning Secretary.*
- g. Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Planning Secretary.*

– **DA 376-8-2003 Mod 8 (Bulga Underground) Schedule 6, Condition 9:**

By the end of 2015, and every three years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- a. Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary*
- b. Include consultation with the relevant agencies*
- c. Assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)*
- d. Review the adequacy of strategies, plans or programs required under the abovementioned approvals*
- e. Recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals, and.*
- f. Be conducted and reported to the satisfaction of the Planning Secretary.*

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

– **DA 41-03-99 Schedule 2, Condition 8.4 a (Relinquished on 31 August 2022):**

Every 3 years from the date of this consent until the completion of mining operations, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:

- a. Be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Director-General*
- b. Include consultation with the relevant agencies*
- c. Assess, in respect of the requirements of this consent and any relevant mining lease or environment protection licence, the environmental performance of the development and its effects on the surrounding environment*
- d. Assess whether the development is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under these approvals) and with other statutory requirements*
- e. Review the adequacy of strategies, plans or programs required under these approvals; and, if necessary*
- f. Recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.*

Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of noise, air quality and mine rehabilitation.

The previous IEA was completed by RPS in November 2021. Glencore is required to conduct another IEA by the end of November 2024. We understand that the audit against the relinquished DA 41-03-99 is limited to closing out any outstanding items from the previous audit up to the date of relinquishment as it falls within this audit period.

GHD has prepared this report relying on information gathered from documentation provided by auditee or available in public records, audit discussions and as per site inspection observations.

1.4 Limitations

This report: has been prepared by GHD for Bulga Coal Management Pty Limited and may only be used and relied on by Bulga Coal Management Pty Limited for the purpose agreed between GHD and Bulga Coal Management Pty Limited as set out in Sections 1.1 and 1.3 of this report.

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

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

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

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer section(s) 1.1 and 1.3 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

Accessibility of documents

If this report is required to be accessible in any other format, this can be provided by GHD upon request and at an additional cost if necessary.

1.5 Independent audit declarations

Audit team independence declarations and audit report certifications, as per IA PAR 2020 are included in Appendix A.

1.6 Audit team

The audit team comprised of the following members. DPHI approval for the audit team is included in Appendix B.

- Dr Avanish Panikkar – Lead Auditor
- Demelza Scott – Alt. Lead Auditor
- Michelle Kiejda – Rehabilitation Specialist
- Marina Leung – Assistant Auditor
- Emily Kate Marsh – alternate Assistant Auditor
- Bill Foster – Groundwater Specialist
- Nick Spurrett – Air Quality Specialist
- Andy Cheung – Noise Specialist

2. Audit process

The audit process followed the methodology presented in the audit proposal, consistent with AS/NZS ISO 19011:2019 *Guidelines for auditing management systems* and the NSW Department of Planning Industry and Environment's (DPIE) *Independent Audit Post Approval Requirements* (IAPAR 2020). In particular, the GHD team conducted the audit considering the following:

- The key principles of auditing including the requirement of auditors to conduct themselves in an ethical manner, report truthfully and accurately, be diligent and have the appropriate competency to conduct the audit, be independent, and apply an evidence-based approach to conducting the audit.
- The audit objectives, scope and criteria were based on the conditions of approval and EPL requirements. The scope of the audit is specified in Section 1.3.
- Stakeholder consultation was undertaken with identified regulatory authorities and Community Consultative Committee (see Sections 2.2, 3.6 and Appendix C).
- Relevant documentation (as provided) was reviewed prior to the audit to make an initial determination of conformity of the system to the requirements of the conditions of consent, and to ensure the audit checklist contains appropriate questions to address during the site audit.
- Audit opening and closing meetings were conducted with the auditee to explain the format of the audit upfront and to highlight preliminary audit findings at the conclusion of the site audit.
- An inspection of the site was conducted to verify relevant compliance aspects of the audit, specifically rehabilitation management. Audit interviews were conducted with Bulga Coal personnel and additional documentary evidence was collected. Relevant evidence in the form of photographic evidence was also collected (refer Appendix D).
- Verifiable evidence was collected and recorded throughout the audit and evaluated against the conditions of consent to determine compliance status, as recorded in the Compliance Table (Appendix E).

2.1 Audit initiation

At the start of the project, on 9 July 2024, an online project inception meeting was held and attended by:

- Avanish Panikkar, GHD
- Marina Leung, GHD
- Michelle Kiejda, GHD
- Fabio Perez, Bulga Coal
- Ralph Northey, Bulga Coal
- Andrew Parkes, Bulga Coal
- Stuart Fredericks, Bulga Coal
- Jack Clare, Bulga Coal

The minutes of the meeting were distributed to all attendees on 19 July 2024. At this meeting, details of the audit process was discussed and stakeholder contacts were requested.

Audit team approval from DPHI was obtained on 1 August 2024 (letter dated 14 May 2024). A change to assistant auditor was requested and this was approved by DPHI via letter dated 23 July 2024.

A Request for Information (RFI-1) was issued on 4 September 2024. Bulga Coal provided responses to RFI-1 on 20 September 2024.

Audit plan for the site inspection and audit interviews was issued on 17 October 2024.

2.2 Stakeholder consultation

Stakeholder consultation was undertaken with the following entities. A letter was sent 6 August 2024 to each of the agencies advising of the upcoming audit, GHD's role in conducting the audit and requesting comments on the project performance as it related to the agency and relevant requirements. The letters and received responses are included in Appendix C. Comments received and audit responses are included in Section 3.6.

#	Agency	Consultation Letter issued	Response received
1	NSW DPHI	6 August 2024	8 August 2024
2	NSW NRAR	6 August 2024	9 August 2024
3	NSW DCCEEW	9 August 2024	14 August 2024
4	NSW EPA	6 August 2024	6 August 2024
5	NSW NRR	6 August 2024	20 August 2024
6	Community Consultation Committee	6 August 2024	12 August 2024
7	Singleton Shire Council Further clarification provided:	6 August 2024 9 September 2024	19 September 2024
8	Mine Subsidence Advisory NSW	6 August 2024	-nil-

2.3 Document review

A number of documents were provided to the audit team in response to RFI-1 prior to the onsite component of the audit. Where possible, documents and data collected during the audit were reviewed prior to site audit and audit meeting. Additional documents that were not available prior to or during the onsite component were provided following the audit. The auditees were cooperative and supportive to the audit process. All information obtained during the audit process was verified by the audit team as practically possible e.g. statements made by site personnel were verified by viewing documentation and/or visual observations made during the site inspection.

Generally, the documentation reviewed included, among other things:

- Annual Reports
- Monitoring Reports
- Management Plans
- Environmental Impact Statement
- Rehabilitation Plan and Forward Plan
- Environmental Management Strategy
- Correspondence relating to consultation and approval of plans
- Site procedures and management of site operations

2.4 Site audit

Site inspection and audit interviews were conducted on 4 and 5 November 2024.

2.4.1 Site meetings

The audit team attended the necessary site inductions, thereafter an opening meeting was held on-site at the Bulga Coal site office. The list of participants is below:

- Andrew Parkes (Bulga Coal Environment and Community Officer)
- Carly Dawson (Bulga Coal Community Relations Officer)
- Fabio Perez (Bulga Coal Environment and Community Coordinator)
- Jack Clare (Bulga Coal Environment and Community Officer)
- Murray Gregson (Bulga Coal Operations Manager)

- Ralph Northey (Bulga Environment and Community Manager)
- Stuart Fredericks (Bulga Coal Environment and Community Coordinator)
- Dr Avanish Panikkar (GHD Lead Auditor)
- Marina Leung (GHD Assistant Auditor)

Following introductions, the purpose and scope of the audit was outlined. Status of preliminary documentation review undertaken to-date was discussed. An explanation of the audit process was communicated. That is, a site inspection, site interviews and detailed review of records in order to identify compliance with the approval conditions relevant to the current operations at the site.

Audit interview comprised of discussions with the attendees throughout the day guided by the audit criteria which addressed the conditions of consents. Where possible, documents and data collected during the audit were reviewed whilst on site. A number of documents were provided to the audit team prior to the onsite component of the audit. Additional documents that were not available during the onsite component were provided following the audit.

Audit closing meeting was held on day two (5 November). This was attended by the same personnel that attended the opening meeting (as above) and GHD Rehabilitation Specialist Michelle Kiejda.

The closing meeting discussed any outstanding matters, presented preliminary findings and outlined the process for finalising the audit report. The need for a further audit meeting was raised (which was held as an online meeting via MS Teams on 12 November).

Some site photographs of relevance are included in Appendix D.

2.5 Assessment and reporting

The assessment criteria used to determine compliance, as per DPIE IAPAR 2020 are outlined in Table 2.1.

Table 2.1 Compliance status descriptors

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

Note: As part of the Audit evaluation, the auditor may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the project. Any observations or notes are in addition to the compliance status descriptor assigned to each compliance requirement, limited to the descriptors listed in Table above.

This report presents the findings of the Bulga Coal Mine 2024 IEA as per Section 1.3 of this report. The below table responds to the scope of the audit.

Table 2.2 Audit Scope

Requirement	Reference
<i>Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary.</i>	Appendix A and Appendix B of this report
<i>Include consultation with the relevant agencies.</i>	Sections 2.2 and 3.6 and Appendix C of this report
<i>Assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals).</i>	Section 3 and Appendix E of this report

Requirement	Reference
<i>Review the adequacy of strategies, plans or programs required under the abovementioned approvals.</i>	Section 3 and Appendix E of this report
<i>Recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals.</i>	Section 4 and Appendix E of this report

3. Audit findings

This section of the report presents audit findings, supported by detailed checklists included in Appendix E.

3.1 Overall environmental performance

The audit found that, the overall environmental performance by Bulga Coal at the complex is satisfactory. This is evident in the management of site, undertaking monitoring and maintenance of reporting on the Bulga Coal website with public access. A range of positive measures were observed during the audit that demonstrated compliance with many of the requirements of the consents. Site monitoring, reporting and record keeping of environmental performance measures as required were being undertaken diligently. The mine operational area appeared to be managed well. Underground mine operations have been ceased prior to this audit period. The site operations focus on the open cut mine.

3.1.1 Air quality

As per information sighted in annual reports and quarterly monitoring reports, no exceedances were reported of particulate matter. The D2 monitor (Hill St) did not record valid data from the start of the reporting period to 29 April 2022. Investigations concluded that the heater and temperature sensor cable were faulty and were replaced on the 29 April 2022. A recommendation is made to review all probes routinely so that risk of failure is controlled. An observation is made where, during the site inspection, a large plume of dust was sighted to be carried by wind from the 'visual and noise bund' where surfaces were yet to be landscaped (refer Appendix D).

3.1.2 Noise and vibration

Twelve (12) initial noise exceedances (but only one noise exceedance resulted in a noise affected night post follow up monitoring events) and 21 noise and one blast vibration related complaints were reported during this audit period. Details of noise and vibration monitoring and results are included in the monthly noise monitoring results and there is evidence of mitigation measures generally being implemented. Incidents related to the exceedances and complaints have been reported and were found to have been followed up.

3.1.3 Soil, water and hydrology

Presence of erosion and sediment (ERSED) controls were sighted throughout the site during site inspection visit. No major scouring or erosion was noted within operational or rehabilitation areas. If there was scouring, control measures were in place to manage the same. A detailed Erosion and Sediment Control Plan (ESCP) is available on Bulga Coal website. Reporting of ESCP measures is undertaken as part of routine environmental monitoring.

Surface and Groundwater monitoring data is reported in quarterly environmental monitoring reports available on Bulga Coal website. Annual report section 7.1 presents a water balance analysis and licenced water take for each year.

Several water-related incidents were reported during the audit period. These are detailed in Section 3.1.7.

3.1.4 Waste management

As per site observations, audit discussions and sighted documentation, waste from site operations is managed satisfactorily.

3.1.5 Community management

Consultation with community was a key positive aspect evident in the documentation reviewed in this audit. Annual Review reports, in section 9, provide details of community engagement activities organised and sponsored by Bulga Coal each year. Bulga Coal contributed to various community sponsorships / donations and supported several projects during the audit period. Bulga Coal website promote these community investment and engagement details. A 24hours/7days community complaints hotline phone number is noted on this webpage.

3.1.6 Complaints management

The Annual Review reports provide details of community complaints in section 9.3 with tabulated summary of complaints received. One dust related complaint was received during December 2021. A total of 25 complaints are reported for 2022 and 2023 (part of this audit period), predominantly related to noise. The 2024 Annual Review was not available at the time of this audit. However, the complaints register (updated monthly) is available on the Bulga Coal website, indicating six complaints during January to November of 2024. Thus, a total of 32 complaints noted during this audit period (in comparison, the 2021 IEA reported 54 complaints during its audit period). Of this, 21 complaints were related to noise and four related to lighting. Each of the complaints are followed up, acted upon and recorded in the complaints register, publicly available on Bulga Coal website.

In their response to the audit stakeholder consultation, Singleton Shire Council commented that, *“During the audit period of 13/3/2021 through to today (13/09/2024), Council has received 1 complaint relating to dust emission from the mine on 13/03/2023”*. This particular complaint is not found in the 2023 complaints register, however an entry dated 28/03/2023 is noted with regard to a complaint received via the complaints line about general mine noise. The action was to modify operations in accordance with noise management procedure.

3.1.7 Incidents and notices

This audit reviewed public registers and records for agency notices/orders and no enforcement orders were found.

The Annual Review reports provide details of several incidents that were identified and reported as per requirements. These include:

- 22 February 2022 – discharge of 1.7ML sediment laden water from drain into clean water catchment.
- 8 March 2022 – discharge of mine water from C3 mine water dam into clean water catchment during rain-caused regional flooding event. Sediment laden water was discharged from S2 and S2A dams. Details of the event was issued to DPIE by Bulga Coal via letter dated 25 March 2022. Further to this notification, DPE issued a warning letter dated 22 June 2023 for unlicensed discharge of mine water event. The warning letter noted that it is an informal action where a breach has been established and no formal action is required.
- 8 March 2022 – discharge of mine water from HRSTS discharge point (EPA ID 11). As per the above mentioned DPIE warning letter, the EPA had waived the need for EPA licencees to report pollution events as a direct result of flooding until 14 March 2022.
- 24 May 2022 – discharge of 288kL mine water from a pipeline into a clean water tributary of the Nine Mile Creek catchment, from a temporary pumping system at C3 mine water dam. This was reported and Bulga Coal received advice from EPA on proposed clean up methods. This work was completed by 30 May 2022. EPA issued a Penalty Infringement Notice (PIN) and a fine on 7 December 2022.
- 5 July 2022 – discharge of sediment laden water from dirty water dams into clean water catchments during heavy rainfall and substantial flooding.
- 6 November 2023 – noise exceedance during attended noise monitoring at BCC7.

It is noted that the above reported water related incidents were mainly caused by heavy rain.

In addition, the following failures to monitor environmental parameters were also identified and reported as administrative non-compliances:

- During 2022 – failure to continuously monitor air quality (PM 10 at EPA points 9 and 10 due to equipment failure).
- Up to May 2022 – failure to monitor humidity data at EPA point 23 at various occasions.
- May 2022 – failure to monitor noise in one instance during attended noise monitoring at BCC1.
- During 2023 – failure to continuously monitor air quality (PM 10 at EPA points 9 and 10 due to equipment failure).
- During 2023 – failure to monitor humidity data at EPA point 20 at various occasions.
- During 2023 – failure to continuously operate communication equipment at HRSTS discharge point (EPA ID 11) for one month only to the WaterNSW website.

The 2024 Annual Review was not yet available at the time of this audit. However, as per monitoring reports available on Bulga Coal website:

- During 2024 – as per Todoroski Air Sciences quarterly monitoring reports, during July to October monitoring period, the D3 monitor recorded one 24-hour average PM10 level above the relevant criteria. It was determined that Bulga Coal operations did not have a significant contribution to the elevated PM10 level recorded at the D3 monitor.
- During 2024 – as per EMM monthly noise monitoring reports, noise levels from site complied with relevant limits at all monitoring locations except during April and June, at monitoring locations BCC4 and BCC8 . Upon completion of follow up monitoring events, neither of these exceedances resulted in noise affected nights.

These are generally noted against specific clauses of SSD 4960 in Appendix E of this report.

3.1.8 Rehabilitation works

Rehabilitation activities in a number of stages were observed being undertaken on site during the audit. A number of areas where rehabilitation had been undertaken over previous years was also observed including a number of water management features that were observed to be stable or had remediation works triggered by the annual inspection process. Rehabilitated areas appeared to be in good health, with reduced weed density apparent in older rehabilitation areas. While specific vegetation communities were not surveyed and identified during the audit woodland type vegetation had been planted in areas identified as woodland in the RMP. Bulga Coal advised that they have rehabilitated two vegetation communities to date - Central Hunter Grey Box-Ironbark Woodland EEC and Central Hunter Ironbark Spotted Gum-Grey Box Forest. Details of rehabilitation works are included in section 8 of Annual Reviews and the Annual Rehabilitation Reports (2022 and 2023) available on Bulga Coal website.

3.2 Management plans

Various Management Plans have been prepared by Bulga Coal, as available on the website ¹and as sighted in this audit.

Adequacy of these plans were reviewed generally as per the relevant DA and SSD conditions. The management plans prepared for Bulga Coal Complex requirements were found to be generally satisfactory with detailed monitoring and mitigation measures and all plans had evidence of consultation as required, and documented approval by the Planning Secretary (or nominee) appended to each final version of the document. The documents note when next the review is due and all are within their effective date.

Implementation of these plans was evident in various monitoring reports and Annual Reports available on Bulga Coal website. The Annual Reports had been reviewed and approved by Planning Secretary (or nominee). Specific conditions requiring evidence of implementation of management plans were generally addressed via reporting through various monitoring reports available on the website.

While site rehabilitation works were sighted to progress according to requirements, Rehabilitation Management Strategy has not been prepared. A specific timeline is not prescribed in the SSD condition and it is recommended to get this confirmed.

Table 3.1 *Management Plans sighted*

Management Plans	Current Version Date
Aboriginal Cultural Heritage Management Plan	02/06/2022
Air Quality and Greenhouse Gas Management Plan	12/05/2022
Air Quality Management Procedure	05/03/2024
Biodiversity Management Plan	09/09/2022
Blast Management Plan	25/10/2021
Broke Road Biodiversity Offset Management Plan	09/09/2022
Bushfire Management Plan	20/02/2024

¹ [Management plans \(glencore.com.au\)](https://www.glencore.com.au)

Management Plans	Current Version Date
Condran Biodiversity Offset Management Plan	09/09/2022
Construction Transport Management Plan Bulga Optimisation Project	11/11/2020
Eastern Emplacement Area Management Plan	16/11/2020
Environmental Management Strategy	26/08/2024
Erosion and Sediment Control Plan	18/10/2021
Exploration Activities and Minor Surface Infrastructure Management Plan	18/10/2021
Gas Drainage Management Plan	29/07/2021
Historic Heritage Management Plan	02/06/2022
Loders Creek Grinding Grooves Conservation Area Management Plan	12/11/2020
Loders Creek Grinding Grooves Management Plan Stage 1	11/11/2020
Loders Creek Grinding Grooves Management Plan Stage 2	11/11/2020
New Aboriginal Heritage Site Recording Form	11/11/2020
Noise Management Plan	18/03/2022
Noise Management Procedure	09/03/2022
Pollution Incident Response Management Plan (PIRMP)	14/06/2024
Reedy Valley Biodiversity Offset Management Plan	09/09/2022
Tree Felling Procedure	29/06/2022
Vere Biodiversity Offset Management Plan	09/09/2022
Visual Impact Management Plan	18/08/2021
Waste Management Plan	01/11/2021
Water Management Plan	18/10/2021
Weeping Myall Biodiversity Offset Management Plan	09/09/2022
Wollombi Brook Biodiversity Conservation Area Management Plan	09/09/2022
Wollombi Brook Conservation Area Plan of Management	20/10/2021
Wollombi Brook Flood Levee Plan	22/06/2023
Rehabilitation Management	
Forward Work Program Bulga Complex 2023	14/06/2023
Forward Work Program Bulga Complex 2024	28/03/2024
Rehabilitation Management Plan - Bulga Complex	22/07/2024

3.3 Previous audit findings

Previous IEA findings from the review of compliance against consent conditions are reviewed as part of audit summary in below subsections.

3.3.1 SSD 4960 Mod4

The 2021 IEA had raised nine (9) non-compliances. The status from this audit review for those conditions is summarised below, with details in Appendix E.

Table 3.2 SSD Conditions – 2021 IEA findings

Condition	2021 IEA recommendation	2024 IEA assessment
Schedule 2 Condition 2A	NC - No recommendations required.	NC-1 No specific recommendation - see other NCs raised in this audit.
Schedule 2 Condition 13	Continue to ensure equipment is regularly serviced, maintained and is fit for purpose.	NC-2 In May 2022, discharge of mine water from a pipeline into a clean water tributary of the Nine Mile Creek catchment occurred due to the disconnection of a temporary mine water pipeline (EPA issued a PIN for this event). Make sure all plant and equipment are operated properly.
Schedule 3 Condition 16	Continue to implement the dust TARP and review it periodically.	NC-4 The D2 monitor (Hill St) did not record valid data from the start of the reporting period to 29 April 2022. Investigations concluded that the heater and temperature sensor cable were faulty and were replaced on the 29 April 2022. It is recommended to make sure all probes are in working order and exceedances are minimised.
Schedule 3 Condition 16A	No recommendation required.	Compliant
Schedule 3 Condition 17	Where exceedances of particulate emission limits occur, ensure that notification is provided for tenants on mine owned land.	Compliant No exceedances
Schedule 3 Condition 22	No recommendation required.	Compliant
Schedule 3 Condition 27	Continue to conduct regular inspections and maintenance of drainage infrastructure to avoid preventable discharge events. Where required review water infrastructure design. Ensure Chemical and hydrocarbon storage is periodically reviewed for compliance against the relevant Australian standards. Consider diverting the water off the workshop roof structures to capture it for utilisation on site.	Compliant There is evidence of regular inspections and maintenance of drainage infrastructure, such as capture of dirty water for reuse on site. Annual Review reports include details of controls implemented to manage chemicals and hydrocarbon storage.
Schedule 3 Condition 52C	Continue to ensure that the storage, handling, and transport of dangerous goods is reviewed whenever new products are brought to site or existing materials are moved around site.	Compliant Evidence sighted with regard to hazardous chemical management, SafeWorks licence, review of material handling in Annual Review.
Schedule 5 Condition 6	Ensure CCC operation is periodically reviewed for compliance against the Department's Community Consultative Committee Guidelines for State Significant Projects (2016, or its latest version).	Compliant The matter noted in 2021 IEA has been resolved with an independent chair being appointed and the CCC operating as per the CCC guidelines, as noted in Annual Review and reports.

In this audit, six (6) non-compliances and ten (10) observations have been raised. Some of these related to noise exceedances or omitted monitoring location. It is noted that while non-compliances were noted, these were readily identified, reported and rectified at the time of occurrence. Further details are provided in Section 4 and in Appendix E.

3.3.2 DA 376-08-2003 Mod 8

The underground mine under the DA-376-08-2003 had ceased operations. As such, most of the conditions therein are not applicable / not triggered during this audit period.

The 2021 IEA had raised six (6) non-compliances. The status from this audit review for those conditions is summarised below, with details in Appendix E.

Table 3.3 DA-376-08-2003 – 2021 IEA findings

Condition	2021 IEA recommendation	2024 IEA assessment
Schedule 3 Condition 2A	No recommendations required.	Compliant
Schedule 4 Condition 22	Continue to implement the dust TARP and review it periodically.	Compliant. The 2021 IEA had noted reasons for each exceedance, including other sources, cattle, bushfire or caused by rehabilitation adjacent to the monitor - with a recommendation to continue implementing dust TARP and review. The Investigation report for 4 October 2023 and 26 September 2023 by Todoroski was sighted as evidence in the audit. Around 30% of dust contribution was attributed to one exceedance event in October 23.
Schedule 4 Condition 23	No recommendation.	Compliant
Schedule 4 Condition 24	Continue to implement the dust TARP and review it periodically.	Compliant, no operations are being undertaken, as applicable to this condition.
Schedule 4 Condition 24A	No recommendations required. AQGGMP should include evidence of approval of the suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary along with evidence of consultation with the EPA in Appendix C.	Compliant AQGGMP includes relevant details.
Schedule 6 Condition 6	Ensure CCC operation is periodically reviewed for compliance against the Department's Community Consultative Committee Guidelines for State Significant Projects (2016, or its latest version).	Compliant The matter noted in 2021 IEA has been resolved with an independent chair being appointed and the CCC operating as per the CCC guidelines, as noted in Annual Review and reports.

In this audit, two (2) observations have been raised. Annual Review and the End of Project report need to include details of relevant information and status update.

3.3.3 DA 41-03-99

The DA41-03-99 has been surrendered as of 31 August 2022. The scope for this audit under this consent therefore was limited to reviewing the non-compliances raised in the 2021 IEA. The 2021 IEA raised seven (7) non-compliances against conditions in DA-41-03-99. The recommended corrective action for all findings was to relinquish the DA, which has been completed. As such, all non-compliances from the 2021 IEA for DA-41 have been closed out in this review.

3.3.4 EPL Conditions

The site operates under EPL 563. An audit against each clause of the EPL conditions is included in Appendix E. 2021 IEA had raised nine (9) non-compliances against various conditions within the EPL – table below reviews status of those findings.

Table 3.4

EPL 563 – 2021 IEA findings

Condition	2021 IEA recommendation	2024 IEA assessment
P1.4	Continue to ensure equipment is regularly serviced, maintained and is fit for purpose.	Compliant As per Annual Review reporting, noise and vibration monitoring is being undertaken and reported. This audit sighted evidence of equipment maintenance records as noted against SSD conditions in Appendix E.
L1.1	Continue to conduct regular inspections and maintenance of drainage infrastructure to avoid preventable discharge events.	NC-5 As noted in section 3.1.7 of this report, there were several water discharges during this audit period including one PIN issued by EPA.
O1.1	Ensure chemical and hydrocarbon storage is periodically reviewed for compliance against the relevant Australian standards.	Compliant Evidence sighted with regard to hazardous chemical management, SafeWorks licence, review of material handling in Annual Review.
O3.1	Continue to implement the current air quality monitoring and management protocols. Continue to undertake detailed analysis of monitoring results, particularly for exceedance days to determine the likely contribution from Bulga Coal Complex operations to recorded concentrations. Continue to implement the dust TARP and review it periodically.	Compliant. The 2021 IEA had noted reasons for each exceedance, including other sources, cattle, bushfire or caused by rehabilitation adjacent to the monitor - with a recommendation to continue implementing dust TARP and review. The Investigation report for 4 October 2023 and 26 September 2023 by Todoroski was sighted as evidence in the audit. Around 30% of dust contribution was attributed to one exceedance event in October 23.
O3.3	Continue to implement the dust TARP and review it periodically.	NC-3 has been raised against SSD 4960 Schedule 3 condition 16. The D2 monitor (Hill St) did not record valid data from the start of the reporting period to 29 April 2022. Investigations concluded that the heater and temperature sensor cable were faulty and were replaced on the 29 April 2022. It is recommended to make sure all probes are in working order and exceedances are minimised. An observation has been raised in this audit from sighting of dust plumes carried by wind from the exposed surfaces of the visual and noise bund in construction.
O6.1	Continue to ensure all existing and new above-ground tanks containing material that is likely to cause environmental harm are bunded or have an alternative spill containment system in place.	The 2021 IEA noted an EPA inspection of 9 December 2020 with a show-cause letter for bunding of above ground tanks. As per observations and sighted records, this bund has been repaired.
M2.2	Continue to ensure equipment is regularly serviced, maintained, and is fit for purpose.	NC-4 Equipment servicing details were sighted and weather station was sighted. Failure to continuously monitor PM10 has been identified. The D2 monitor (Hill St) did not record valid data from the start of the reporting period to 29 April 2022. Investigations concluded that the heater and temperature sensor cable were faulty.
M4.1	Continue to ensure equipment is regularly serviced, maintained, and is fit for purpose.	NC-5 This audit sighted evidence of equipment maintenance records as noted against SSD conditions in Appendix E. As noted in section 3.1.7 of this report, failure to monitor relative humidity has been noted in Annual Reviews and EPL annual returns, due to sensor failure. Other equipment failures have been noted in incidents.

3.4 Mining Leases

The site operates under a number of Mining Leases (ML1494, ML1547, ML1674, ML1717, ML1788) Coal Lease (CL224 and sublease within Mount Thorley Operations CL219) Authorisations (AUTH447 and AUTH450) and Exploration Leases (EL5277, EL5461, EL8315).

As per Instruments of Variation that took effect from 17 October 2022, all environmental and rehabilitation clauses of these Mining Leases have been omitted and replaced by the Mining Regulation 2016, Schedule 8A, Part 2. The Coal Lease has also been revised as of 20 July 2023. Appendix E compliance tables include a review of compliance with requirements of the MLs until October 2022.

Further to October 2022, compliance to conditions within the Mining Regulation 2016, Schedule 8A, Part 2 have been reviewed as per conditions within DA 376 and SSD 4960 in this audit, as noted in Appendix E of this report. Required documentation, including the rehabilitation management plan and annual reports, and forward program are publicly available on the Bulga Coal website.

The 2021 IEA had raised one non-compliance against ML1547 with recommendation to 'review quality assurance process and ensure data management systems are up to date'. As per sighted information in this audit, review of quality assurance and data management is undertaken satisfactorily and reported in the Annual Reviews and the requirement is complied with.

The Bulga Coal rehabilitation objectives statement, and final landform were approved by the NSW Resource Regulator (NSW RR) on 18 October 2023.

3.5 Actual and predicted impacts

A review of actual and predicted impacts for potential environmental aspects is reported in the Annual Reviews approved by the Department of Planning. A review of the previous annual report, comparison against predictions and long-term analysis of trends are reported in various sections of each Annual Review. In this audit period, the auditors found that, as the underground mine ceased operations, no impacts from underground mining were reported. The auditors understand that the recommendations from various monitoring reports are being followed up for various impacts considered from the open cut mine operations. The annual reports include details of the comparison against predictions and forward analysis for impacts related to noise, air quality, blasting, mine subsidence, surface water and groundwater aspects.

It is noted that, based on various impact assessment reports and modification assessments, initial impact predictions for various parameters have not been changed.

While there were some noise exceedances during the audit period, follow up assessments indicated that the noise levels are being managed as per the Noise Management Plan, including continuous improvement measures implemented such as ongoing inspections and introduction of mobile plant with a lower-sound power level. Similarly, results of vibration and overpressure monitoring, as reported in this audit period, are noted to be in line with predicted levels at the EIS stage.

Overall, dust monitoring data has stayed within predicted limits as per a detailed assessment undertaken and reported by specialist consultant Todoroski Air Sciences. Potential variance in air quality levels as impacted by weather conditions is noted. Greenhouse gas emissions yearly totals for this audit period have stayed well within the predicted maximum totals noted in the Greenhouse Gas and Energy Assessment.

Since the closure of underground mining in 2018, no adverse impacts to public or internal infrastructure from mine subsidence have been noted. Therefore, comparison of mine subsidence impacts to initial predictions was not undertaken.

Management of biodiversity impacts is progressing through implementation of recommendations provided in ongoing monitoring. No adverse impacts are noted for any identified communities or within various conservation areas regarding weed or pest management. Similarly, no heritage impacts have been noted.

Water take has remained within the entitlement and no impacts are noted. While there have been uncontrolled surface water discharges due to weather events, water quality parameters during these events are noted to be within limits.

3.6 Stakeholder consultation

The below table captures the agency comments and audit responses:

Table 3.5 Stakeholder consultation

Agency comment	Audit response
NSW EPA	
As the EPA is not a Consent Authority under the <i>Environment Planning and Assessment Act 1979</i> , we do not review or comment on such audits.	No response required
DPHI	
As per previous correspondence from NSW Planning, the IEA is to be prepared, undertaken, and finalised in accordance with the conditions of consent and the <i>Independent Audit Post Approval Requirements 2020</i> (IAPAR).	This audit has been prepared, undertaken and reported as per the IAPAR 2020
As detailed in section 4.2.3 of the IAPAR, the audit must include, among other things:	
– A brief discussion of whether the Environmental Management Plans, Sub-plans and compliance documents are adequate, implemented and whether there are any opportunities for improvement.	SECTIONS 3.1, 3.2
– An assessment of the compliance between actual and predicted impacts documented in environmental impact assessment, including an assessment of the physical extent of the development in comparison with the approved boundary and any potential off-site impacts of the development required under the Environmental Planning and Assessment Act 1979.	Section 3.5
– Details of any incidents (including any formal enforcement action by any agency) and the adequacy of the response to, and management of such incidents.	Section 3.1.7, Appendix E
Formal enforcement action undertaken by NSW Planning is available on the NSW Major Projects website Bulga Coal Mine Optimisation Planning Portal - Department of Planning and Environment (nsw.gov.au) .	As per the Major Projects portal, there are no enforcements for this project
In addition to the above, NSW Planning requests that the audit team evaluate the adequacy of measures undertaken by Bulga Coal during the audit period to:	
– Minimise noise impacts during meteorological conditions when the noise criteria in the consents do not apply	Section 3 and Appendix E (SSD 4960 conditions)
– Minimise dust and fume emissions of any blasting	
– Minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events	
– Minimise Scope 1 and Scope 2 greenhouse gas emissions	
– Minimise waste	

Agency comment	Audit response
– Maintain water management infrastructure (sediment and erosion controls, mine water storages and clean water system) – Manage off-site water discharges during rain events	
Community Consultative Committee (CCC)	
I refer to your request from me in my capacity as Chair of the Bulga Coal Community Consultative Committee for information for the Bulga Coal 2024 Independent Environmental Audit. First specifically, in relation to the community, Bulga Coal seems to enjoy a good relationship with communities affected by its operations. In relation to compliance matters and general operations of the mine, Bulga Coal provides full and detailed information in relation to these matters to the Community Consultative Committee meetings that are held bi-yearly. Bulga Coal does not appear to have many non-compliance issues but when they do occur Bulga Coal management provides full and detailed information to the Community Consultative Committee about what may have occurred in relation to a non-compliance and what was done to remediate the non-compliance and advises of any correspondence with the relevant government department concerning the non-compliance. In all instances the Community Consultative have been satisfied with the actions taken by Bulga Coal. Bulga Coal makes a real effort to be as open as possible with the Committee and the community.	No response required
NSW DCCEEW Water	
NSW DCCEEW Water Group understands that the scope of the audit as outlined under the development consent and the reference guideline, “independent Audit Post Approval requirements (2020)” extends to at least the following: – Identification of compliance requirements and documentation of any non-compliances – Assessment of the adequacy and implementation of management plans and sub plans – Assessment of compliance against relevant regulatory requirements and legislation – Assessment of compliance between actual and predicted impacts in the environmental assessment – Reporting requirements for management plans – Identification of strengths of the project in environmental management and opportunities for improvement	– Section 3 and Appendix E of this report – Section 3.2 and Appendix E – Section 3 and Appendix E – Section 3.5 – Section 3.2and Appendix E – Sections 3 and 4

Agency comment	Audit response
NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirement sin a manner consistent with the above audit scope: – The requirements to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include: • Water Management Plans and related sub plans, e.g. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan. • Extraction Plans and e sub-plans e.g. Water Management Plan, Subsidence Management Plan. – The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting. – Water supply availability is clearly defined for the project. – Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018. – Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant. – Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from. – Annual reporting clearly documents 1) Water take, use and water source impacts 2) Compares results with previous years, and 3) Identifies exceedances and how these are managed/mitigated.	The approved Water Management Plan includes site water management plan and stormwater management, Erosion and Sediment Control, water balance model overview, water efficiency and relevant response plans. WMP and ERSED Plan have been sighted in this audit. Annual Reviews and Environmental Monitoring Reports include details of monitoring and water balance update details. Water supply details are included in the plan and in the review reports. The annual review includes comparison of impact against predictions and long term trend analyses for water management. Water take for the water year is reported against the Water Access Licences in the Annual Review. Water Management Plan specifies that trigger levels are used in the site Environmental Monitoring Database which generates an alarm if a trigger level is reached. Trend analysis for water quality parameters is included in the Annual Review.
NSW Resources Regulator (NRR)	
Bulga Coal Mine operations... is covered by the following mining leases: – CL224 (1973) – ML1494 (1992) – ML1547 (1992) – ML1674 (1992) – ML1717 (1992) – ML1788 (1992) The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including implementation of the mining operations plan for the site. From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted that 6 leases that comprise the Bulga Coal Mine have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.	– Section 3.4 and Appendix E of this report

Agency comment	Audit response
The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.	
Singleton Shire Council	
During the audit period of 13/3/2021 through to today (13/09/2024), Council has received 1 complaint relating to dust emission from the mine on 13/03/2023.	This particular complaint is not fund in the 2023 complaints register, Bulga Coal mentioned they were not aware of it.
Bulga Coal have been moving their obligation under the Voluntary Planning Agreement (VPA). Some of the funds were to go community events each year for 10 years, however during covid there were no event held. A report went to council on 16th April 2024 (attached) dealt with this to ensure that the funds were expended on the purpose set out in the VPA.	No response required. Report provided by Council is acknowledged.
The review does not highlight any major heritage-related issues or significant land acquisition activities in the audit period. However, we would like to draw attention to the newly completed Cultural Heritage Management Plan (CHMP) for Mt Leonard Homestead. It is essential that all current and future works within the area adhere strictly to the guidelines and requirements set forth in this document to ensure compliance.	Bulga Coal to monitor and report accordingly.
Bulga Coal does not hold any surface water licences for mining purposes. Surface water required for mining is currently supplied through the Mount Thorley Water Supply Joint Venture, operated by Singleton Council, and via Yancoal's Mount Thorley Mine, based on an agreement with Bulga Coal. There are no outstanding issues in this regard.	No response required.

3.7 Summary of findings

The table below provides a summary of compliance with statutory requirements with details summarised in further tables, separately for non-compliances and observations. Incidents and non-compliances (NC) self-reported by Bulga Coal are included in section 3.1.7 of this report. Appendix E audit checklists include details of evidence sighted and audit findings.

Table 3.6 Summary of findings

Identifier	Condition	Non-Compliance
NC-1	SSD 4960 Schedule 2 Condition 2A	This is an overarching condition covering the whole consent. This audit reviewed compliance against the SSD-4960 conditions specifically and in general as per applicable development requirements. Non-compliances and observations have been raised in this audit against specific conditions as relevant.
NC-2	SSD 4960 Schedule 2 Condition 13	In May 2022, discharge of mine water from a pipeline into a clean water tributary of the Nine Mile Creek catchment occurred due to the disconnection of a temporary mine water pipeline (EPA issued a PIN for this event).
NC-3	SSD 4960 Schedule 3 Condition 3 and Condition 6	Noise exceedances were noted and reported. There were twelve noise exceedances during the audit period. Only one of these exceedances resulted in a noise affected night; occurring at monitoring location BCC7 on 6 November 2023.
NC-4	SSD 4960 Schedule 3 Condition 16 EPL563 M2.2	The D2 monitor (Hill St) did not record valid data from the start of the reporting period to 29 April 2022. Investigations concluded that the heater and temperature sensor cable were faulty.
NC-5	SSD 4960 Schedule 3 Condition 26 EPL563 L1.1 EPL563 M9.1 EPL563 M4.1	Annual Report 2022 reported discharge of sediment laden water from a dirty water drain into a clean water catchment, caused by significant rainfall. Spill from mine water dam C3 also occurred due to weather event. In May 2022, discharge of mine water from a pipeline into a clean water tributary of the Nine Mile Creek catchment occurred due to the disconnection of a temporary mine water pipeline (EPA issued a PIN for this event). These events were identified and reported as required. Annual Report 2023 reported a failure to continuously operate communication equipment at the HRSTS discharge point (EPA monitoring point 11). Failure to monitor relative humidity has been noted in Annual Reviews and EPL annual returns, due to sensor failure.
NC-6	EPL 563 M9.3	Licence Discharge Point 11 signage does not indicate whether the monitoring point is up or downstream of the discharge point.
Identifier	Condition	Observation
O-1	DA 376 Schedule 3 Condition 10	The End of Project report sighted in this audit does not specifically refer to AS2601.
O-2	DA376 Schedule 4 Condition 11	No details of maintenance and rehabilitation of the levee is found in the approved Annual Review reports.
O-3	SSD 4960 Schedule 3 Condition 8	Blast monitoring reports in general should identify criteria applicable to each location.
O-4	SSD 4960 Schedule 3 Condition 18 (a) (iv) EPL563 O3.1 CL224 – Condition 17	During the audit site walkover, large plumes of dust were seen to escape from the western sections of the development where parts of the Noise and Visual Bund was yet to be landscaped.

Identifier	Condition	Non-Compliance
O-5	SSD 4960 Schedule 3 Condition 18 (e)	Appendix A - Air Quality Statutory Requirements of the AQGGMP gives Section 7.4.3 of the Air Quality and Greenhouse Gas Management Plan as the relevant section of the Plan in response to this requirement. However, this section does not exist.
O-6	SSD 4960 Schedule 3 Condition 19	The Eastern Emplacement Area Management Framework does not address the requirement for establishing AQ trigger levels for the required 1-hr, 2-hr, 3-hr and 4-hr timeframes.
O-7	SSD 4960 Schedule 3 Condition 39	Wollombi Brook Plan of Management is overdue for review (Jan 2021) as per the document version control details. The Bulga Coal website has the 2018 version.
O-8	SSD 4960 Schedule 3 Condition 49	There are reoccurring lighting complaints related to mobile lighting, which are addressed in the complaints register, but appear to be reactive in nature.
O-9	SSD 4960 Schedule 3 Condition 56	Rehabilitation Strategy has not been prepared as required by the condition.
O-10	EPL 563 R5.7	Water Quality Monitoring Report submitted with EPL annual return – qualification and experience of person who prepared the report is not evident.

4. Recommendations

Detailed audit findings are presented in Section 3 and Appendix E of this report. Below sub-sections summarise the corrective actions and recommendations from this audit.

4.1 Corrective actions

Corrective actions are required to correct identified non-compliances. The review of compliance with conditions of applicable consents identified six non-compliances across various conditions. Four Corrective Actions are prescribed to address these NCs.

Table 4.1 Summary of Corrective Actions

CA No.	Condition(s)	Corrective Action / Recommendation
CA 1	SSD 4960 Schedule 2 Condition 2A	No recommendations. Addressing other findings will close this finding.
CA 2	SSD 4960 Schedule 3 Condition 3 and Condition 6	It is recommended to continue monitoring and implement noise mitigation measures as per Noise Management Plan.
CA 3	SSD 4906 Schedule 2 Condition 13 SSD 4960 Schedule 3 Condition 16 SSD 4960 Schedule 3 Condition 26 EPL563 L1.1 EPL563 M2.2 EPL563 M9.1 EPL563 M4.1	It is recommended to make sure all plant, equipment and probes are in working order and exceedances are minimised.
CA 4	EPL563 M9.3	Licence Discharge Point 11 signage should indicate whether the monitoring point is up or downstream of the discharge point.

4.2 Recommendations

Recommendations seek to address matters of concern raised by consulted stakeholders that were not found to have been corrected, lack of adequate documented information or matters that may lead to a non-compliance or observations raised where elements of the proponent's systems and plans were not found to be adequate. The rationale is noted in the audit compliance tables (Appendix E) and mentioned in Section 3 of this report to assist.

Table 4.2 Summary of Recommendations

No.	Condition(s) / Stakeholder Comment	Recommendation
R 1	DA 376 Schedule 3 Condition 10	The End of Project report should include details of relevant information and status updated.
R 2	DA376 Schedule 4 Condition 11	Update or details of maintenance and rehabilitation of the levee should be included in the Annual Review reports.
R 3	SSD 4960 Schedule 3 Condition 8	Blast Monitoring Compliance Reports (Attachments to annual returns) would benefit from identifying which criteria are applicable to each location, the type of each location (house, land, etc), highlighting results which exceed criteria and highlighting any blasts which occurred outside of the specified hours or on Sundays, if any.
R 4	SSD 4960 Schedule 3 Condition 18 (a) (iv) EPL563 O3.1 CL224 – Condition 17	Make sure surfaces are covered or dust suppressed to avoid dust / particulate matter being disturbed and carried by wind.
R 5	SSD 4960 Schedule 3 Condition 18 (e)	Review and update the Appendix A of AQGGMP with correct referencing for requirements and compliance.

No.	Condition(s) / Stakeholder Comment	Recommendation
R 6	SSD 4960 Schedule 3 Condition 19	The EEAMF should address the requirement for establishing AQ trigger levels for the required 1-hr, 2-hr, 3-hr and 4-hr timeframes.
R 7	SSD 4960 Schedule 3 Condition 39	WBPM need to be reviewed and updated on the website and specific approval of the updated document obtained from DPHI.
R 8	SSD 4960 Schedule 3 Condition 49	Complaints regarding lighting are reactive in nature. Mobile lighting should be reviewed to minimise these incidences.
R 9	SSD 4960 Schedule 3 Condition 56	There is no rehabilitation strategy - request any evidence of an exemption from the department and that the RMP from the mining lease can be used, rather than the RMP from the SSD conditions. If this document is required by DPHI, seek a specific timeline to prepare it.
R 10	EPL563 R5.7 The licensee must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person.	Water Quality Monitoring Report submitted with EPL annual return – qualification and experience of person who prepared the report should be evident.
R 11	In their response, Singleton Council stated: <i>The review does not highlight any major heritage-related issues or significant land acquisition activities in the audit period. However, we would like to draw attention to the newly completed Cultural Heritage Management Plan (CHMP) for Mt Leonard Homestead. It is essential that all current and future works within the area adhere strictly to the guidelines and requirements set forth in this document to ensure compliance.</i>	Bulga Coal to monitor and report accordingly.

Appendices

Appendix A

Independent Audit Report Declaration

Appendix E – Independent Audit Report Declaration Form Template

Independent Audit Report Declaration Form

Project Name	Bulga Coal - Mandatory Independent Environmental Audit 2024
Consent Number	SSD-4960
Description of Project	Independent Environmental Audit as per SSD-4960 requirement
Project Address	Bulga Coal Mine, Broke Road, Singleton NSW 2330
Proponent	Bulga Coal Management Pty Ltd
Title of Audit	Mandatory Independent Environmental Audit 2024
Date	18 March 2025

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Dr Avanish Panikkar
Signature	
Qualification	CEnvP, Exemplar Global Principal Environmental Auditor, PhD., MEngSc. B.Tech Hons
Company	GHD Pty Ltd
Company Address	Level 2, 60 Station St, Parramatta NSW 2150

Appendix E – Independent Audit Report Declaration Form Template

Independent Audit Report Declaration Form

Project Name Bulga Coal - Independent Environmental Audit

Consent Number SSD-4960

Description of Project Bulga Optimisation Project

Project Address Bulga Open Cut and Bulga Underground, Broke Road, Singleton NSW 2330

Proponent Bulga Coal Management Pty Ltd

Title of Audit Mandatory Independent Environmental Audit

Date 18 March 2025

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor Demelza Scott

Signature 

Qualification Exemplar Global Certified - Lead Environmental Auditor

Company GHD Pty Ltd

Company Address 270 Summer St Orange NSW 2800

Independent Audit Report Declaration Form

Project Name	Bulga Coal - Mandatory Independent Environmental Audit 2024
Consent Number	SSD-4960
Description of Project	Independent Environmental Audit as per SSD-4960 requirement
Project Address	Bulga Coal Mine, Broke Road, Singleton NSW 2330
Proponent	Bulga Coal Management Pty Ltd
Title of Audit	Mandatory Independent Environmental Audit 2024
Date	10 March 2025

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Michelle Kiejda
Signature	
Qualification	BEnvSC, PGCertAppSc, CEnvP, CPPA
Company	GHD Pty Ltd
Company Address	Level 3, 24 Honeysuckle Drive, Newcastle NSW 2300

Appendix E – Independent Audit Report Declaration Form Template

Independent Audit Report Declaration Form

Project Name	Bulga Coal Independent Environmental Audit
Consent Number	SSD-4960
Description of Project	Bulga Optimisation Project
Project Address	Bulga Open Cut and Bulga Underground, Broke Road ,SingletonNSW 2330
Proponent	Bulga Coal Management Pty Ltd
Title of Audit	Mandatory Independent Environmental Audit
Date	2 April 2025

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor Marina Leung - Auditor Assistant

Signature M Leung

Qualification Bachelor of Engineering (Environmental)

Company GHD Pty Ltd

Company Address Level 15, 133 Castlereagh Street, Sydney NSW 2000

Appendix B

Audit Team Approval - DPHI

NSW Planning ref: SSD-4960-PA-98

Ralph Northey
Environment and Community Manager
BULGA COAL MANAGEMENT PTY LIMITED
Wonnarua Country
567 Broke Rd
Singleton New South Wales 2330

14/05/2024

Sent via the Major Projects Portal only

Subject: Bulga Coal - 2024 IEA Audit Team Endorsement Request

Dear Mr Northey

I refer to your request for the Planning Secretary's approval of suitably qualified, experienced, and independent persons to conduct an Independent Environmental Audit (IEA) of the Bulga Coal mine, as required by development consents SSD-4960 as modified, DA376-8-2003, as modified and DA41-03-99, as modified.

In accordance with the IEA conditions of the consents and the NSW Department of Planning, Housing and Infrastructure (NSW Planning) *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following independent audit team:

- Dr Avanish Panikkar – Lead Auditor
- Demelza Scott – Alt. Lead Auditor
- Emily Kate Marsh – Assistant Auditor
- Marguerite Cooper – Alt. Assistant Auditor
- Michelle Kiejda – Rehabilitation Specialist
- Bill Foster – Groundwater Specialist
- Nick Spurrett – Air Quality Specialist
- Andy Cheung – Noise Specialist

Please ensure this correspondence is appended to the IEA Report.

The IEA must be prepared, undertaken, and finalised in accordance with the conditions of consent and the *Independent Audit Post Approval Requirements* (2020). Failure to meet these requirements will require revision and resubmission.

Should you wish to discuss the matter further, please contact me on 02 65753401 or email compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "H Watters".

Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

NSW Planning ref: SSD-4960-PA-101

Ralph Northey
Environment and Community Manager
BULGA COAL MANAGEMENT PTY LIMITED
Wonnarua Country
567 Broke Rd
Singleton NSW 2330
23/07/2024

Sent via the Major Projects Portal only

Subject: Bulga Coal - 2024 IEA Audit Team Change Request

Dear Mr Northey

I refer to your request to change members of the endorsed audit team to conduct an Independent Environmental Audit (IEA) of the Bulga Coal mine, approved by the Planning Secretary in SSD-4960-PA-98 (dated 14 May 2024).

In accordance with the IEA conditions of the consents and the NSW Department of Planning, Housing and Infrastructure (NSW Planning) *Independent Audit Post Approval Requirements* (2020), as nominee of the Planning Secretary, I endorse the following changes to the independent audit team:

- Marina Leung – Assistant Auditor
- Emily Kate Marsh – alternate Assistant Auditor

All other audit team members remain endorsed for the 2024 IEA.

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

Should you wish to discuss the matter further, please contact me on 02 65753401 or email compliance@planning.nsw.gov.au

Yours sincerely



Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary

Appendix C

Stakeholder Consultation

Your ref: DPHI SSD-4960-PA-101
Our ref: 12636404

06 August 2024

The Responsible Officer
C/o Heidi Watters

Department of Planning, Housing and Infrastructure
via email: Heidi.Watters@planning.nsw.gov.au
CC: compliance@planning.nsw.gov.au

Bulga Coal – 2024 Independent Environmental Audit

Dear Heidi

GHD Pty Ltd has been engaged by Bulga Coal Management Pty Ltd (Bulga Coal Management), a subsidiary of Glencore Coal Assets Australia Pty Ltd (Glencore), to undertake an independent environmental audit of the Bulga Coal Mine operations in the Hunter Valley NSW, comprising of Bulga Open Cut and Bulga Underground, in accordance with the development consents granted by the NSW Government including SSD-4960, DA 376-8-2003 Mod 8, and DA 41-03-99 (consents). Bulga Coal Management, as proponent, has auditable obligations under the consents. This Independent Audit is to be prepared, undertaken and finalised in accordance with the NSW Department of Planning, Industry and Environment's *Independent Audit Post Approval Requirements* (2020). The audit will cover the period from 28 November 2021 to provisionally 30 November 2024.

The scope of the Audit is to:

- Assess the environmental performance of the project
- Assess whether the project is complying with the requirements in the consents and any relevant conditions of the Environment Protection Licence (EPL) or Mining Lease (including any assessment, plan or program required under these approvals) applicable to the phase of the development being audited
- Review the adequacy of strategies, plans or programs required under the consents, and
- Recommend appropriate measures or actions to improve the environmental performance of the Development, and/or any strategy, plan or program required under the consents.

I am writing to you to invite comments from the Department of Planning, Housing and Infrastructure (DPHI) regarding these obligations. As part of this consultation, I will be requesting comments from the following entities:

- NSW Department of Planning, Housing and Infrastructure (DPHI)
- Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Environment and Heritage
- NSW Environment Protection Authority (NSW EPA)
- Natural Resources Access Regulator (NRAR)

- NSW Resources Regulator
- Subsidence Advisory NSW
- Singleton Council
- Community Consultative Committee

I also request you to advise if any other stakeholders should be consulted in relation to this audit.

It would be appreciated if you could provide your comments on the performance of Bulga Coal Management in meeting these obligations pertaining to:

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

I also invite you to comment on the Bulga Coal Management's performance with any other requirements relevant to this development, as you may deem appropriate. We would be available for a short teleconference, if required, to discuss your feedback so that we may adequately address any concerns during the audit.

A site visit for the audit is being planned to occur in November 2024.

Upon receipt of this letter, could you please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by close of business (5pm) on Monday 26 August 2024.

All correspondence in relation to this matter should be directed to Avanish Panikkar, GHD Lead Auditor on 02 9239 7667 or avanish.panikkar@ghd.com.

Regards



Avanish Panikkar
Senior Environmental Engineer, Lead Auditor
02 9239 7667
avanish.panikkar@ghd.com



Outlook

Re: SSD4960 Bulga Coal 2024 Independent Environmental Audit

From Heidi Watters <Heidi.Watters@Planning.nsw.gov.au>

Date Thu 8/8/24 11:59 AM

To Avanish Panikkar <Avanish.Panikkar@ghd.com>

Dear Avanish

Thank you for your correspondence regarding the upcoming IEA for Bulga Coal.

As per previous correspondence from NSW Planning, the IEA is to be prepared, undertaken, and finalised in accordance with the conditions of consent and the *Independent Audit Post Approval Requirements 2020* (IA PAR).

As detailed in section 4.2.3 of the IA PAR, the audit must include, among other things:

- a brief discussion of whether the Environmental Management Plans, Sub-plans and compliance documents are adequate, implemented and whether there are any opportunities for improvement
- an assessment of the compliance between actual and predicted impacts documented in environmental impact assessment, including an assessment of the physical extent of the development in comparison with the approved boundary and any potential off-site impacts of the development required under the *Environmental Planning and Assessment Act 1979*
- details of any incidents (including any formal enforcement action by any agency) and the adequacy of the response to, and management of such incidents.

Formal enforcement action undertaken by NSW Planning is available on the NSW Major Projects website [Bulga Coal Mine Optimisation | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#).

In addition to the above, NSW Planning requests that the audit team evaluate the adequacy of measures undertaken by Bulga Coal during the audit period to:

- minimise noise impacts during meteorological conditions when the noise criteria in the consents do not apply
- minimise dust and fume emissions of any blasting
- minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events
- minimise Scope 1 and Scope 2 greenhouse gas emissions
- minimise waste
- maintain water management infrastructure (sediment and erosion controls, mine water storages and clean water system)
- manage off-site water discharges during rain events

If you have any further queries regarding this matter, please contact me on the details below.

Regards

Heidi Watters

Team Leader

Compliance | Development Assessment & Sustainability

Department of Planning, Housing and Infrastructure

T 02 6575 3401 | **M** 0472 820 374 | **E** heidi.watters@planning.nsw.gov.au

dphi.nsw.gov.au

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Avanish Panikkar <Avanish.Panikkar@ghd.com>
Sent: Tuesday, 6 August 2024 3:10 PM
To: Heidi Watters <Heidi.Watters@Planning.nsw.gov.au>; DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: SSD4960 Bulga Coal 2024 Independent Environmental Audit

Dear Heidi

GHD has been engaged by Bulga Coal Management to undertake an Independent Environmental Audit of the Bulga Coal Mine operations. As per the Independent Audit Post Approval Requirements (2020), I am writing to seek your input into the audit as per details in the attached letter. Could you please send your response by the time specified in the letter? Kindly let me know if any issues with the letter or the timeframe.

Regards
Avanish

Dr Avanish K Panikkar
CEnvP, Ph.D., M.Eng.Sc., B.Tech (hons); M.EIANZ, M.AWA
Accredited Principal Env. Auditor (ExemplarGlobal #113142)
IPART Approved WICA Lead Auditor
JAZ-ANZ Water Quality Technical Expert
Adjunct Senior Lecturer at Griffith University
EIANZ NSW division committee, EIANZ PAeM committee
Senior Environmental Engineer



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D +61 2 9239 7667 | **E** avanish.panikkar@ghd.com



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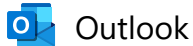
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RE: SSD4960 Bulga Coal 2024 Independent Environmental Audit

From Hamish Rutherford <Hamish.Rutherford@epa.nsw.gov.au>

Date Tue 6/8/24 3:38 PM

To Avanish Panikkar <Avanish.Panikkar@ghd.com>

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

Dear Mr Panikkar,

I understand the Independent Environmental Audit is against the relevant development consents.

As the EPA is not a Consent Authority under the *Environment Planning and Assessment Act 1979*, we do not review or comment on such audits.

Regards,

Hamish Rutherford

A/Unit Head – Operations

NSW Environment Protection Authority

D 02 4908 6824 | M 0459 073 635



www.epa.nsw.gov.au @NSW_EPA

The EPA acknowledges the Traditional Custodians of the land, waters and sky where we work.

As part of the world's oldest surviving cultures we pay our respect to Aboriginal Elders past, present and emerging.

I work on Awabakal and Worimi Country.



Report pollution and environmental incidents 131 555 or +61 2 9995 5555

From: Avanish Panikkar <Avanish.Panikkar@ghd.com>

Sent: Tuesday, August 6, 2024 3:12 PM

To: Hamish Rutherford <Hamish.Rutherford@epa.nsw.gov.au>

Cc: EPA RSD Hunter Region Mailbox <hunter.region@epa.nsw.gov.au>

Subject: SSD4960 Bulga Coal 2024 Independent Environmental Audit

Dear Hamish

GHD has been engaged by Bulga Coal Management to undertake an Independent Environmental Audit of the Bulga Coal Mine operations. As per the Independent Audit Post Approval Requirements (2020), I am writing to seek your input into the audit as per details in the attached letter. Could you please send your response by the time specified in the letter? Kindly let me know if any issues with the letter or the timeframe.

Regards
Avanish

Dr Avanish K Panikkar**CEnvP., Ph.D., M.Eng.Sc., B.Tech (hons); M.EIANZ, M.AWA****Accredited Principal Env. Auditor (ExemplarGlobal #113142)**

IPART Approved WICA Lead Auditor

JAZ-ANZ Water Quality Technical Expert

Adjunct Senior Lecturer at Griffith University

EIANZ NSW division committee, EIANZ PAeM committee

Senior Environmental Engineer**Proudly employee-owned | ghd.com**

Level 2, 60 Station St E, Parramatta NSW 2150 Australia

D +61 2 9239 7667 | **E** avanish.panikkar@ghd.com**→ The Power of Commitment****Connect****GHD acknowledges the Traditional Owners of Country throughout Australia.****We pay respect to their continuing culture and Elders past, present and emerging.**Click [GHD RAP](#) to learn about our Reconciliation Action Plan. Please consider the environment before printing this email

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the Environment Protection Authority.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



Re: SSD4960 Bulga Coal 2024 Independent Environmental Audit

From John Turner <harcourt2204@hotmail.com>
Date Mon 12/8/24 10:49 AM
To Avanish Panikkar <Avanish.Panikkar@ghd.com>

Dear Avanish,

I refer to your request from me in my capacity as Chair of the Bulga Coal Community Consultative Committee for information for the Bulga Coal 2024 Independent Environmental Audit.

First specifically, in relation to the community, Bulga Coal seems to enjoy a good relationship with communities affected by its operations.

In relation to compliance matters and general operations of the mine, Bulga Coal provides full and detailed information in relation to these matters to the Community Consultative Committee meetings that are held bi yearly.

Bulga Coal does not appear to have many non compliance issues but when they do occur Bulga Coal management provides full and detailed information to the Community Consultative Committee about what may have occurred in relation to a non compliance and what was done to remediate the non compliance and advises of any correspondence with the relevant government department concerning the non compliance.

In all instances the Community Consultative have been satisfied with the actions taken by Bulga Coal. Bulga Coal makes a real effort to be as open as possible with the Committee and the community.

Please contact me if you require further information.

Regards

John Turner OAM, B.A, B, Litt, Dip Law

From: Avanish Panikkar <Avanish.Panikkar@ghd.com>
Sent: Tuesday, 6 August 2024 3:07 PM
To: harcourt2204@hotmail.com <harcourt2204@hotmail.com>
Subject: SSD4960 Bulga Coal 2024 Independent Environmental Audit

Dear John

GHD has been engaged by Bulga Coal Management to undertake an Independent Environmental Audit of the Bulga Coal Mine operations. As per the Independent Audit Post Approval Requirements (2020), I am writing to seek your input into the audit as per details in the attached letter. Could you please send your response by the time specified in the letter? Kindly let me know if any issues with the letter or the timeframe.

Regards
Avanish

Dr Avanish K Panikkar

CEnvP., Ph.D., M.Eng.Sc., B.Tech (hons); M.EIANZ, M.AWA

Accredited Principal Env. Auditor (ExemplarGlobal #113142)

IPART Approved WICA Lead Auditor

JAZ-ANZ Water Quality Technical Expert

Adjunct Senior Lecturer at Griffith University

EIANZ NSW division committee, EIANZ PAeM committee

Senior Environmental Engineer



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Outlook

DCCEEW Water - SSD4960 Bulga Coal 2024 Independent Environmental Audit

From DPIE Water Assessments Mailbox <water.assessments@dpie.nsw.gov.au>**Date** Wed 14/8/24 11:25 AM**To** Avanish Panikkar <Avanish.Panikkar@ghd.com>

2 attachments (440 KB)

image; DCCEEW Water - Bulga Coal 2024 - SSD-4960 - IEA.pdf;

You don't often get email from water.assessments@dpie.nsw.gov.au. [Learn why this is important](#)

Dear Avanish Panikkar,

Please see attached DCCEEW Water's response to the audit input request for Bulga Coal.

Regards

Tim

Tim Baker

Senior Project Officer

Water Assessments

Department of Climate Change, Energy, the Environment and Water

----- Original Message -----

From: Avanish Panikkar <Avanish.Panikkar@ghd.com>;**Received:** Fri Aug 09 2024 14:41:04 GMT+1000 (Australian Eastern Standard Time)**To:** Licensing Approval <waterlicensing.servicedesk@dpie.nsw.gov.au>; Water Licensing Service Desk Mailbox <waterlicensing.servicedesk@dpie.nsw.gov.au>;**Subject:** NRAR0007831 : SSD _ DCCEEW SSD4960 Bulga Coal 2024 Independent Environmental Audit

Dear Sir/Madame

GHD has been engaged by Bulga Coal Management to undertake an Independent Environmental Audit of the Bulga Coal Mine operations. As per the Independent Audit Post Approval Requirements (2020), I am writing to seek your input into the audit as per details. Could you please send your response by the time specified in the letter? Kindly let me know if any issues with the letter or the timeframe.

I provided the attached letter addressed to NRAR on 6th August and has now been advised, as per below email trail, to contact DCCEEW Water licensing department. I also note I had sent another similar letter directly to DCCEEW, requesting input, addressed to Carl Zimmermann who had kindly responded that the letter has been aptly recirculated within DCCEEW.

regards

Dr Avanish K Panikkar

CEnvP, Ph.D., M.Eng.Sc., B.Tech (hons); M.EIANZ; M.AWA

Accredited Principal Env. Auditor

Senior Environmental Engineer

GHD

D +61 2 9239 7667 | E avanish.panikkar@ghd.com

From: Natural Resources Access Regulator <cspconnect@service-now.com>

Sent: Friday, August 9, 2024 12:09 PM

To: Avanish Panikkar <Avanish.Panikkar@ghd.com>

Subject: NRAR0007831 : SSD _ DCCEEW SSD4960 Bulga Coal 2024 Independent Environmental Audit

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Dear Avanish,

Thank you for sending your email to Natural Resources Access Regulator (NRAR), due to a recent restructure, the Department of Climate Change, Energy, the Environment & Water- Water Licensing (DCCEEW- Water) is now responsible for controlled activity approvals, works on waterfront land and licences and approvals for large water users.

All other licences and approvals continue to be managed by WaterNSW.

Your matter will now be dealt with by Department of Climate Change, Energy, the Environment & Water- Water Licensing (DCCEEW- Water) and you will have to email your enquiry

to waterlicensing.servicedesk@dpie.nsw.gov.au or contact DCCEEW Water on 1300 081 047.

For any further emails to Department of Climate Change, Energy, the Environment & Water- Water Licensing (DCCEEW- Water) please email waterlicensing.servicedesk@dpie.nsw.gov.au

This ticket will now be closed, you may receive a 'resolved ticket' email.

Kind regards,

Julie

Regulatory Support Team

Natural Resources Access Regulator (NRAR)

E nrar.enquiries@nrar.nsw.gov.au | W nrar.nsw.gov.au | P 1800 633 362

Postal Address: Locked Bag 5022, Parramatta NSW 2124

Working Days: Monday to Friday | 9:00am - 5:00pm

—

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To make a confidential report about a suspicious activity visit our [website](#)

I acknowledge the traditional custodians of the land and pay respects to Elders past and present.

I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Ref:MSG16350989_1hUtzzzgqQ6beJ3gLNi

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Our ref: OUT24/12267

Avanish K Panikkar
GHD PTY
avanish.panikkar@ghd.com

14 August 2024

Subject: Bulga Coal – Independent Environmental Audit 2024 – SSD-4960

Dear Avanish,

I refer to your request seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

NSW DCCEEW Water Group understands that the scope of the audit as outlined under the development consent and the reference guideline, “Independent Audit Post Approval Requirements (2020)” extends to at least the following:

- Identification of compliance requirements and documentation of any non-compliances.
- Assessment of the adequacy and implementation of management plans and sub plans.
- Assessment of compliance against relevant regulatory requirements and legislation.
- Assessment of compliance between actual and predicted impacts in the environmental assessment.
- Reporting requirements for management plans.
- Identification of strengths of the project in environmental management and opportunities for improvement.

NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
 - Water Management Plans and related sub-plans eg. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.
 - Extraction Plans and related sub-plans eg. Water Management Plan, Subsidence Management Plan.

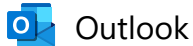
- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous years, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact DCCEE - Water Assessments at water.assessments@dpie.nsw.gov.au

Yours sincerely,

A handwritten signature in blue ink, appearing to read "T. Baker".

Tim Baker
Senior Project Officer
Water Assessments
NSW Department of Climate Change, Energy, the Environment and Water



AREQ0056310 | Bulga Complex | Enquiry (external) | Other Enquiry | 06 Aug 2024 15:10:18

From Resources Regulator <nswresourcesregulator@service-now.com>

Date Tue 20/8/24 10:35 AM

To Avanish Panikkar <Avanish.Panikkar@ghd.com>

 1 attachment (188 KB)

GHD_Bulga Complex_August 2024.pdf;

You don't often get email from nswresourcesregulator@service-now.com. [Learn why this is important](#)

Dear Dr Panikkar,

Please find attached the Regulator's response to your request for consultation on the independent environmental audit of the Bulga Coal Mine.

Regards,

Jenny Ehmsen

Principal Compliance Auditor

MAI - Enforcement | Resources Regulator

T 02 4931 6420 M 0438 735 010



**Regional
NSW**

The Department of Regional New South Wales acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.



Ref:MSG1388352_Nhn1YkTHpkqaEKz2licj

20 August 2024

Dr Avanish Panikkar
GHD Pty Ltd
Level 2, 60 Station Street
Parramatta NSW 2150
By Email: avanish.panikkar@ghd.com

Re: Bulga Coal Mine – Independent Environmental Audit

Dear Dr Panikkar,

Thank you for your email dated 6 August 2024 (our reference: AREQ0056310) requesting consultation on the independent audit to be undertaken of the Bulga Coal Mine operations which is covered by the following mining leases

- CL224 (1973)
- ML1494 (1992)
- ML1547 (1992)
- ML1674 (1992)
- ML1717 (1992)
- ML1788 (1992).

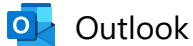
The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including implementation of the mining operations plan for the site.

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted the 6 leases that comprise the Bulga Coal Mine have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.

The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice. It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.

Sincerely

Jenny Ehmsen
Principal Compliance Auditor
NSW Resources Regulator



RE: RE: SSD4960 Bulga Coal 2024 Independent Environmental Audit

From Sania Afrose <safrose@singleton.nsw.gov.au>

Date Thu 19/9/24 3:58 PM

To Avanish Panikkar <Avanish.Panikkar@ghd.com>

Cc Benjamin Pogson <bpogson@singleton.nsw.gov.au>

 1 attachment (1 MB)

Singleton Meeting Minutes_Bulga Coal VPA.pdf;

Hi Avanish,

Please see our response below. I have also attached the minutes from the Singleton meeting regarding the Bulga Coal Voluntary Planning Agreement.

Your observations or comments received with regard to the mine's operations including any complaints (visual screening / odour / air quality etc) received during the audit period mentioned in the attached letter.

During the audit period of 13/3/2021 through to today (13/09/2024), Council has received 1 complaint relating to dust emission from the mine on 13/03/2023.

Any comments from Council's involvement in the CCC – Community Consultative Committee on both open cut and underground mines (I have received CCC's response to the audit already).

I believe you mentioned you already received the reviews from CCC.

Any comments with regard to Planning Agreement mentioned in condition 18 of the SSD document.

Bulga Coal have been moving their obligation under the Voluntary Planning Agreement (VPA). Some of the funds were to go community events each year for 10 years, however during covid there were no event held.

A report went to council on 16th April 2024 (attached) dealt with this to ensure that the funds were expended on the purpose set out in the VPA.

Any heritage-related/ Any land-acquisition comments

The review does not highlight any major heritage-related issues or significant land acquisition activities in the audit period. However, we would like to draw attention to the newly completed Cultural Heritage Management Plan (CHMP) for Mt Leonard Homestead. It is essential that all current and future works within the area adhere strictly to the guidelines and requirements set forth in this document to ensure compliance.

Any comments regarding water quality enhancement works in the Wollombi Brook.

Bulga Coal does not hold any surface water licences for mining purposes. Surface water required for mining is currently supplied through the Mount Thorley Water Supply Joint Venture, operated by Singleton Council, and via Yancoal's Mount Thorley Mine, based on an agreement with Bulga Coal. There are no outstanding issues in this regard.

Thank you so much for your patience!

Kind regards,

Sania

**SANIA AFROSE**

Environmental Projects Officer

T [02 6578 7546](tel:0265787546)**E** safrose@singleton.nsw.gov.au**W** singleton.nsw.gov.au

Singleton Council acknowledges the Wanaruah, Wonnarua people and their custodianship of the land in the Singleton Local Government Area. We also acknowledge all other Aboriginal and Torres Strait Islanders who live within the Singleton Local Government Area and pay our respect to Elders past, present and future.

From: Avanish Panikkar <Avanish.Panikkar@ghd.com>
Sent: Monday, September 9, 2024 5:30 PM
To: Sania Afrose <safrose@singleton.nsw.gov.au>
Cc: Benjamin Pogson <bpogson@singleton.nsw.gov.au>
Subject: CM: RE: SSD4960 Bulga Coal 2024 Independent Environmental Audit

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Sania

Thanks for the reply and phone call.

While the agency consultation period has passed, and we have commenced on the desktop audit process, here are some details which may assist in sending us your comments. I understand you are short-staffed but if you can send any comments by end of next week (by 20th Sept) that will be helpful to the audit.

As mentioned in the consultation letter issued as per IAPAR2020 guidelines, the audit scope is covered by conditions of consent SSD-4960 and DA 376-8-2003 Mod 8.

Open Cut mine SSD 4960:

<https://www.glencore.com.au/.rest/api/v1/documents/5da759f08a5689df9f8da5933086b7f3/Bulga+Optimisation+Project+-+Mod+4+-+Consolidated+Consent.pdf>

Underground mine DA 376-8:

<https://www.glencore.com.au/.rest/api/v1/documents/50db6b89a79762db92a0711521e058a2/Bulga+Underground+DA+376-8-2003+-+Mod+4+-+Consolidated+Consent.pdf>

Other relevant info may be here:

EIS: [Approvals documents \(glencore.com.au\)](https://www.glencore.com.au/.rest/api/v1/documents/f9623a70b0157efeb9d982242acb2e5c/Bulga+Open+Cut+Mining+Operations+Plan+2022-2023+-+Amendment+March+2022.pdf)Most recent annual review: [Annual Review \(glencore.com.au\)](https://www.glencore.com.au/.rest/api/v1/documents/f9623a70b0157efeb9d982242acb2e5c/Bulga+Open+Cut+Mining+Operations+Plan+2022-2023+-+Amendment+March+2022.pdf)

Mining operation plan, open cut:

<https://www.glencore.com.au/.rest/api/v1/documents/f9623a70b0157efeb9d982242acb2e5c/Bulga+Open+Cut+Mining+Operations+Plan+2022-2023+-+Amendment+March+2022.pdf>

It may be worthwhile to look for Council-specific mentions within these documentation as they are rather large/long documents and going through in their entirety will be very time-consuming. For example, the Annual Review section 3.3 refers to surface water supply from Council managed sources.

I suggest if you could please let us know:

- Your observations or comments received with regard to the mine's operations including any complaints (visual screening / odour / air quality etc) received during the audit period mentioned in the attached letter.
- Any comments from Council's involvement in the CCC – Community Consultative Committee on both open cut and underground mines (I have received CCC's response to the audit already).
- Any comments with regard to Planning Agreement mentioned in condition 18 of the SSD document.
- Any heritage-related comments
- Any land-acquisition matters
- Any comments regarding water quality enhancement works in the Wollombi Brook.

I note the previous audit in 2021 had not received any comments from the Council.

regards

Dr Avanish K Panikkar

CEnvP, Ph.D., M.Eng.Sc., B.Tech (hons); M.EIANZ; M.AWA

Accredited Principal Env. Auditor

Senior Environmental Engineer

GHD

D +61 2 9239 7667 | E avanish.panikkar@ghd.com

From: Sania Afrose <safrose@singleton.nsw.gov.au>

Sent: Monday, September 9, 2024 4:28 PM

To: Avanish Panikkar <Avanish.Panikkar@ghd.com>

Cc: Benjamin Pogson <bpogson@singleton.nsw.gov.au>

Subject: RE: SSD4960 Bulga Coal 2024 Independent Environmental Audit

You don't often get email from safrose@singleton.nsw.gov.au. [Learn why this is important](#)
Hi Avanish Panikkar,

Thank you for your reminder regarding the Independent Environmental Audit (IEA) planned for Bulga Coal, as per the Independent Audit Post Approval Requirements (IAPAR) 2020.

Also, thank you for your patience while we assessed your request.

To ensure that Singleton Council provides relevant and informed input, could you please clarify the specific areas of focus or obligations where the Council's feedback is particularly required? This will help us address the most relevant aspects of the audit, especially in relation to any conditions that may fall within the Council's oversight.

Additionally, if there are any relevant documents or prior reports that may assist us in reviewing Bulga Coal's performance and obligations, we would appreciate it if you could provide those for our reference.

Thank you again for your understanding, and we look forward to assisting in the planning of the audit.

Don't hesitate to call me at 02 6578 7546. I work Monday to Thursday - 8:00 am to 5 pm.

Thank you!

Kind regards,

Sania

**SANIA AFROSE**

Environmental Projects Officer

T [02 6578 7546](tel:0265787546)**E** safrose@singleton.nsw.gov.au**W** singleton.nsw.gov.au

Singleton Council acknowledges the Wanaruah, Wonnarua people and their custodianship of the land in the Singleton Local Government Area. We also acknowledge all other Aboriginal and Torres Strait Islanders who live within the Singleton Local Government Area and pay our respect to Elders past, present and future.

From: Avanish Panikkar <Avanish.Panikkar@ghd.com>
Sent: Monday, August 26, 2024 9:06 AM
To: Singleton, Council <council@singleton.nsw.gov.au>
Subject: RE: SSD4960 Bulga Coal 2024 Independent Environmental Audit

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To Singleton Council

Dear sir/madame

I wish to send this reminder note to seek any input from the Council into the IEA planned for Bulga Coal, as per IAPAR 2020. The initial request as per below email trail is attached. If you could send any comments today that will assist in planning the audit ahead.

Thankyou in anticipation
regards

Dr Avanish K Panikkar
CEnvP, Ph.D., M.Eng.Sc., B.Tech (hons); M.EIANZ; M.AWA
Accredited Principal Env. Auditor
Senior Environmental Engineer
GHD
D +61 2 9239 7667 | E avanish.panikkar@ghd.com

From: Avanish Panikkar
Sent: Tuesday, August 6, 2024 3:13 PM
To: council@singleton.nsw.gov.au
Subject: SSD4960 Bulga Coal 2024 Independent Environmental Audit

Dear Jason

GHD has been engaged by Bulga Coal Management to undertake an Independent Environmental Audit of the Bulga Coal Mine operations. As per the Independent Audit Post Approval Requirements (2020), I am writing to seek your input into the audit as per details in the attached letter. Could you please send your response by the time specified in the letter? Kindly let me know if any issues with the letter or the timeframe.

Regards
Avanish

Dr Avanish K Panikkar

CEnvP., Ph.D., M.Eng.Sc., B.Tech (hons); M.EIANZ, M.AWA
Accredited Principal Env. Auditor (ExemplarGlobal #113142)
IPART Approved WICA Lead Auditor
JAZ-ANZ Water Quality Technical Expert
Adjunct Senior Lecturer at Griffith University
EIANZ NSW division committee, EIANZ PAeM committee
Senior Environmental Engineer



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Level 2, 60 Station St E, Parramatta NSW 2150 Australia

D +61 2 9239 7667 | E avanish.panikkar@ghd.com



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We pay respect to their continuing culture and Elders past, present and emerging.

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**DI&P19/24. Bulga Coal Pty Ltd Voluntary Planning Agreement -
Request for Community Contributions Funding**
Author: Manager Development & Environmental
Services

FILE: M3-6

Executive Summary

The purpose of this report is to seek Council approval for the distribution of Community Contributions as required under Clause 6 of the Deed of Variation to the Voluntary Planning Agreement (VPA) between Bulga Coal Pty Ltd and Council, relating to the Bulga Coal Optimisation Project State Significant Development (SSD-4960).

Given the Community Contributions under Clause 6 are not tied to any Council funds, the report also seeks approval for \$23,652 of Community Contributions funds that are remaining under the VPA to be distributed in accordance with the public purposes listed within Schedule 1 of the VPA, without the need to seek further approval from Council. This amount will be indexed using the Consumer Price Index (CPI) at the time of payment.

RECOMMENDED that:

1. Council endorses Bulga Coal Pty Ltd to proceed with payment of the following funds through the Voluntary Planning Agreement relating to the Bulga Coal Optimisation Project State Significant Development (SSD-4960):
 - \$15,000 to the Broke Residents Association for the Back to Broke Bicentennial celebration;
 - \$5,000 to the Bulga Milbrodale Progress Association for the Bulga Bicentennial celebration;
 - \$3,000 to the Hunter Valley Off Road Racing Association for the Milbrodale Mountain Classic, and
 - \$8,520 to the Broke Fordwich Wine and Tourism Association for the 'A Little Bit of Broke' event
2. Council acknowledges the impact of the Covid 19 Pandemic on the disbursement of Community Contributions under Clause 6 of the Bulga Coal Voluntary Planning Agreement; and
3. Council authorises the approval of the remaining \$23,652 of Community Contributions funds to be paid under the Voluntary Planning Agreement to be distributed in accordance with the public purposes listed within Schedule 1 of the agreement.

Report

In 2015, Council entered into a VPA with Bulga Coal Pty Ltd (the Developer) in relation to the Bulga Coal Optimisation Project State Significant Development 4960 (SSD-4960), determined on 1 December 2014.

Infrastructure & Planning Report (Items Requiring Decision) - DI&P19/24

As part of modification 3 to SSD-4960 the VPA was amended by a Deed of Variation. The amended VPA states that Council approval is necessary before the Developer can allocate the Community Contributions specified in Part C of Schedule 1 of the Agreement to the relevant community organisations.

As required by the VPA, the Developer has provided written notice to Council requesting approval to distribute the following funds as part of the Annual Contributions to Broke Village Events:

- \$15,000 to the Broke Residents Association for the Back to Broke Bicentennial celebration
- \$5,000 to the Bulga Milbrodale Progress Association for the Bulga Bicentennial celebration
- \$3,000 to the Hunter Valley Off Road Racing Association for the Milbrodale Mountain Classic
- \$8,520 to the Broke Fordwich Wine and Tourism Association for the ‘A Little Bit of Broke’ event

It should be noted that the funding being provided to the Broke Fordwich Wine and Tourism Association is for the ‘A Little Bit of Broke’ event that was held in March 2024. It is also noted that the funds proposed to be allocated within this report exceed the amount referred to in the agreement for each calendar year. This is because several events were cancelled in the previous years because of the COVID-19 pandemic.

The Community Contributions under Clause 6 are not tied to any Council funds. This report also seeks to authorise \$23,652 of Community Contributions funds that are remaining under the VPA to be distributed in accordance with the public purposes listed within Schedule 1 of the VPA without the need to seek further approval from Council. This amount will be indexed at the time of payment.

Community Strategic Plan

Our People

Strategy:	1.4	Advocate to and Collaborate with Government and other agencies to improve services relating to but not limited to health, education, integration, connectivity, security and well-being
Deliverable:	1.4.1	Deliver improved community services through advocacy and collaboration
Action:	1.4.1.1	Collaborate with government bodies, industry and other stakeholders to improve services that enhance economic prosperity, liveability and community wellbeing

The principles applied to the Community Contributions as set out in clause 6 of the amended planning agreement are also consistent with the Community Strategic Plan under Our Places in the Community Strategic Plan, being:

Infrastructure & Planning Report (Items Requiring Decision) - DI&P19/24

2.4 Facilitate land use planning and development outcomes which respect and contribute in a positive way to the environment and the community.

Council Policy/Legislation*Environmental Planning and Assessment Act, 1979 (EP&A Act)*

The application of a Planning Agreement is governed by Division 7.1 Subdivision 2 of Part 7 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) The amended VPA was prepared in accordance with section 7.4 of the EP&A Act. The amended VPA was publicly exhibited in accordance with section 7.5 of EP&A Act.

Environmental Planning and Assessment Regulations, 2021 (EP&A Regulations)

Public notice was given in accordance with section 204 of the EP&A Regulations. An explanatory note prepared in accordance with section 205 of the EP&A Regulations was exhibited with the VPA.

Singleton Council Planning Agreements Policy

The VPA is consistent with the Singleton Council Planning Agreements Policy and provides adequate transparency and accountability for the disbursement of the community contributions.

Financial Implications

There are no financial implications to Council because of the disbursement of Community Contributions, as the funds are proposed to be allocated directly from the Developer to the respective community organisations. The funds are additional to the \$1.08M disbursed to the Community and Economic Development Fund. The contributions sit outside the payments required under Schedule 1 Part A, B and D of the Agreement.

Consultation

The disbursement of Community Contributions to local events will improve social outcomes in the vicinity of the Bulga Optimisation Project.

No consultation with the community has been undertaken in relation to the payment of the proposed Community Contributions, however, the amended Planning Agreement was exhibited in April 2021 in accordance with the EP&A Act. There were no submissions received.

The disbursement of funds has been prepared in consultation with the Developer.

Sustainability

There are no environmental consequences identified as part of the proposed Community Contributions.

Risk Implications

Risk	Risk Ranking	Proposed Treatments	Proposed Risk Ranking	Within Existing Resources?
There is a risk that Community Contributions will not be disbursed in accordance with the adopted Planning Agreement (as amended) which could lead to reputational risk.	Low	Adopt the recommendation	Low	Yes
There is a risk that Council could be seen to hold up payments to community groups which may result in reputational damage to Council.	Medium	Adopt the recommendation.	Low	Yes

Options

The following options are available to Council:

1. Council endorses Bulga Coal Pty Ltd to proceed with payment of the following funds through the VPA relating to the Bulga Coal Optimisation Project State Significant Development (SSD-4960):
 - \$15,000 to the Broke Residents Association for the Back to Broke Bicentennial celebration;
 - \$5,000 to the Bulga Milbrodale Progress Association for the Bulga Bicentennial celebration;
 - \$3,000 to the Hunter Valley Off Road Racing Association for the Milbrodale Mountain Classic, and
 - \$8,520 to the Broke Fordwich Wine and Tourism Association for the 'A Little Bit of Broke' event

Council acknowledges the impact of Covid 19 Pandemic on the disbursement of Community Contributions under Clause 6 of the Bulga Coal Voluntary Planning Agreement; and

Infrastructure & Planning Report (Items Requiring Decision) - DI&P19/24

Council authorises the approval of the remaining \$23,652 of Community Contributions funds to be paid under the VPA to be distributed in accordance with the public purposes listed within Schedule 1 of the agreement.

- 2 Not provide approval for Bulga Coal Pty Ltd to proceed with payment of the funds through the VPA relating to the Bulga Coal Optimisation Project State Significant Development (SSD-4960)

Option one is recommended.

Conclusions

The VPA between Bulga Coal Pty Ltd and Council relating to the Bulga Coal Optimisation Project (SSD-4960) provides for the payment of Community Contributions to be paid directly to relevant community organisations following confirmation from Council that the Developer may proceed with the payments.

In accordance with the agreement, the Developer has provided notice in writing to Council of the intention to pay contributions to community organisations as set out in the report.

Council staff have prepared this report seeking Council's confirmation that the Developer may proceed with these payments and authorises the future payment of the remaining funds in accordance with Schedule 1 of the VPA.

Attachments

There are no attachments for this report

Appendix D

Site Photographs

Bulga Coal Independent Environmental Audit 2024
Report Appendix D – Photo Log



Open Cut mine



Dust plume visible during site walk



Earth moving plant in operation



Water truck for dust management being filled



Old underground mine workings exposed by open cut



Water truck in operation within mine void



Rail line, pond and Coal Handling and Processing Plant



Surge Dam



C3 dam



Working plant area



Coal stockpile - CHPP



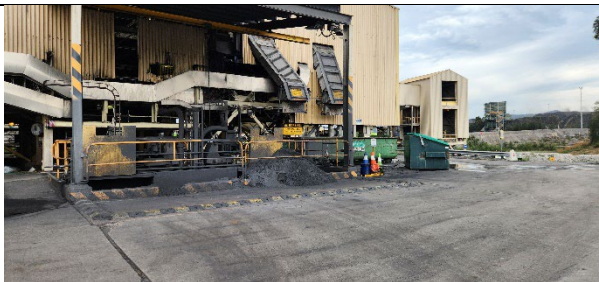
Feature tree and revegetated area in Eastern Emplacement Area



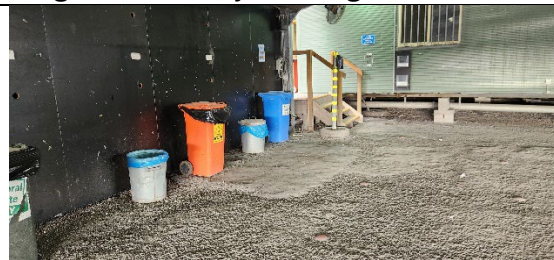
Weeds (lantana) in revegetated area – Eastern Emplacement Area



Drainage line on Eastern Emplacement Area – evidence of scour and management. Looking towards Singleton Military Training Area



Plant area – generally clean



Office area



Rehabilitation works in progress – Eastern Emplacement Area



Stockpile of feature trees and soil amendment - Eastern Emplacement Area



Eastern Emplacement Area looking towards Mushroom Composter



Groundwater Monitoring well LC2 near stream, offsite to the north of Bulga Mine. Well-cap missing.



Monitoring station (TEOM) near mushroom composters (D4)

Southern Extension weather station



Generator near Southern Extension weather station



Weather station with bird nest at top of tower.



Rain guage.



Nitrogen Gas Generator plant



Bunded pallets for containers

Fauna monitoring camera



Weather condition monitoring



Pipe near weather station with stains indicative of previous leak.

Appendix E

Audit Compliance Tables

INTEGRATED STATE SIGNIFICANT DEVELOPMENT DA 41-03-99
BULGA COAL MANAGEMENT PTY LTD - BULGA OPEN CUT PIT, COAL LEASE
AREAS 372 AND 224 and out of pit emplacement of overburden on the new South
Whybrow site

The previous IEA was completed by RPS in November 2021. Glencore is required to conduct another IEA by the end of November 2024. We understand that the audit against the relinquished DA 41-03-99 is limited to closing out any outstanding items from the previous audit up to the date of relinquishment as it falls within this audit period.

MOD 8 MARCH 2014
SCHEDULE 2

Evidence sighted	Audit Finding	Status	Ref.
------------------	---------------	--------	------

1. General

1.1 There is an obligation on the Applicant to prevent and minimise harm to the environment throughout the life of the project. This requires that all practicable measures be taken to prevent and minimise harm that may result from construction, operation and, where relevant, decommissioning activities related to the development.

1.2 Adherence to Terms of DA, EIS, etc.

(a) The development is to be carried out generally in accordance with DA 41-0399 and:

(i) the EIS titled "*Bulga Open Cut Continued Mining*" dated February 1999 (two volumes), prepared by ERM Mitchell McCotter Pty Limited in accordance with clause 54A and 55 of the Environmental Planning and Assessment Regulations 1998, and certified in accordance with Section 78(A)8 of the Environmental Planning and Assessment Act 1979, and other relevant information included in Noise Information provided to DUAP on 24 June 1999, Air Quality Information provided to DUAP on 30 June 1999, and Aboriginal Heritage Information provided to DUAP on 20 July 1999

(ii) Bulga Coal Project Environmental Impact Statement, February 1990;

(iii) Bulga Coal Project Variation to Development Consent, 28 October 1994;

(iv) Modification to Development Consent Bulga Coal Project, Proposal to Extend Overburden Dump, April 1995;

(v) the modification application 41-03-99 MOD 2 and supporting information prepared by Umwelt Environmental Consultants and dated 21 November; and

(vi) the modification application 41-03-99 MOD 3 and supporting information prepared by Umwelt Environmental Consultants and dated 25 August 2008;

(vii) the modification application 41-03-99 MOD 4 and Environmental Assessment prepared by Umwelt Environmental Consultants, dated August 2009, and the response to submissions dated October 2009;

(viii) the modification application 41-03-99 MOD 5 and Environmental Assessment prepared by Hansen Bailey Pty Limited, dated 15 February 2010;

(ix) the document titled *Bulga Coal Complex (Bulga Open Cut Mine) XRail Refuelling Facility*, dated February 2011;

(x) the document titled *Bulga Open Cut Western Mining Limit Modification Environmental Assessment*, dated September 2012; including its statement of commitments, and the associated Response to Submissions, dated 18 January 2013; and

(xi) the document titled *Environmental Assessment Proposed Modification to DA41-03-99 under Section 75W of Part 3A of the EP&A Act 1979 New Sedimentation Dam at Bulga Coal Surface Operations*, dated June 2013, including its statement of commitments, and the associated Response to Submissions, dated November 2013; and (xii) conditions of this consent.

If there is any inconsistency between the above documents, the more recent document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all such documents to the extent of any inconsistency.

(b) In accordance with section 80A(5) of the Environmental Planning and Assessment Act 1979 and clause 68 of the Environmental Planning and Assessment Regulation 1994, the Applicant shall surrender to the Minister, the development consent for the Saxonvale Coal Lease (CL224) issued by the then Minister for Planning and Environment to Dampier Mining Company Limited on 26 March 1981, and the development consent for the Bulga Mine on Coal Lease (CL372) issued by the Minister for Local Government and Planning on 21 December 1990, prior to the commencement of mining.

(c) If, at any time, the Director-General is aware of environmental impacts from the proposal that pose serious environmental concerns due to the failure of existing environmental management measures to ameliorate the impacts, the Director-General may order the Applicant to cease the activities causing those impacts until those concerns have been addressed to the satisfaction of the Director-General.

(d) If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.

1.3 Period of Approval/Project Commencement

(a) The approval for mining is from the commencement of this consent for the period of up to 21 years from the date of mine consolidation of the Saxonvale Coal Lease (CL224) and Bulga Coal Lease, or the expiry of the Saxonvale Coal Lease (CL372).

(b) At least one month prior to the commencement of mining, or within such period as agreed by the Director-General, the Applicant shall submit for the approval of the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to the commencement of mining operations. Mining operations shall not commence until the report is approved by the Director-General.

(c) Date of commencement of mining is to be notified in writing to the Director-General and SSC, at least two weeks prior to commencement of mining.

1.4 Dispute Resolution

In the event that the Applicant and the SSC or a Government agency, other than the Department, cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the Director-General or if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

1.5 Security Deposits

Security deposits and bonds will be paid as required by DRE under mining lease approval conditions.

1.6 Year 2000 Conformity

One month prior to the commencement of operation of any automated system, including embedded systems used for operation, pollution control, monitoring and safety (including fire safety), the Applicant shall ensure that the system has been tested in accordance with the most recent edition of BSI/DISC PD2000-1 or equivalent standard to confirm continuous time and date functionality of that system.

2 Mine Management

2.1 Mine Management Plan, Operations and Methods

(a) The Applicant shall submit and have accepted by the Director-General of DRE, a Mining Operations Plan (MOP) in accordance with current guidelines issued by DRE, as an extension of the MOP prepared for Bulga Open Cut Pit. The Plan is to cover mining operations for a period of up to seven years.

(b) The MOP shall:

(i) be prepared in accordance with DRE Guidelines for the Preparation of Mining Operations Plans (Document 08060002.GUI or its most recent version);

- (ii) demonstrate consistency with the conditions of this consent and any other statutory approvals;
- (iii) demonstrate consistency with the Environmental Management Plans for the project site;
- (iv) provide the basis for implementing mining operations, environmental management, and ongoing monitoring; and
- (v) identify a schedule of proposed mine development for the period covered by the plan and include:
 - the area proposed to be impacted by mining activity and resource recovery mining methods and remediation measures
 - areas of environmental, heritage or archaeological sensitivity and mechanisms for appropriately minimising impact
 - water management, and
 - proposals to appropriately minimise surface impacts.

(c) In preparing the MOP, the Applicant shall consult with affected service authorities and make arrangements satisfactory to those authorities for the protection or relocation of those services.

(d) A copy of the MOP, excluding commercial in confidence information, shall be forwarded to SSC and Director-General within 14 days of acceptance by DRE.

2.2 Limits on Production

The production levels of coal for the Bulga Open Cut Mine from the consolidated Saxonvale Lease (CL224) and Bulga Lease (CL372) shall not exceed a maximum of 12.2 million tonnes per annum Run-of-Mine (ROM) coal.

3 Land and Site Environmental Management

3.1 Appointment of Environmental Officer(s)

- (a) The Applicant shall employ a suitably qualified Environmental Officer(s) throughout the life of the mine whose qualifications are acceptable to the Director-General. The Officer(s) will:
 - (i) be responsible for the preparation of the Environmental Management Plans (refer condition 3.2);
 - (ii) be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;
 - (iii) be responsible for receiving and responding to complaints in accordance with condition 10.1;
 - (iv) facilitate an induction and training program for all persons involved with construction activities, mining and remedial activities; and
 - (v) have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts and failing the effectiveness of such steps, to stop work immediately if an adverse impact on the environment is likely to occur.

(b) The Applicant shall notify the Director-General, DRE, OEH, NOW, SSC and the CCC of the name and contact details of the Environmental Officer(s) upon appointment and any changes to the appointment(s).

3.2 Environmental Management Strategies and Plans

(a) The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans [refer condition 3.2d)]. The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the CCC (refer condition 10) and to the satisfaction of the Director-General, prior to submission of any of the environmental management plans.

(b) The Environmental Management Strategy shall include:

- (i) statutory and other obligations which the Applicant is required to fulfil during mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer(s);
 - (iii) overall environmental management objectives and performance outcomes, during mining and decommissioning of the mine, for each of the key environmental elements for which environmental management plans are required under this consent;
 - (iv) overall ecological and community objectives for the project and a strategy for the restoration and management of the area affected by mining operations;
 - (v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;
 - (vi) overall objectives and strategies to protect existing economic productivity within the area affected by mining, including agricultural productivity and other businesses;
 - (vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;
 - (viii) processes for conflict resolution in relation to the environmental management of the project; and
 - (ix) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.
- (c) The Applicant shall make copies of the Environmental Management Strategy available to SSC, **OEH**, **NOW**, **DRE**, and the CCC within fourteen days of approval by the Director-General.

(d) The Applicant shall prepare the following Environmental Management Plans:

- Archaeology and Cultural Management Plan (refer condition 3.3)
- Flora and Fauna Management Plan (refer condition 3.4)
- Landscape Management Plan (refer condition 3.6)
- Site Water Management Plan (refer condition 4.1(a))
- Dust Management Plan (refer condition 6.1.1(a))
- Blast and Vibration Management Plan (refer condition 6.2(a))
- **Noise Management Plan (refer condition 6.3.8)**

Note: With the approval of the Director-General, the Applicant may integrate any management plan or monitoring program required by this consent with any similar plan or program for the Bulga Complex.

(e) The management plans are to be revised/updated at least every 5 years or as otherwise directed by the Director-General in consultation with the relevant government agencies. **The management plans are also to be revised/updated after each modification to this consent, wherever appropriate.** Changes shall be made and approved in the same manner as the initial environmental management plan. The plans shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.

Note: The reason for condition (e) is to reflect changing environmental requirements or changes in technology/operational changes that may affect or be introduced to maintain the approved operations.

3.3 **Heritage Assessment and Management** Aboriginal Cultural Heritage

(a) The Applicant shall prepare an Archaeology and Cultural Management Plan to address Aboriginal and European cultural heritage issues. The Plan shall be prepared in consultation with any registered Aboriginal stakeholders and OEHL, and to the satisfaction of the Director-General prior to the commencement of mining operations. The Plan shall include but not be limited to: (i) identification of all areas of conservation within the DA area;

(ii) provision of management strategies for all parts of the DA area not affected by mining;

(iii) identification and monitoring of future salvage, excavation, and any heritage/archaeological sites within the DA area, prior to and during development;

(iv) the proposed program for collection of artefacts prior to commencement of mining in the area including the waste emplacement area;

(v) measures to protect and preserve the undisturbed deposits in Area 2 as identified in Figure 12.3 of the EIS;

(vi) measures to manage the discovery of any previously unidentified Aboriginal objects or skeletal remains during the life of the development; and

(vii) details of measures to assist the Aboriginal community to maintain and manage cultural heritage in the DA area.

(b) Within six months of the commencement of Mining Operations, the Applicant shall make a \$50,000 contribution towards the establishment of a trust fund set up by the Department through the Public Trustee. The funds are to be used for a regional study of Aboriginal sites and other cultural heritage projects agreed to by the Wonnarua Tribal Council.

(c) If, during the course of construction of any surface facilities or mining activities, the Applicant becomes aware of any heritage or archaeological material not previously identified, all work likely to affect the material shall cease immediately and the relevant authorities consulted about an appropriate course of action prior to recommencement of work. The relevant authorities may include OEHL, the NSW Heritage Office, and the relevant the local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

(d) [1]The Applicant shall ensure that archaeologically sensitive in situ deposits in Area 2 as identified in Figure 12.3 of the Bulga Open Cut Continued Mining EIS, February 1999, will not be disturbed by mining works.

(e) [2]The Applicant shall invite the Wonnarua Tribal Council and the Warruwal Aboriginal Land Council to collect the artefacts in Area 1 prior to mining commencing in the development area.

(f) The Applicant shall continue to preserve the site of the axe grinding grooves in accordance with relevant recommendations set out in the EIS (1990) and the requirements of the Director of OEHL and provide a buffer zone and protective fence around the site in accordance with the requirements of the Director of OEHL.

(g) The Applicant shall take all practicable steps to ensure that the building known as 'Mount Leonard' is not damaged by blasting arising from the development.

(h) The Applicant is to consult with the Aboriginal community regarding any approvals that are sought under Part 6 of the National Parks and Wildlife Act 1974 using consultation principles and strategies consistent with those outlined in the OEHL Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010). The results of these consultations shall be documented in the AEMR.

Notes 1. No Aboriginal archaeological sites, that have been identified, shall be destroyed without the approval of the Director-General of OEHL, under section 90 of the National Parks and Wildlife Act 1974, prior to any disturbance of the identified sites by mining operations.

2. Wherever possible, the Applicant is to contract representatives of the Wonnarua Tribal Council to assist in the proposed archaeological investigations and to undertake salvage of artefacts.

3.4 Flora and Fauna Assessment and Management

(a) The Applicant shall prior to commencement of mining, prepare and implement a Flora and Fauna Management Plan for the management of flora and fauna issues for the DA area. The Plan shall be prepared in consultation with OEI and SSC, and to the satisfaction of the Director-General, and shall include but not be limited to:

- (i) a detailed assessment of the current characteristics and ecological values of existing ecosystems likely to be affected by the development;
- (ii) strategies to minimise the net loss of ecologically significant vegetation communities within the DA area as a result of the development, including the provision of compensatory areas of equivalent ecological and habitat value where necessary;
- (iii) strategies to manage the impact of surface water runoff, erosion and sediment control measures on flora and fauna, and also the impact of heavy machinery;
- (iv) details of monitoring the mine's impacts on native vegetation are to be reported in the Annual Environmental Management Report.

3.5 Vegetation Offsets

By the end of December 2010, the Applicant shall:

- (a) incorporate an offset of at least 20 hectares of existing Hunter Box – Ironbark Woodland into other conservation areas managed by Xstrata Coal Pty Limited;
- (b) rehabilitate at least 1 hectare of remnant Forest Red Gum Woodland on the drainage lines within the catchment of Nine Mile Creek; and
- (c) make suitable arrangements to protect and manage these offset areas in the longterm, to the satisfaction of the Director-General and OEI.

3.5A – Additional Vegetation Offsets

By the end of December 2014, the Applicant shall:

- (a) provide an area that is, in the opinion of the Director-General, suitable in its quantity and vegetation community to offset the clearing of 1.2 hectares of *Central Hunter Grey Box – Ironbark Derived Native Grassland*, and 0.3 hectares of *Central Hunter Grey Box – Ironbark Woodland*;
- (b) make suitable arrangements to manage, protect and provide long-term security for this area, to the satisfaction of the Director-General.

3.6 Landscape Management Plan

(a) The Applicant shall prepare and implement a detailed Landscape Management Plan for the development to the satisfaction of the DRE and Director-General. This plan must:

- (i) be prepared in consultation with OEI, NOW and SSC by suitably qualified expert/s whose appointment/s have been approved by the Director-General;
- (ii) be submitted to the Director-General for approval by the end of December 2010; and (iii) include a:
 - Rehabilitation and Offset Management Plan;
 - Final Void Management Plan; and
 - Mine Closure Plan.

Rehabilitation and Offset Management Plan

(b) The Rehabilitation Management Plan must include:

- (i) the objectives for rehabilitation of the site and vegetation offsets;

- (ii) a description of the short, medium, and long term measures that would be implemented to rehabilitate the site, manage the remnant vegetation and habitat on the site and implement the vegetation offsets;
- (iii) detailed performance and completion criteria for the rehabilitation of the site and implementation of the vegetation offsets;
- (iv) a detailed description of how the performance of the rehabilitation of the mine would be monitored over time in order to demonstrate achievement of the stated objectives;
- (v) a detailed description of what measures would be implemented over the next 3 years, including for:
 - minimising and rehabilitating disturbed areas;
 - implementing vegetation offsets;
 - protecting vegetation and soil outside the disturbance areas;
 - undertaking pre-clearance surveys;
 - managing impacts on fauna;
 - landscaping the site to minimise visual impacts;
 - conserving and reusing topsoil;
 - collecting and propagating seed for rehabilitation works;
 - salvaging and reusing material from the site for habitat enhancement;
 - controlling weeds and feral pests;
 - controlling access; and
 - bushfire management;
- (vi) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;
- (vii) a description of the potential risks to successful rehabilitation and/or revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and
- (viii) details of who is responsible for monitoring, reviewing, and implementing the plan.

Final Void Management

- (c) The Final Void Management Plan must:

- (i) incorporate design criteria and specifications for the final void based on verified groundwater modelling predictions and a re-assessment of postmining groundwater equilibration;
- (ii) assess the potential interactions between creeks on the site and the final void; and
- (iii) describe what actions and measures would be implemented to:
 - minimise any potential adverse impacts associated with the final void; and
 - manage and monitor the potential impacts of the final void.

Mine Closure Plan

- (d) The Mine Closure Plan must:

- (i) define the objectives and criteria for mine closure;
- (ii) investigate options for the future use of the site, including the final void/s;
- (iii) investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;
- (iv) describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the development; and
- (v) describe how the performance of these measures would be monitored over time.

3.7 Visual Amenity

The Applicant shall:

- (a) ensure no external lights shine above the horizontal;
- (b) ensure that all external lighting associated with the development complies with *Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting*, or its latest version, and

(c) take all practicable measures to mitigate off-site lighting impacts from the development,
to the satisfaction of the Director-General.

4. Water Management

4.1 Site Water Management Plan

The Applicant shall prepare and implement a Site Water Management Plan for the development to the satisfaction of the Director-General. This plan must:

- (a) be prepared in consultation with NOW, OEH and DRE;
- (b) be submitted to the Director-General for approval by the end of June 2010; and
- (c) include:
 - a Site Water Balance;
 - an Erosion and Sediment Control Plan;
 - a Surface Water Monitoring Plan;
 - a Groundwater Monitoring Program; and
 - a Surface and Groundwater Response Plan.

Site Water Balance

The Site Water Balance must:

- (a) include details of:
 - sources and security of water supply;
 - water use and management on site;
 - any off-site water transfers or discharges; and
 - reporting procedures; and
- (b) describe measures to minimise water use by the site.

Erosion and Sediment Control Plan

The Erosion and Sediment Control Plan must:

- (a) be consistent with the requirements of Landcom's *Managing Urban Stormwater: Soils and Construction* manual;
- (b) identify activities that could cause soil erosion and generate sediment;
- (c) describe measures to minimise soil erosion and the potential for transport of sediment downstream;
- (d) describe the location, function and capacity of erosion and sediment control structures; and
- (e) describe what measures would be implemented to maintain the structures over time.

Surface Water Monitoring Program

The Surface Water Monitoring Program must include:

- (a) detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development;
- (b) surface water and stream health impact assessment criteria;
- (c) a program to monitor;
 - surface water flows and quality;
 - stream health; and
 - channel stability;
- (d) a program to monitor any impacts on private water users and water levels in privately-owned farm dams; and
- (e) reporting procedures for the results of the monitoring program.

Groundwater Monitoring Program

The Groundwater Monitoring Program must include:

- (a) groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts of the development;
- (b) a program to monitor the volume and quality of groundwater seeping into the underground mine workings;
- (c) a program to monitor:
 - groundwater inflows to the underground mining operations;
 - impacts on regional aquifers and surrounding aquifers;

- impacts on the groundwater supply of potentially affected private landowners; and
- impacts on groundwater dependent ecosystems and riparian vegetation;
- (d) reporting procedures for the results of the monitoring program.

Surface and Groundwater Response Plan

The Surface and Groundwater Response Plan must describe the measures and/or procedures that would be implemented to:

- (a) respond to any exceedances of the surface water, stream health and groundwater impact assessment criteria;
- (b) offset the loss of any baseflow to watercourses caused by the development where the impact assessment criteria are exceeded;
- (c) compensate landowners of privately-owned land whose water supply is adversely affected by the development; and
- (d) mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation.

4.2 CHPP Dam

The Applicant shall design and construct the CHPP Dam (as described in the documents listed in condition 1.2(a)(vii) of schedule 2) to the satisfaction of the DSC and DRE. The final dam design, as submitted to DSC and DRE, must be accompanied by a detailed assessment of the potential operational and environmental risks associated with the dam.

5. Hazardous Materials and Tailings Management

5.1 Overburden Emplacement and Management

The Applicant shall construct and manage the overburden emplacements as set out in the EIS and to the approval of the DRE.

5.2 Fine Rejects/Tailings Emplacement and Management

The Applicant shall prepare a Fine Rejects Management Plan for the placement of fine rejects into the Deep Pit North fine rejects emplacement area to the satisfaction of the DRE prior to any placement of fine rejects in the emplacement areas.

5.3 Waste

- (a) [3]The Applicant must not cause, permit or allow any waste generated outside of the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- (b) [4]This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.
- (c) Hazardous or industrial waste must be stored and disposed of in a manner to minimise its impact on the environment including appropriate segregation for storage and separate disposal by a waste transporter licensed by the OEH.

5.4 Chemical and Hazard Management

- (a) The Applicant shall ensure that:
 - (i) The location for storage of LPG, with respect to separation from other dangerous goods and safety measures, shall be in accordance with AS 1596:1997-Storage and Handling of LPG Gas;
 - (ii) The procedures for storage, handling and use of Class 1 explosive materials shall be in accordance with the requirements of Workcover New South Wales.
- (b) The Applicant shall ensure that all above-ground tanks containing material likely to cause environmental harm:

- (i) are bunded or have an alternative spill containment system. Bunds must be impervious and sized to contain 110% of the volume of the largest container stored within;
- (ii) are designed and constructed in a manner that prevents the ingress of rain or water; and
- (iii) are clearly labelled as to their contents.

6. Air Quality, Blast, Noise and Light Management

6.1 Air Quality Management

6.1.1 Dust Management Plan

- (a) The Applicant shall, prior to commencement of mining operations, prepare a Dust Management Plan detailing air quality safeguards and procedures for dealing with dust emissions to the satisfaction of the Director-General. The management plan shall be updated as required by the Director-General. The plan shall include, but not be limited to, details to:
- identify dust affected properties and the relevant dust limits consistent with the EIS and any subsequent submissions to the Department;
 - specify the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations;
 - outline the procedure to notify property owners and occupiers likely to be affected by dust from the mine;
 - establish a protocol for handling dust complaints that include recording, reporting and acting on complaints;
 - record appropriate mechanisms for community consultation;
 - outline mitigation measures to be employed to minimise dust emissions;
 - ensure that equipment is available and used to control dust generation;
 - identify longer term strategies directed towards mitigating dust levels that exceed the OEH target dust criteria;
 - detail locations for dust monitoring and deposition gauges at the residential areas and frequency of monitoring, as agreed with the OEH;
 - continue the baseline monitoring program undertaken prior to development consent.

6.1.2 Air Quality and Dust Monitoring

- (a) The Applicant shall:
- (i) undertake monitoring at locations described in the Dust Management Plan;

- (ii) establish dust deposition and total suspended particulate (TSP) monitoring locations for the mine operations, including sites for monitoring impacts of dust at the nearest non-mined owned residences, and locations as may be determined to be necessary by the Director-General in consultation with the OEH and in accordance with the Dust Management Plan referred to in Condition 6.1(a);

- (iii) provide all results and analysis of air quality monitoring in the AEMR including a determination of the dust deposition rate in $\text{gm/m}^2/\text{month}$, which shall be plotted to provide trend analysis in the AEMR.;

- (iv) [5]Monitoring of dust deposition and for the concentration of PM10, total suspended particulate (TSP) in ambient air must be carried out at locations agreed to in consultation with the OEH.

IEA 2021 report by TPS, dated 7

Feb 2022;

Bulga Coal 2021 IEA

Recommendations and Proposed

Actions in Response document

(available on Bulga Coal website)

DA 41-03-99 surrender approval.

Email on 31 August 2022 from

Planning accepting the surrender

of the DA.

The 2021 IEA had found that depositional dust was not

monitored at F2(DR) at the time the DMP was approved.

There was no recommendation in the 2021 IEA report. The

report further noted that a directional depositional dust gauge

has been installed at this location and the site is being

monitored. Bulga Coal's response action was to relinquish DA

41-03-99 which has been completed.

Compliant

(v) Monitoring for the concentration of PM₁₀, TSP and deposited dust are to be carried out as required to be conducted by the general terms of approval, or in accordance with a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol, must be done in accordance with:

- any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or
- if no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or
- if no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the OEH for the purposes of that testing prior to the testing taking place.

(b) Monitoring of the concentration of PM₁₀ particulate matter in ambient air must be carried out at locations agreed to in consultation with the OEH. The sampling method, units of measure, interval and frequency of monitoring will be as set out in the “Approved Methods for the Sampling and Analysis of Air Pollutants in NSW” or its latest version.

(c) The Applicant shall ensure that the dust and particulate emissions generated from the development do not cause exceedances of the air quality impact assessment criteria listed in Tables 1, 2 and 3 at any residence on, or more than 25 percent of, any privately owned land.

Table 1: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m³
Particulate matter < 10 µm (PM ₁₀)	Annual	30 µg/m³

Table 2: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	24 hour	50 µg/m³

Table 3: Long term impact assessment criteria for deposited dust

Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level
Deposited dust	Annual	2 g/m²/month	4 g/m²/month

Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, 2003, AS 3580.10.12003: Methods for Sampling and Analysis of Ambient Air – Determination of Particulates – Deposited Matter – Gravimetric Method.

(c) In the event that a landowner or occupier considers that dust from the project is in excess of the OEH criteria for dust levels, at their dwelling, and the Director-General, is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:

- (i) consult with the landowner or occupants affected to determine their concerns;

(ii) make arrangements for appropriate independent dust investigations in accordance with the Dust Management Plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect;

(iii) modify the mining activity in accordance with a Dust Management Plan if exceedances are demonstrated to result from the mine related activity. This shall include:

- introduction of additional controls, either of dust generation from individual sources on the site or on site operations or modify operations, to ensure that the dust criteria are achieved;
- enter into an agreement with the landowner or provide such forms of benefit or amelioration as may be agreed between the parties as providing acceptable compensation for the dust levels experienced;

(iv) conduct follow up investigations to the satisfaction of the Director-General where necessary.

(d) If the independent dust investigations in sub-clause (d) above confirm that dust limits are in excess of the relevant **OEH** criteria, the Applicant shall at the written request of the owner acquire the relevant property. Acquisition shall be in accordance with the procedures set out in **schedule 3**.

(e) Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or relevant **OEH** amenity criteria are not being exceeded and are unlikely to be exceeded in the future

6.1.3 Dust Suppression and Control

The Applicant shall:

(i) maintain and use sufficient equipment with the capacity to apply water to all unsealed trafficked areas at a rate which minimises dust emissions;

(ii) ensure the prompt and effective rehabilitation of all disturbed areas to minimise generation of wind erosion dust, in accordance with the requirements of **DRE**;

(iii) keep the surface of the coal product and stackout stockpiles sufficiently damp to minimise windblown dust; and

(iv) [6]ensure activities occurring at the mine are carried out in a manner that will minimise emissions of dust from the premises.

6.2 Blast Management

IEA 2021 report by TPS, dated 7 Feb 2022;

(a) The Applicant shall, prior to the commencement of mining, update or prepare a Blast and Vibration Management Protocol for the mining operations described in the EIS, to the satisfaction of the Director-General. The plan shall identify the blast

provisions detailed in the ANZECC document titled "*Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure, and Ground Vibration*" or its latest version.

Bulga Coal 2021 IEA Recommendations and Proposed Actions in Response document (available on Bulga Coal website).
[DA 41-03-99 surrender approval. Email on 31 August 2022 from Planning accepting the surrender of the DA.](#)

The 2021 IEA found that the monitor had failed to record results during the previous audit period due to a corrupt memory card. This memory card had been replaced in April 2021. The audit recommendation was to continue to ensure equipment is regularly serviced, maintained, and is fit for purpose.

Bulga Coal's proposed action was to relinquish the DA 41-03-99 by June 2022 which has been completed.

Compliant

(b) [7]The Blast and Vibration Management Plan in subclause (a) must be prepared and implemented by the Applicant, and shall include, but need not be limited to:

- Compliance standards
- Mitigation measures
- Remedial action
- Monitoring methods and program
- Monitoring program for fly-rock distribution

- Measures to protect underground utilities (rising mains, subsurface telecommunication and electric cables)
- Notification of procedures for neighbours prior to detonation of each blast
- Measures to ensure no damage by fly-rock to people, property, livestock and powerlines.

(a) The applicant shall advise residents within two (2) kilometres of the active mining area of future blasting events on a monthly basis, and of any changes to monthly programs.

(b) Upon written request of the owner of any dwellings located within two (2) kilometres of the active mining area, the Applicant shall arrange at its own costs, for the inspection by a technically qualified person agreed to by both parties, to record the material condition of any structure on such property within 14 days of receipt of the request. The Applicant shall supply a copy of any inspection report, certified by the person who undertook the inspection, to the relevant property owner within fourteen (14) days of receipt of the report;

(e) [8]The overpressure level from blasting operations on the premises must not:
(i) exceed 115dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and

(ii) exceed 120dB (Lin Peak) at any time, when measured or computed at a free field location within 3.5 metres of any potentially affected residential building or other noise sensitive location such as a school or hospital unless otherwise approved in writing by the [OEH](#).

(f) [9]Ground Vibration peak particle velocity (ppv) from the blasting operations on the premises must not:

(i) exceed 5mm/s for more than 5% of the total number of blasts over a period of 12 months; and

(ii) exceed 10mm/s at any time, when measured or computed at a free field location within 30 metres of any potentially affected residential boundary or other noise sensitive location such as a school or hospital.

(g) [10]In relation to blasting:

(i) [11]Blasting associated with mining operations may only take place between the hours of 9am and 5pm Monday to Saturday inclusive.

(ii) [12]The hours of operation for blasting operations specified in this condition may be varied if the OEH, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation. Approved hours and number of blasts per day must be approved and may be varied with the written consent of the OEH.

(iii) For the purpose of blast monitoring, the ground vibration or the overpressure must be measured at noise sensitive sites (e.g. residences, hospitals, schools etc), selected in consultation with the [OEH](#).

(iv) The Applicant shall ensure that air blast overpressure and vibration monitoring is generally carried out in accordance with the recommendations of Australian Standard AS-2187-1993 or its latest version, and in terms of ANZECC guidelines, including compliance with the guideline titled *“Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Vibration”* or its latest version, to the satisfaction of the [OEH](#).

(v) [13]The Applicant must monitor ground vibration and overpressure of all blasts at locations agreed to in consultation with the OEH.

6.3 Noise

Acquisition Upon Request

6.3.1 Upon receiving a written request for acquisition from the owner of any land listed in Table 4, the Applicant shall acquire that land in accordance with the procedures in conditions 6 - 8 of schedule 3.

Table 4: Land subject to acquisition upon request

6 – I.B. Headley	149 – E. McInerney
7 – I.B. Headley	150 – E. McInerney
9 – I.B. & J.D. Headley	151 – R.D. & L.M. Lewis
10 – I.B. & J.D. Headley	216 – R.D. & G.W. Turnbull

Land Acquisition Criteria

6.3.2 If the noise generated by the development exceeds the criteria in Table 5 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land, the Applicant shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 6-8 of schedule 3.

Table 5: Land Acquisition Criteria dB(A)

Day/Evening/Night LAeq(15 minute)	Land
40	All privately owned land, excluding the land listed in Table 4.

Notes:

- Noise generated by the development is to be measured and evaluated in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.
- These noise limits do not apply on land if the Applicant has a negotiated agreement with the relevant owner/s of that land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Noise Impact Assessment Criteria

6.3.3 The Applicant shall ensure that the noise generated by the development does not exceed the noise impact assessment criteria in Table 6 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.

Table 6: Noise Impact Assessment Criteria dB(A)

Residence/Land	Day	Evening	Night	
	L Aeq(15 min)	L Aeq(15 min)	L Aeq(15 min)	L A1(1 min)
249	40	40	40	45
8, 195	39	39	39	45
157, 179, 307	38	38	38	45
237, 239, 261, 262	38	38	37	45
232, 234, 235, 240	38	38	36	45
1, 2s, 154, 250, 252, 308	37	37	37	45
241, 243, 263, 264, 265, 266, 267, 272, 273, 274, 275, 276, 277, 279, 280, 281, 283, 284, 288	37	37	36	45
229, 230A, 230B, 231, 233, 236, 238, 242	37	37	35	45
97, 153, 163, 169e, 171, 183, 184, 197, 217s, 217m, 217n, 282, 285, 311	36	36	36	45
33, 156w, 222, 223, 226, 227, 228, 244, 254, 256, 286, 287, 289, 290, 291, 292, 293, 294, 295, 306	36	36	35	45
All other privately owned land, excluding the land listed in Table 4	35	35	35	45

Notes:

- To interpret the locations referred to in Tables 4 and 6, see the applicable figure in Appendix
- For the purposes of this condition an “exceedence” is considered to have occurred when valid attended noise data from compliance monitoring (collected in accordance with the requirements in Appendix 3) indicates the noise generated by the Bulga Coal Complex has exceeded the criteria set out in Table 6.
- Appendix 3 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.
- These noise limits do not apply at residences or land if the Applicant has a negotiated agreement with the relevant owner/s of that residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.

Additional Noise Mitigation Measures

6.3.4 Upon receiving a written request from:

- a landowner of the land listed in Table 4 (unless the landowner has requested acquisition); or
 - a landowner of residence/land 8, 157, 179, 195, 232, 234, 235, 237, 239, 240, 249, 261, 262 or 307 (unless a negotiated agreement is in place); or
 - the owner of any other residence where subsequent operational noise monitoring shows the noise generated by the development is greater than, or equal to, 38 dB(A) $L_{Aeq(15 \text{ minute})}$ (unless a negotiated agreement is in place),
- the Applicant shall implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner.

These additional mitigation measures must be reasonable and feasible. The Applicant shall notify all landowners by 31 July 2013 that they are entitled to receive additional noise mitigation measures in accordance with this condition, to the satisfaction of the Director-General.

If within 3 months of receiving such a request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.

Cumulative Noise Impact Assessment Criteria

Compliant

6.3.5 The Applicant shall implement all reasonable and feasible measures to ensure that the noise generated by the development combined with the noise generated by other mines does not exceed the amenity criteria in Table 7 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land, to the satisfaction of the Director-General.

IEA 2021 report by TPS, dated 7 Feb 2022;

Bulga Coal 2021 IEA

Recommendations and Proposed The 2021 IEA had found that cumulative noise impact

Actions in Response document assessment criteria were not provided in the Noise Management Plan, with a recommendation referring to the NC DA 41-03-99 surrender approval. being the result of this DA approval not being relinquished at the time.

Email on 31 August 2022 from Planning accepting the surrender of the DA. Bulga Coal's proposed action was to relinquish DA 41-03-99 by June 2022, which has been achieved.

Table 7: Cumulative Noise Impact Assessment Criteria dB(A) L_{Aeq} (period)

Location	Day	Evening	Night
	$L_{Aeq(11 \text{ hour})}$	$L_{Aeq(4 \text{ hour})}$	$L_{Aeq(9 \text{ hour})}$
All privately owned land, excluding the land listed in Table 4.	50	45	40

Note: Cumulative noise is to be measured and evaluated in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Cumulative Land Acquisition Criteria

Compliant

6.3.6 If the cumulative noise generated by the development combined with the noise generated by other mines exceeds the amenity criteria in Table 8 at any residence on privately owned land, or on more than 25% of privately owned land, then upon receiving a written request from the landowner, the Applicant shall take all reasonable and feasible measures to acquire the land on as equitable basis as possible with the relevant mines, in accordance with the procedures in conditions 6-8 of schedule 3, to the satisfaction of the Director-General.

IEA 2021 report by TPS, dated 7 Feb 2022;
Bulga Coal 2021 IEA Recommendations and Proposed Actions in Response document (available on Bulga Coal website) DA 41-03-99 surrender approval. Email on 31 August 2022 from Planning accepting the surrender of the DA.

The 2021 IEA had found that land acquisition criteria were not provided in the Noise Management Plan and stated that cumulative noise impact assessment criteria were being achieved, with a recommendation referring to the NC being the result of this DA approval not being relinquished at the time.
Bulga Coal's proposed action was to relinquish DA 41-03-99 by June 2022, which has been achieved.

Table 8: Cumulative Land Acquisition Criteria dB(A)

Location	Day	Evening	Night
	<i>L Aeq(11 hour)</i>	<i>L Aeq(4 hour)</i>	<i>L Aeq(9 hour)</i>
All privately owned land, excluding the land listed in Table 4.	53	48	43

Notes:

- For the purpose of this condition, the expression "Applicant" in conditions 6-8 of schedule 3 should be interpreted as the Applicant and any other relevant mines.
- Cumulative noise is to be measured and evaluated in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

Continuous Improvement

6.3.7 The Applicant shall:

- implement all reasonable and feasible best practice noise mitigation measures;
- progressively upgrade and replace its mobile equipment fleet;
- investigate methods to statistically analyse (for example, by using regression analysis) real-time noise and meteorological data to improve noise impact forecasting and to facilitate statistically-based compliance reporting; and
- report the implementation and effectiveness of these measures in the AEMR, to the satisfaction of the Director-General.

Noise Management Plan

6.3.8 The Applicant shall prepare and implement a Noise Management Plan for the development to the satisfaction of the Director-General. This program must:

- be prepared by a suitably qualified expert whose appointment has been approved by the Director-General, and submitted to the Director-General for approval by 30 August 2010; and (b) include a:
 - combination of unattended and attended monitoring measures;
 - noise monitoring protocol for evaluating the contribution of low frequency noise;
 - noise monitoring protocol for evaluating compliance with the relevant criteria for noise impact assessment, land acquisition, cumulative impact assessment and cumulative acquisition in this consent; and
 - response protocol that will immediately be followed if noise emissions are nearing or exceeding these criteria and a description of what contingency plans will be implemented on site if this occurs.

Notes:

- *The management responses to be followed in the event that noise emissions are nearing or exceeding the noise criteria in this consent should be staged in a manner that is commensurate with the level of noise emissions that may occur.*
- *Management responses should include relocating, modifying and/or ceasing operations until the exceedance is addressed and rectified. In the event of a breach of the noise criteria in this approval, noise traces for the offending period should be forwarded to the Department and OEH as soon as practicable following the event.*

7 Transport and Utilities

7.1 Road Transport

- (a) No coal shall be hauled on public roads.

8 Monitoring/Auditing

8.1 In addition to the requirements contained elsewhere in this consent, the DirectorGeneral may in consultation with the relevant government authorities and the Applicant, require the monitoring programs to be revised/updated at any time to reflect changing environmental requirements or changes in technology/operational practices related to the mining operations. Changes shall be made and approved in the same manner as the initial monitoring programs. All monitoring programs shall also be made publicly available at SSC within two weeks of approval of the relevant government authority.

8.2 All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program.

8.2

8.3 Meteorological

The Applicant shall continue meteorological monitoring by utilising and maintaining the existing weather station at the Bulga Complex. The meteorological data shall be particularly used for assessment of noise, dust and blasting impacts on nearby residences.

IEA 2021 report by TPS, dated 7 Feb 2022;

Bulga Coal 2021 IEA

Recommendations and Proposed Actions in Response document (available on Bulga Coal website) DA 41-03-99 surrender approval.

Email on 31 August 2022 from Planning accepting the surrender of the DA.

The 2021 IEA noted an outstanding NC from a previous IEA that the AQMP and WMP had not been updated to include QA/QC plan and require approval from the relevant regulatory agencies. The recommendation referred to the DA not being relinquished at the time. Bulga Coal's proposed action was to relinquish DA 41-03-99 by June 2022, which has been achieved.

Compliant

8.4 **Third Party Monitoring/Independent Environmental Audit**

Compliant

(a) Every 3 years from the date of this consent until the completion of mining operations, unless the Director-General directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:

IEA 2021 report by TPS, dated 7 Feb 2022;
This audit in 2024

This condition is satisfactorily met with the completion of this audit in this audit period.

- (i) be conducted by suitably qualified, experienced, and independent expert/s whose appointment has been endorsed by the Director-General;
- (ii) include consultation with the relevant agencies;
- (iii) assess, in respect of the requirements of this consent and any relevant mining lease or environment protection licence, the environmental performance of the development and its effects on the surrounding environment;
- (iv) assess whether the development is complying with relevant standards and performance measures specified in these approvals (including under any strategy, plan or program required under these approvals) and with other statutory requirements;
- (v) review the adequacy of strategies, plans or programs required under these approvals; and, if necessary,
- (vi) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.

Note: This audit team must be led by a suitably qualified auditor and include experts in the fields of noise, air quality and mine rehabilitation.

(b) Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Applicant shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.

(c) Within 3 months of submitting the audit report to the Director-General, the Applicant shall review and if necessary revise the strategies/plans/programs required under this consent, to the satisfaction of the Director-General.

9. Reporting

9.1 Annual Environmental Management Report (AEMR)

(a) Within 12 months of this approval, and annually thereafter, the Applicant shall submit an Annual Environmental Management Report (AEMR) to the Director-General and the relevant agencies. This report must:

- (i) identify the standards and performance measures that apply to the development;
- (ii) describe the works carried out in the last 12 months;
- (iii) describe the works that will be carried out in the next 12 months;
- (iv) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
- (v) include a summary of the monitoring results for the development during the past year;
- during the past year;
- (vi) include an analysis of these monitoring results against the relevant:
 - impact assessment criteria/limits;
 - monitoring results from previous years; and
 - predictions in any relevant documents referred to under condition 1.2(a) of Schedule 2;
- (vii) identify any trends in the monitoring results over the life of the development;
- (viii) identify any non-compliance during the previous year; and
- (ix) describe what actions were, or are being, taken to ensure compliance.

9.2 [14]General Reporting

(a) The results of any monitoring required to be conducted by the OEH's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained.

(b) All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer, on request.

(c) The following records must be kept in respect of any samples required to be collected:

- The date(s) on which the sample(s) were taken;
- The time(s) at which the sample(s) were collected;
- The point(s) at which the sample(s) were taken; and
- The name of the person who collected the sample(s).

9.3 Access to Information

(a) By 30 April 2008, and thereafter within 3 months of the approval of any strategy/plan/program required under this consent (or any subsequent revision of these strategies/plans/programs), or the completion of the audits or AEMRs required under this consent, the Applicant shall:

(i) provide a copy of the relevant document/s to the relevant agencies and CCC; and

(ii) put a copy of the document/s on its website.

(b) By 30 April 2008, and thereafter throughout the life of the development, the Applicant shall:

(i) include a copy of this consent, as may be modified from time to time, on its website;

(ii) provide a full summary of monitoring results required under this consent on its website; and

(iii) update this summary on a regular basis (at least every 3 months).

10. Community Consultation/Obligations

10.1 Community Consultation

(a)

Complaints

The Environmental Officer(s) (refer condition 3.1) shall be responsible:

- (i) for the receipt of complaints with respect to construction works and mine operations on a dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, the entering of complaints or comments in an up to date log book, and ensuring that a response is provided to the complainant within 24 hours; and

IEA 2021 report by TPS, dated 7 Feb 2022;

Bulga Coal 2021 IEA

Recommendations and Proposed Actions in Response document (available on Bulga Coal website)

CMO Complaints management system - Action schedule 05, condition 09-2225513

- (ii) providing a report of complaints received every six months throughout the life of the project to the Director-General, SSC, **OEH, DRE**, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 9.1(a)).

Community Consultative Committee

(b)

The Applicant shall:

- (i) establish a Community Consultative Committee and ensure that the first meeting is held before the commencement of construction works. Selection of representatives shall be agreed by the Director-General and the appointment of an independent Chairperson shall be to the satisfaction of the Director-General in consultation with the Applicant and SSC. The Committee shall comprise representatives of the Applicant (including an Environmental Officer, condition 3.1), one (1) representative of SSC, and four community representatives, to monitor compliance with conditions of this consent and other matters relevant to the operation of the mine during the term of the consent. The formation of the Committee may consider its interrelationship with any existing Consultative Committees of adjoining mines.

Representatives from relevant government agencies (including DUAP) or other authorities may be invited to attend meetings as required by the Chairperson. The Committee may make comments and recommendations about the implementation of the development and environmental management plans. The Applicant shall ensure that the Committee has access to the necessary plans for such purposes. The Applicant shall consider the recommendations and comments of the Committee and provide a response to the Committee and Director-General on matters arising.

- (ii) The Applicant shall, at its own expense:

- (a) nominate representatives to attend all meetings of the Committee;
- (b) provide to the Committee regular information on the progress of work and monitoring results;

The 2021 IEA had referred to Bulga Coal receiving a warning letter from DPIE for failing to comply with Schedule 5, Condition 6 of SSD 4960. The recommendation required Bulga Coal to ensure CCC operation is periodically reviewed for compliance against the Department's Community Consultative Committee Guidelines for State Significant Projects (2016, or its latest version).

Bulga Coal's proposed action was to undertake a compliance review of the CCC operation against the Department's CCC Guidelines for State Significant Projects with a timeline to achieve by June 2022.

The CMO (compliance management system which tracks requirements and compliance) report has documented actions undertaken in response to this requirement. There is an ongoing action to review this item (CCC operation) and check if anything has changed. This item is marked as completed most recently on 31 October 2024. This review action reoccurs every year on 31 October. Action schedule 05, condition 09-2225513 is the reference for this 2024 record. The review was undertaken initially in 30 June 2022 (Action 1910172), closing out the requirement from the previous audit. The evidence attached in the system report includes a review against the 2019 CCC guidelines, completed by Teegan Hayward.

Compliant

- (c) promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the development;
- (d) provide access for site inspections by the Committee;
- (e) provide meeting facilities for the Committee, and take minutes of Committee meetings. These minutes shall be available for public inspection at SSC within 14 days of the meeting.

(iii) The Applicant shall establish a trust fund or other funding arrangement that may be agreed between the Applicant and the Committee, to be managed by the Chair of the Committee to facilitate the functioning of the Committee, and pay \$2000 per annum to the fund or other agreed arrangement, for the duration of mining operations. The monies are to be used only as required for the engagement of consultants to interpret technical information and the like. The annual payment shall be indexed according to the Consumer Price Index (CPI) at the time of payment. The first payment shall be made by the date of the first Committee meeting. A record of finances of the trust fund or other agreed arrangement, during each year shall be provided to the Director-General and the Applicant, by the Chairperson, on the anniversary of the first payment. Any unspent monies shall be returned to the Applicant each year.

11. Deleted

12. Further Approvals and Agreements

12.1 Statutory Requirements

- (a) The Applicant shall ensure that all statutory requirements including but not restricted to those set down by the Local Government Act 1993, Protection of the Environment Administration Act 1991, Protection of the Environment Operations Act 1997, National Parks and Wildlife Act 1974, and all other relevant legislation, Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the SSC, **OEH, DRE, NOW, RMS**, are fully met.

- (b) Structural Adequacy.

Detailed plans and specifications relating to the design and construction of any structural elements associated with the proposed development are to be submitted to the Principal Certifying Authority prior to the commencement of construction works. Such plans and specifications must be accompanied by certification provided by a practicing professional structural engineer or an accredited certifier certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.

- (c) Verification of Construction.

Upon completion of building works and prior to the issue of an occupation certificate, a certificate/s prepared by a suitably qualified person or a compliance certificate/s issued by an accredited certifier, is to be submitted to the Principal Certifying Authority certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:

- (i) footings;
- (ii) concrete structures, including ground floor and any subsequent floors, retaining walls and columns;
- (iii) framing and roof structure;
- (iv) fire protection coverings to building elements required to comply with the Building Code of Australia; and (v) mechanical ventilation.

The certificate/s shall demonstrate at what stage of construction inspections were undertaken.

SCHEDULE 3
ADDITIONAL PROCEDURES
NOTIFICATION OF LANDOWNERS

1. Within 1 month of the date of this modification, the Applicant shall notify the landowners of the land listed in Table 4 of schedule 2 in writing that they have the right to require the Applicant to acquire their land at any stage during the development.

2. If the results of monitoring required in schedule 2 identify that impacts generated by the development are greater than the impact assessment criteria in schedule 2, except where this is predicted in the EA, and except where a negotiated agreement has been entered into in relation to that impact, then the Applicant shall notify the Director-General and the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the development is complying with the criteria in schedule 2.

INDEPENDENT REVIEW

3. If a landowner considers the development to be exceeding the impact assessment criteria in schedule 2, then he/she may ask the Director-General in writing for an independent review of the impacts of the development on his/her land.

If the Director-General is satisfied that an independent review is warranted, the Applicant shall within 3 months of the Director-General advising that an independent review is warranted:

- (a) consult with the landowner to determine his/her concerns;
- (b) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to conduct monitoring on the land, to:
 - determine whether the development is complying with the relevant impact assessment criteria in schedule 2; and
 - identify the source(s) and scale of any impact on the land, and the development's contribution to this impact; and

(c) give the Director-General and landowner a copy of the independent review.

4. If the independent review determines that the development is complying with the relevant impact assessment criteria in schedule 2, then the Applicant may discontinue the independent review with the approval of the Director-General.

5. If the independent review determines that the development is not complying with the relevant impact assessment criteria in schedule 2, and that the development is primarily responsible for this non-compliance, then the Applicant shall:

- (a) implement all reasonable and feasible measures, in consultation with the landowner, to ensure that the development complies with the relevant criteria and conduct further monitoring to determine whether these measures ensure compliance; or
- (b) secure a written agreement with the landowner to allow exceedances of the criteria in schedule 2, to the satisfaction of the Director-General.

If the Applicant is unable to finalise an agreement with the landowner, then the landowner may refer the matter to the Director-General for resolution.

If the additional monitoring referred to under paragraph (a) above determines that the development is complying with the relevant criteria in schedule 2, then the Applicant may discontinue the independent review with the approval of the Director-General.

LAND ACQUISITION

6. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:

(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development, having regard to the:

- existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and
- presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition 6.3.4 of schedule 2; (b) the reasonable costs associated with:

- relocating within the Singleton local government area, or to any other local government area determined by the Director-General; and
 - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and
- (c) reasonable compensation for any disturbance caused by the land acquisition process.

However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Director-General for resolution.

Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute (API) to appoint a qualified independent valuer to:

- (a) consider submissions from both parties;
- (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;
- (c) prepare a detailed report setting out the reasons for any determination; and
- (d) provide a copy of the report to both parties and the Director-General.

Within 14 days of receiving the independent valuer's report, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.

However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Director-General shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report and the detailed report of the party that disputes the independent valuer's determination and any other relevant matters.

Within 14 days of the Director-General's determination, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the Director-General's determination.

If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Director-General determines otherwise.

7. The Applicant shall pay all reasonable costs associated with the land acquisition process described in condition 6 above.

If the Applicant and landowner agree that only part of the land shall be acquired, then the Applicant shall pay all reasonable costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.



BULGA COAL MANAGEMENT PTY LTD - The development of underground mining operations at the Bulga Complex in general accordance with the Environmental Impact Statement for the Bulga Coal Continued Underground Operations. DA376-08-2003

MOD 8- February 2022 SCHEDULE 3 - ADMINISTRATIVE CONDITIONS OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT		Evidence sighted	Audit Finding	Status	Recommendation	Finding Ref.
S3 C1	1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development. TERMS OF APPROVAL	Findings of this audit.	Operations of the underground mine, the consent for which is this DA-376, has been ceased as of 2018 and no construction and operations are currently occurring. Minimal rehabilitation works are in progress, as reviewed in this audit and generally found to be in order as per performance measures and criteria under this consent.	Compliant		
S3 C2	2. The Applicant must carry out the development generally in accordance with the: (a) EIS; (b) SEE (MOD 1); (c) SEE (MOD 2); (d) SEE (MOD 3); (e) EA (MOD 4); (f) EA (MOD 5); (g) EA (MOD 6); (h) SEE (MOD 7); and (i) MR (MOD 8).	Findings of this audit.	The approval documentation is available on Bulga coal website. As per findings on the conditions of this DA in this audit, the project is generally carried out in accordance with the requirements.	Compliant		
S3 C2A	2A. The Applicant must carry out the development in accordance with the conditions of this consent.	Evidence noted in this audit as below.	This audit reviewed compliance against the DA-376 conditions specifically and find to be compliant in general as per applicable development requirements.	Compliant		
S3 C3	3. If there is any inconsistency between the documents listed in condition 2 of Schedule 3, the most recent document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.	Audit discussion	There is no inconsistency noted. It is noted that conditions could overlap as infrastructure and operations change over time (i.e.: old MOD listed in condition 2 refers to a power station which has been relocated in a new mod).	Not Triggered		
S3 C4	4. The Applicant must comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment of:	Audit discussion Annual Reviews 2022, 2023	There were no triggers for additional requirements. Some modifications of management plans were made, in response to agency comments, as submitted to and approved by the Department. Some recommendations were made regarding the annual review (items to be included), which have been responded to through updates to the Annual Reviews). Proposed actions came out of a previous audit, to which the Dept has agreed. These actions are listed on the public website, and are tracked on internal compliance system CMO. The 2021 Bulga Complex Independent Environmental Audit Event Report has a list of requirements, actions person responsible and due date, plus completion. This completion report was sighted (on the website) in this audit. Evidence of completion includes Annual Reviews, photographs of signage installed etc. Progress tracking of the independent audit is reported in the annual review. The 2022 annual review was sighted as evidence. T Hayward was the community relations officer and M Pollock looked after rehabilitation (rehab coordinator).	Compliant		

(a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this consent;

(b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; and

(c) the implementation of any actions or measures contained in these documents.

There were two requirements from the audit which were not closed out in 2022 and were rolled forward to the 2023 annual review for reporting. As of 2024, all actions have been now closed out. There are some requirements which have not been triggered, including the notification of residents regarding measurement of dust.

LIMITS ON APPROVAL

		Audit discussion Annual Reviews 2021, 2022, 2023 2021 IEA report	Underground operations have ceased as of May 2018. Some activities remain, including monitoring and rehabilitation, drainage, water supply, rehabilitation of wells (decommissioning) etc but the extraction of coal has ceased.	Not Triggered
S3 C5	5. Mining operations under this consent may take place on the site until 23 February 2031.			Note
	<i>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Planning Secretary or RR. Consequently this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</i>			
		Audit discussion Annual Reviews 2021, 2022, 2023 - section 4.3 (Table 4.2)	The has been no underground extraction since May 2018.	Not Triggered
S3 C6	6. The Applicant must not extract more than 14 million tonnes of ROM coal per calendar year from the development by underground mining methods.		This condition applies to the underground operation, where extraction no longer occurs (redundant).	
		Audit discussion Annual Reviews 2021, 2022, 2023	No underground mining occurred during this audit period under this DA.	Not Triggered
S3 C7	7. The Applicant must not process more than 20 million tonnes of ROM coal per calendar year from the Bulga Mining Complex.			
	7A. The Applicant must not commence extraction in the Blakefield Seam in the Bulga Southern underground mining area, until the design of the coal transportation system between the Blakefield Seam development headings and the Bulga coal stockpile area, has been finalised and approved by the Minister.	Audit discussion Annual Reviews 2021, 2022, 2023	This occurred in approx. 2007, which is outside the audit period being assessed. Extraction occurred in 2011, but is no longer continuing.	Not Triggered
		Audit discussion Annual Reviews 2021, 2022, 2023	No underground mining operations occurred during this audit period.	Not Triggered
	7B. The Applicant may undertake mining operations 24 hours per day, 7 days per week.			
	SURRENDER OF CONSENTS			
	8. Within 12 months of the date of this consent, the Applicant must surrender all existing development consents for underground mining development at the site to the Planning Secretary, in accordance with Clause 97 of the EP&A Regulation.	Audit discussion Annual Reviews 2021, 2022, 2023	No other DA applicable to Bulga Underground Operations were in force to surrender during this audit period.	Not Triggered
S3 C8				
	STRUCTURAL ADEQUACY			
S3 C9	9. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with: (a) the relevant requirements of the BCA; (b) the relevant requirements of AS 3959-2009 Construction of buildings in bush fire-prone areas; and (c) any additional requirements of SANSW where the building or structure is located on land within a declared Mine Subsidence District.			Not Triggered
	Notes: • Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of development.	Audit discussion Annual Reviews 2021, 2022, 2023	No new buildings, alterations or structures were constructed in this audit period and no relocations were made. Therefore, this condition was not triggered.	
	• The development is located in the Patrick Plains Mine Subsidence District. Under section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Mine Subsidence Board's approval before constructing or relocating any improvements on the site.			

DEMOLITION				
				Compliant
			Auditors were advised of decommissioning of the underground stockpile conveyor plant. The 2023 Annual Review includes a brief summary of demolition works and refers to AS2601 without detailed assessment provided. The End of Project report for demolition was sighted as evidence, completed end of 2023 which includes lighting infrastructure and the underground conveyor and hoppers which were moved from the underground mine to the coal washery. This document section 9.1 (Change Information) refers to version 1, dated 31 Oct 2019. The report does not specifically refer to AS2601.	The End of Project report needs to include details of relevant information on how the works carried out were in accordance with AS2601 and report's status update.
		Audit discussion		
		Annual Review 2023 Section 4.4.4		
	10. The Applicant must ensure that all demolition work is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.	End of Project Report - Demolition of the Infrastructure for Strip 19, Jun 2022 - Nov 2023		
S3 C10	OPERATION OF PLANT AND EQUIPMENT			
				Compliant
S3 C11	11. The Applicant must ensure that all plant and equipment used at the site, including the rail loop or the site, or any equipment used off site for monitoring the performance of the development, is:	Audit discussion Annual Review 2021, 2022, 2023 section 4.3 Maintenance Register 2022-2024 listing various equipment	(a) Work orders and maintenance records are managed through SAP. Maintenance register for 2022-2024 sighted that includes gas monitors, washery components, generator, Boiler etc as serviced by Bulga coal. The washery is still linked to the underground consent, as well as the goaf plant, gas drainage, inert gas generating facility (nitrogen), flaring facility. (b) As per Annual Reviews and per the maintenance record sighted, in general, equipment are operated in a proper and efficient manner.	
	(a) maintained in a proper and efficient condition; and			
	(b) operated in a proper and efficient manner.			
	COMMUNITY ENHANCEMENT CONTRIBUTION			
S3 C12	12. Within 6 months of the date of this consent, or as agreed otherwise by Council, the Applicant must pay Council up to \$15,000 for water quality enhancement works in the Wollombi Brook. If Council has not carried out these enhancement works within 12 months of payment, the Applicant may retrieve the funds from Council.	Note	The date of consent is in February 2004, the requirements of this condition are outside of the audit period.	Not Triggered
	PROTECTION OF PUBLIC INFRASTRUCTURE			
S3 C13	13. Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development. <i>Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Coal Mine Subsidence Compensation Act 2017, or to any damage to roads caused as a result of general road usage.</i>	Audit discussion Annual Reviews 2021, 2022, 2023 2021 IEA report	No public infrastructure was damaged during the audit period with regard to underground mine as operations ceased prior to the audit period.	Not Triggered
	EVIDENCE OF CONSULTATION			
S3 C14	14. Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Audit discussion, CMO system screen presentation Annual Reviews 2021, 2022, 2023 (various subsections and Appendices) Aboriginal Culture and Heritage Management Plan v8 31 Aug 2022	Evidence of consultation undertaken is included in each management plan. E.g. ACHMP includes details of consultation in section 6. Details of consultation (including community feedback) is referenced in Annual Reviews and included in the CMO compliance management system. No major disagreements are noted.	Compliant
	COMPLIANCE			
S3 C15	15. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Audit discussion Site induction presentation	Operations within the underground mine ceased in 2018. Induction related to maintenance for underground mine is included in the site wide induction.	Compliant
	APPLICABILITY OF GUIDELINES			

16. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.

Note

Glencore standards are made to align with Australian standards. The standards captured by the operation would be listed in each relevant management plan. If Glencore standards are updated, this flows through to Bulga.

Note

S3 C17	17. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them. CROWN LAND	Note	Bulga Coal responded that the Community Relations Officer reviews the guidelines and undertake compliance reviews. Revision of management plans have only been a function of changed operations (e.g.: approval of mod 3, including biodiversity management plan, moving of vegetation).	Note				
S3 C18	18. The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown Land or Crown Roads. Notes: • Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE – Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease. • Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE – Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.	Audit discussions Annual Reviews 2021, 2022, 2023	No additional disturbances occurred on Crown Land during this audit period.	Not Triggered				
S4 C1	SCHEDULE 4 - SPECIFIC ENVIRONMENTAL CONDITIONS ACQUISITION UPON REQUEST 1. Upon receiving a written request for acquisition from the landowner of the land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in Conditions 9 and 10 of Schedule 5: Table 1: Land subject to acquisition upon request <table><tr><td>Property 195 - Kennedy</td><td>149 – E. McInerney</td></tr><tr><td>Property 217s - Russell</td><td>150 – E. McInerney</td></tr></table> Notes: • For more information on the numerical references to land used in this condition, see the figures in Appendix 2.	Property 195 - Kennedy	149 – E. McInerney	Property 217s - Russell	150 – E. McInerney	Email request for acquisition (from B Kennedy, dated 5 April 2024) Acceptance of offer timeframe extension (email from B Kennedy dated 21 June 2024) and acceptance of offer (not viewed for privacy).	Acquisition currently being negotiated with the Kennedy family. Evidence sighted as email correspondence. No other land acquisitions have been triggered.	Compliant
Property 195 - Kennedy	149 – E. McInerney							
Property 217s - Russell	150 – E. McInerney							
S4 C2	2. If the Applicant submits an Extraction Plan to the Planning Secretary that includes longwall mining or subsidence impacts on either of the winery buildings within Property G, and subsequently receives a written request for acquisition from the owner of Property G, then the Applicant must acquire the land in accordance with the procedures in Conditions 9 and 10 of Schedule 5. Note: For more information on the alphabetical references to land used in this condition, see Table 4.1 and Figure 4.1 of the EIS.	Audit discussion	No new extraction plans were submitted during this audit period.	Not Triggered				
S4 C3	3. While the land listed in Conditions 1 and 2 are privately-owned, the Applicant must implement all practicable measures to ensure that the impacts of the development comply with the predictions in the EIS, to the satisfaction of the Planning Secretary. SUBSIDENCE Performance Measures – Natural and Heritage Features	Annual Reviews 2021, 2022, 2023 Audit discussion	As underground mine operations have ceased, no impacts are noted on these properties and no subsidence issues have been noted during the reporting period. This indicates measures implemented are working. This is reported in the annual reviews.	Compliant				
S4 C4	4. The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 1A, to the satisfaction of the Planning Secretary.			Not Triggered				

Table 1A: Subsidence Impact Performance Measures

Watercourses	
Wollombi Brook	Negligible environmental consequences
Natural drainage lines	No greater subsidence impact or environmental consequences than predicted in the documents listed in condition 2 of Schedule 3
Biodiversity	
Threatened species, threatened populations, or endangered ecological communities	No greater subsidence impact or environmental consequences than predicted in the documents listed in condition 2 of Schedule 3
Heritage	
Aboriginal heritage sites	No greater subsidence impact or environmental consequences than approved under a permit issued under section 90 of the National Parks and Wildlife Act 1974

Feb 2024 and August 2023 Post mining subsidence inspection reports

The Feb 2024 and August 2023 Post mining subsidence inspection reports were sighted at audit. It covers service, pipelines, water lines, fences, powerline. There has been no subsidence reported during the audit period to trigger this condition.

Notes:

- The Applicant will be required to define more detailed performance indicators for each of these performance measures in the various management plans that are required under this consent.
- The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of approval of Modification 5.
- Any breach of this condition is taken to be a breach of this consent, and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation, notwithstanding that offsets may be agreed or implemented under this consent.

Note

Not Triggered

- S4 C5 5. If the Applicant exceeds the performance measures in Table 1A and the Planning Secretary determines that:
- (a) it is not reasonable or feasible to remediate the impact or environmental consequence; or
- (b) remediation measures implemented by the Applicant have failed to satisfactorily remediate the impact or environmental consequence;
- then the Applicant must provide a suitable offset to compensate for the impact or environmental consequence, to the satisfaction of the Planning Secretary.

Annual Reviews 2021, 2022, 2023
Audit discussion

There has been no subsidence reported during this audit period and no determination from the Planning Secretary to trigger this condition.

Note: Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence.

Performance Measures – Built Features

- S4 C6 6. The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 1B.

Not Triggered

Table 1B: Subsidence Impact Performance Measures

Built features	
Charlton Road, Cobcroft Road and Fortwich Road	Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repaired or replaced, or else fully compensated.
Other public infrastructure (including dams and voids, roads and tracks; active mining areas and infrastructure; electricity (transmission) lines; gas pipelines; survey marks; telecommunications networks; and fibre optic cables, water supply and irrigation pipelines, etc.)	Always safe. Serviceability should be maintained wherever practicable. Loss of serviceability must be fully compensated. Damage must be fully repaired or replaced, or else fully compensated.
Houses, industrial premises, swimming pools, farm dams and other built features or improvements	
Public safety	Negligible additional risk

Feb 2024 and August 2023 Post mining
subsidence inspection reports

The Feb 2024 and August 2023 Post mining subsidence inspection reports were sighted at audit. It covers service, pipelines, water lines, fences, powerlines. There has been no subsidence reported during the audit period to trigger this condition.

Notes:

- The Applicant will be required to define more detailed performance indicators for each of these performance measures in the Built Features Management Plan.
 - The requirements of this condition only apply to the impacts and consequences of mining operations undertaken following the date of approval of Modification 5.
 - Requirements regarding "safe" or "serviceable" do not prevent preventative or mitigatory actions being taken prior to or during mining in order to achieve or maintain these outcomes.
 - Any breach of this condition is taken to be breach of this consent, and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.
 - Compensation required under this condition includes any compensation payable under the Coal Mine Subsidence Compensation Act 2017, and/or the Mining Act 1992.
7. Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 1B is to be settled by the Planning Secretary. The Planning Secretary may seek the advice of SANSW or the RR on the matter. Any decision by the Planning Secretary shall be final and not subject to further dispute resolution under this consent.

Note

Not Triggered

- S4 C7 **First Workings**
- 7A. The Applicant may carry out first workings within the approved underground mining areas of the site, other than in accordance with an approved Extraction Plan, provided that:
- (a) the first workings are designed to remain stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings, and
- (b) the Resources Regulator is notified at least 90 days prior to the works being carried out and they raise no objections.

Audit discussion

There were no disputes raised during this audit period to trigger this condition.

- S4 C7A **First Workings**
- 7A. The Applicant may carry out first workings within the approved underground mining areas of the site, other than in accordance with an approved Extraction Plan, provided that:

Not Triggered

- (a) the first workings are designed to remain stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings, and
- (b) the Resources Regulator is notified at least 90 days prior to the works being carried out and they raise no objections.

Annual Reviews 2021, 2022, 2023
Audit discussions

The 'first workings' referenced in Condition C7A were carried out prior to this audit period. Underground operations have ceased as of May 2018.

Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.

Extraction Plan

Not Triggered

- S4 C7B 7B. The Applicant must prepare an Extraction Plan for any second workings on site, to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;
 - (b) take into account any guidelines issued by the Department for the preparation of Extraction Plans;
 - (c) be approved by the Planning Secretary before the Applicant carries out any of the second workings covered by the plan;
 - (d) include detailed plans of existing and proposed first and second workings and any associated surface development;
 - (e) include detailed performance indicators for each of the performance measures shown in Tables 1A and 1B;
 - (f) provide revised predictions of the conventional and non-conventional subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since the approval of Modification 5;
 - (g) describe the measures that would be implemented to:
 - ensure compliance with the performance measures in Tables 1A and 1B; and
 - manage or remediate subsidence impacts and/or environmental consequences;
 - (h) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Tables 1A and 1B, or where any such exceedance appears likely;
 - (i) include the following to the satisfaction of the RR:
 - a Subsidence Monitoring Program to:
 - o provide data to assist with the management of the risks associated with subsidence;
 - o validate the subsidence predictions;
 - o analyse the relationship between the predicted and resulting subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and
 - o inform the contingency plan and adaptive management process;
- a Coal Resource Recovery Plan that demonstrates effective recovery of the available resource;
 - a Built Features Management Plan, which has been prepared in consultation with Council, Dams Safety NSW, TfNSW and the owners of potentially affected features, and which includes measures to manage the potential impacts and consequences of subsidence on any built features; and
 - a Public Safety Management Plan to ensure public safety in the mining area.
- (j) include a:
- Water Management Plan, which has been prepared in consultation with the EPA and DPIE Water, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on surface water resources, groundwater resources and flooding, and which includes:
 - o surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality;
 - o a program to monitor and report groundwater inflows to underground workings; and
 - o a program to predict, manage and monitor impacts on any groundwater bores on privately-owned land;
 - Biodiversity Management Plan, which has been prepared in consultation with BCD, which:
 - o includes a program of works to ensure that overall terrestrial and aquatic biodiversity values are the same or better than existed in the locality prior to longwall mining;
 - o provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna;
 - Land Management Plan, which has been prepared in consultation with any affected public authorities, to manage the potential impacts and/or environmental consequences of the proposed second workings on land in general;
 - Heritage Management Plan, which has been prepared in consultation with BCD and relevant Aboriginal stakeholders, which includes a program/procedures for:
 - o minimising disturbance to Aboriginal sites as far as is reasonable and feasible, particularly in relation to the BMU1 site;
 - o salvage, excavation and/or management of Aboriginal sites and potential archaeological deposits within the project disturbance area, including the BMU1 site;
 - o protection and monitoring of Aboriginal sites outside the project disturbance area;

Annual Reviews 2021, 2022, 2023; Audit discussions

No extraction plans were prepared during this audit period to trigger this condition. Underground operations have ceased as of May 2018.

- o managing the discovery of any new Aboriginal objects or skeletal remains during the development and
- o ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site; and
- (k) include a program to collect sufficient baseline data for future Extraction Plans.

The Applicant must implement the Extraction Plan as approved by the Planning Secretary.

Payment of Reasonable Costs			
S4 C7C	7C. The Applicant must pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent experts to review the adequacy of any aspect of an Extraction Plan submitted for approval. SURFACE INFRASTRUCTURE MANAGEMENT Gas Drainage 7D. The Applicant must ensure that all gas drainage pipelines (other than connection points, monitoring points, dewatering facilities, regulation or isolation points) between gas drainage plants are buried, unless otherwise agreed with the relevant landowner or unless burial is inappropriate for safety or other reasons, to the satisfaction of the Planning Secretary.	Annual Reviews, Audit discussion	No extraction plans were prepared during this audit period to trigger this condition. Underground operations have ceased as of May 2018. Not Triggered
S4 C7D	7E. The Applicant must prepare a Gas Drainage Management Plan in respect of construction and future use of gas drainage infrastructure (i.e. gas drainage not subject to any approval at the date of approval of Modification 5) to the satisfaction of the Planning Secretary. This plan must be submitted to the Planning Secretary for approval prior to the construction and operation of any future gas drainage infrastructure and must include details of the Applicant's commitments regarding: (a) community consultation; (b) landholder agreements; (c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods; (d) avoidance of significant impacts and minimisation of impacts generally; (e) beneficial re-use or flaring of drained hydrocarbon gases, wherever practicable; (f) achievement of applicable standards and goals; (g) mitigation and/or compensation for significant noise, air quality and visual impacts (including minimising visibility of infrastructure from public roads); and (h) rehabilitation of disturbed sites.	Gas Drainage Management Plan v1 July 2021	Compliant The Gas Drainage Management Plan was approved in July 2021. The plan appendices include details of compliance check against specific Mining Lease conditions, and evidence of consultation with and approval from DPIE (8 Jul 2021). Section 3 of the Plan provides mitigation measures, section 5 provides details of community/stakeholder consultation, section 6 describes monitoring and reporting processes with specifically section 6.5 listing other documents, applicable standards etc and section 2 includes details of infrastructure. Various sections within Annual Reviews note progress with rehabilitation of redundant gas drainage infrastructure. It is noted that the Gas Drainage Management Plan refers to DA 376 Mod 7. Compliance is covered in the annual review reporting. Section 6.12 provides details of CO2 and methane measurement. As operation of the underground mine had ceased prior to this audit period, assessment of various parameters are not relevant other than (d) and (e). Maintenance register for gas drainage equipment was also sighted which indicated operational review as required by the plan section 2.
S4 C7E	The Applicant must implement the Gas Drainage Management Plan as approved by the Planning Secretary. Service Boreholes 7F. The Applicant must prepare a Service Boreholes Management Plan in respect of construction and use of future service boreholes (i.e. any service boreholes not subject to approval at the date of approval of Modification 5) to the satisfaction of the Planning Secretary. This plan must be submitted to the Planning Secretary for approval prior to the construction of any future service borehole and must include details of the Applicant's commitments regarding: (a) community consultation; (b) landholder agreements; (c) assessment of noise, air quality, traffic, biodiversity, heritage, public safety and other impacts in accordance with approved methods; (d) avoidance of significant impacts and minimisation of impacts generally; (e) achievement of applicable standards and goals; (f) mitigation and/or compensation for significant noise, air quality and visual impacts (including minimising visibility of infrastructure from a public road); and (g) rehabilitation of disturbed sites. The Applicant must implement the Service Boreholes Management Plan as approved by the Planning Secretary.	Annual Reviews 2021, 2022, 2023 Gas drainage equipment maintenance register 2022-2024	Not Triggered There has been no underground mining regulated by this consent since May 2018. No service boreholes exist anymore (all were sealed in 2019 or converted to gas drainage infrastructure) and no new service boreholes were constructed during this audit period. Rehabilitation is reported in the Annual Reviews. One service well is used for Goaf (IGG), which is part of the Gas Management Drainage Plan.
S4 C7F		Annual Reviews 2021, 2022, 2023 Audit discussion	

Exploration Activities and Surface Infrastructure

- S4 C7G 7G. Prior to carrying out exploration activities on the site under this consent that would cause temporary surface disturbance or the construction and/or upgrade of minor surface infrastructure on the site, the Applicant must prepare an Exploration Activities and Minor Surface Infrastructure Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:
- (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;
 - (b) be prepared in consultation with MEG and BCD;
 - (c) include a description of the measures to be implemented for:
 - (i) managing exploration activities;
 - (ii) managing construction and operation of minor surface infrastructure and associated access tracks;
 - (iii) consulting with and compensating affected landowners;
 - (iv) assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;
 - (v) beneficial re-use or flaring of drained hydrocarbon gases, wherever practicable;
 - (vi) avoiding significant impacts and minimisation of impacts generally;
 - (vii) avoiding threatened species, populations or their habitats and EECs;
 - (viii) minimising clearance and disturbance of native vegetation;
 - (ix) minimising and managing erosion and sedimentation; and
 - (x) rehabilitating disturbed areas.

The Applicant must implement the Exploration Activities and Minor Surface Infrastructure Management Plan as approved by the Planning Secretary.

1SURFACE & GROUND WATER - Incorporates EPA GTA Pollution of Waters

- S4 C8 8. Except as may be expressly provided by an Environment Protection Licence, the Applicant must comply with section 120 of the Protection of the Environment Operations Act 1997 during the carrying out of the development.

Discharge Limits

- S4 C9 9. Except as may be expressly provided by an Environment Protection Licence or the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002, the Applicant must:

- (a) not discharge more than 55 ML/day from the licensed discharge point/s at the development; and
- (b) ensure that the discharges from any licensed discharge points comply with the limits in Table 2:

Table 2: Discharge Limits

Pollutant	Units of measure	100 percentile concentration limit
pH	pH	$6.5 \leq \text{pH} \leq 9.5$
Non-filterable residue	mg/litre	NFR ≤ 120

Note: This condition does not authorise the pollution of waters by any other pollutants.

Site Water Balance

Exploration Activities and Minor Surface Infrastructure Plan v1 15 Oct 2021

Annual Reviews 2021, 2022, 2023
Audit discussion

EPL Returns 2021-2022 and 2022-2023

EPL Returns 2021-2022 and 2022-2023
Quarterly surface and groundwater monitoring reports 2022-2024 (on Bulga Coal website)

There has been no underground mining since May 2018 and no exploration works undertaken. This plan was approved prior to this audit period and was not required to be updated in this audit period.

Not Triggered

Appendix C of the Plan address this requirement.

Appendix B of the Plan address this requirement.

Section 5 of the Plan address this requirement.

Section 2 of the Plan address this requirement.

Section 3 of the Plan address this requirement.

Section 6 of the Plan address this requirement.

Sections 5 and 7 of the Plan address this requirement.

Section 5.2 of the Plan address this requirement.

Sections 4 and 6 of the Plan address this requirement.

Section 5.4 of the Plan address this requirement.

Sections 4 and 5 of the Plan address this requirement.

Section 5.6 of the Plan address this requirement.

Section 5.8 of the Plan address this requirement.

There has been no underground mining since May 2018 and no exploration works undertaken to trigger implementation of this plan.

There has been no UG mining since May 2018 and no discharges to trigger this clause. There has been no incidents from the underground mining to cause any water pollution incident.

Compliant

Compliant

	10. Each year, the Applicant must (2 These calculations must exclude the clean water system, including any sediment control structures, and any dams in the mine lease area which fall under the Maximum Harvestable Right Dam Capacity; include any dams that are licensable under Section 205 of the Water Act 1912, and water harvested from any non-harvestable rights dam on the mine lease area; address balances of inflows, licensed water extractions, and transfers of water from the site to other sites; include an accounting system for water budgets; and include a salt budget);		Compliant
S4 C10	(a) review the site water balance for the development against the predictions in the EIS; (b) re-calculate the site water balance for the development; and (c) report the results of this review in the Annual Review.	Annual Reviews 2021, 2022, 2023	Section 7.1.1 of the Annual Reviews includes the required information to address this clause.

Water Supply					
S4 C10A	10A. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.	Annual Reviews 2021, 2022, 2023	There has been no underground mining since May 2018, thus no operational water requirements during this audit period. The Annual Reviews include water balance calculations that indicate sufficient water is available. Water consumption for underground mine has been zero (ML).	Not Triggered	
	Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain necessary water licences for the development, including during rehabilitation and post mine closure.			Note	
	10B. The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence for the development. The Applicant must also report on any water transferred to/from the site each year (direct and indirect) in the Annual Review, including water taken under water licences that apply to other mining operations.	Annual Review 2022 section 7.1.1	Section 7.1.1 of the Annual Reviews includes the required information to address this clause.	Compliant	
Flood Exclusion Levee					
S4 C11	11. The Applicant must design, construct, maintain, and rehabilitate the Flood Exclusion Levee to the satisfaction of the Planning Secretary. This levee must:				
	(a) remain stable under a 1 in a 100 year ARI flood event; and	Wollombi Brook Flood Exclusion Levee Plan was submitted to DPHI as Rev 4 in April 2021, approved by DPIE in February 2022.	DPIE Approved Revised Plan dated 24 Feb 2022 sighted. Flood exclusion levee (Wollombi Brook) was completed in 2010. Evidence in Wollombi Brook Flood Exclusion Levee Management Plan - approved by Dept (2 Nov 2009). The 'as constructed' plan was submitted in 2010. As per section 5 of the Plan, any changes to the Wollombi Brook Flood Levee will be included in the Bulga Coal Complex Annual Review.	Compliant	Annual Review should include update on maintenance and rehabilitation of the levee. Observation O-2
			No details of maintenance and rehabilitation of the levee is found in the approved Annual Review reports.		
	(b) not cause an increase in backwater stream heights in Wollombi Brook of greater than 20mm upstream of the confluence of the unnamed watercourse and Wollombi Brook under conditions up to and including a 1 in a 100 year ARI flood event.	Annual Rehabilitation Reports 2022, 2023			
S4 C12	12. Within one month of completing the construction of the Flood Exclusion Levee, the Applicant must submit an as-executed report, certified by a practising registered engineer, to the Planning Secretary.		The flood exclusion levee was constructed in 2010, outside this audit period.	Not Triggered	
Monitoring					
S4 C13	13. The Applicant must:				
	(a) measure:			Compliant	
	- the volume of water discharged from the site via the licensed discharge points; - water use on the site; - dam and water structure storage level for dams associated with the mine discharge system; - water transfers across the site; and - water transfers between the site and surrounding mines;	Annual Review 2021, 2022, 2023	Annual Review reports include details of water management.		
	(b) monitor the quality of the surface water:	Quarterly (2022-2024) Surface and Groundwater Monitoring Reports	Monthly reviews and spreadsheets of water balance on site is recorded in the CITECT system (sighted). Groundwater monitoring with dataloggers and for pressure is done monthly. There are 45 piezometers installed around the site. Annual Review includes water flow analyses and stream flow in the Creek. There is evidence of measurements and monitoring of the water discharges in the sighted documentation/records to satisfy compliance with this condition.		
	- discharged from the licensed discharge point/s at the development; and - upstream and downstream of the development;	CITECT online system (sighted during audit interviews)			
	(c) monitor flows in the Wollombi Brook;	EPL annual returns 2022-2023	The monitoring reports are submitted to DPHI for approval (approval of Annual Reports sighted) and EPL annual returns are lodged with EPA.		
	(d) monitor the volume and quality of water inflows to and from the underground workings; and				
	(e) monitor regional ground water levels and quality in the alluvial, coal seam, and inter-burden aquifers during the development and at least 10 years after mining, and				
	(f) periodically assess groundwater pressure response in the coal measures;				
in consultation with EPA and DPIE Water and to the satisfaction of the Planning Secretary.					
Site Water Management Plan					
S4 C14	14. Within 12 months of the date of this consent, the Applicant must prepare or update the existing Site Water Management Plan for the development in consultation with EPA, and to the satisfaction of the Planning Secretary. This plan must include:			Not Triggered	
	(a) the predicted site water balance;	Water Management Plan 2021 v4 15 Oct 2021	The date of consent is in February 2004, therefore the requirements of this clause are outside this audit period.		
	(b) a Surface Water Monitoring Program;				
	(c) a Ground Water Monitoring Program;				
	(d) a Surface and Ground Water Response Plan; and				
	(e) a strategy for decommissioning water management structures on the site.				
S4 C15	15. The Surface Water Monitoring Program must include:		The Water Management Plan was developed	Compliant	

- (a) detailed baseline data on surface water flows and quality in the Wollombi Brook and Loders Creek;
- (b) surface water impact assessment criteria;
- (c) a program to monitor surface water flows and quality in the Wollombi Brook and Loders Creek; and
- (d) a program to monitor the effectiveness of the Erosion and Sediment Control Plan.

post consent, with the last review in 2021. The Surface Water Management Program is part of the WMP (section 8). The Surface Water Management Program includes baseline data, surface water impact assessment, monitoring program for Wollombi ck and Loders ck with

S4 C16	16. The Ground Water Monitoring Program must include: (a) detailed baseline data on ground water levels and quality, based on statistical analysis, to benchmark the pre-mining natural variation in groundwater levels and quality; (b) ground water impact assessment criteria; (c) a program to monitor the volume and quality of ground water seeping into the underground mine workings; and	Water Management Plan 2021 v4 15 Oct 2021	The Water Management Plan was developed post consent, with the last review in 2021. The Ground Water Management Program is part of the WMP (section 9). The Ground Water Management Program includes baseline data, trend analysis, impact assessment criteria and program including frequency of sampling, triggers and responses. Groundwater monitoring details, regional and local aquifer flows, Wollombi creek baseflow and model review process are included.	Compliant
S4 C17	(d) a program to monitor regional ground water levels and quality in the alluvial and coal seam aquifers. 17. The Surface and Ground Water Response Plan must include: (a) measures to mitigate any adverse impacts on existing water supply bores or wells in either the alluvial or coal measure aquifer systems; (b) measures to remediate any connective cracking between the underground mine workings and any surface water stream channels, floodplain areas, or the alluvial aquifer; (c) measures to address a decrease in throughflow rates caused by the development within the Wollombi Brook/Monkey Place Creek alluvium adjacent to or downstream of the development within the mine lease boundary; and (d) the procedures that would be followed if any unforeseen impacts are detected during the development. Flood Levee Plan	Water Management Plan 2021 v4 15 Oct 2021	At the time of audit this plan was under review (Oct 2024). The Water Management Plan was developed post consent, with the last review in 2021. The Surface and Ground Water Response Plan is part of the WMP (section 10). The Surface and Ground Water Response Plan includes trigger values and responses, processes to review unforeseen impacts. Table 28 TARP includes details of measures as required per this condition (a) - (d).	
S4 C18	18. Three months prior to the commencement of construction of the flood levee on the northern drainage line, the Applicant must submit a Flood Exclusion Levee Plan for the Planning Secretary's approval. The Plan must include: (a) the detailed design and specifications of the levee, including any measures to allow waters to flow through the levee when required; (b) the measures that would be implemented to minimise soil erosion and the potential for the migration of sediments to downstream waters; (c) a construction program for the levee, describing how the work would be staged, and integrated with the proposed works in the Northern Drainage Line; and (d) a program to inspect and maintain the levee and associated revegetation works during the development.	Audit discussions Annual Reviews 2021, 2022, 2023	Bulga Coal advised that the flood levee construction was finalised in 2010 which is outside of the audit period.	Not Triggered

	Erosion and Sediment Control Plan 19. Three months prior to the commencement of construction works outside the Bulga Complex Water Management System or subsidence remediation, the Applicant must submit an Erosion and Sediment Control Plan for the Planning Secretary's approval. The Plan must: (a) be consistent with the requirements of the Department of Housing's Managing Urban Stormwater: Soils and Construction manual; (b) identify activities that could cause soil erosion and generate sediment; (c) describe the location, function, and capacity of erosion and sediment control structures; and (d) describe the measures to minimise soil erosion and the potential for the migration of sediments to downstream waters. <i>Note: The Erosion & Sediment Control Plan should only relate to development that is scheduled to occur outside the mine's "dirty water" system. Given that this development is likely to be staged, the Department accepts that the Erosion & Sediment Control Plan is likely to be prepared in stages to coincide with the relevant stages of the development.</i> Surface & Sub-surface Investigation & Monitoring Program 20. Within 12 months of the date of this consent, or prior to the commencement of longwall extraction in the approved panels, whichever occurs first, the Applicant must develop and implement a surface and subsurface investigation and monitoring program to assess the likely fracturing of geological strata and hydraulic property changes above each longwall panel, to the satisfaction of the Planning Secretary. This program must: (a) assess the impact on groundwater resources and surface expression resulting from underground n/a mining at varying depths; (b) compare the results from all longwall panels against pre-mining baseline geological conditions, in order to assess the level of variability of fracture and changes in hydraulic properties between panels; and (c) be repeated for each coal seam as it is mined. Final Void Management	Erosion and Sediment Control Plan v8 Oct 2021	Not Triggered																				
S4 C19			Erosion and sediment control plan available on website (October 2021 version), includes evidence of submission via Major Projects portal along with Water Management Plan and approval by department on 14 October 2021. There has been no construction works in this audit period that triggered this condition.																				
	(c) describe the location, function, and capacity of erosion and sediment control structures; and (d) describe the measures to minimise soil erosion and the potential for the migration of sediments to downstream waters. <i>Note: The Erosion & Sediment Control Plan should only relate to development that is scheduled to occur outside the mine's "dirty water" system. Given that this development is likely to be staged, the Department accepts that the Erosion & Sediment Control Plan is likely to be prepared in stages to coincide with the relevant stages of the development.</i> Surface & Sub-surface Investigation & Monitoring Program 20. Within 12 months of the date of this consent, or prior to the commencement of longwall extraction in the approved panels, whichever occurs first, the Applicant must develop and implement a surface and subsurface investigation and monitoring program to assess the likely fracturing of geological strata and hydraulic property changes above each longwall panel, to the satisfaction of the Planning Secretary. This program must: (a) assess the impact on groundwater resources and surface expression resulting from underground n/a mining at varying depths; (b) compare the results from all longwall panels against pre-mining baseline geological conditions, in order to assess the level of variability of fracture and changes in hydraulic properties between panels; and (c) be repeated for each coal seam as it is mined. Final Void Management	n/a	Note																				
S4 C20			The consent is dated in February 2004, and therefore the requirements of this condition are outside of this audit period.																				
	21. At least 5 years prior to the completion of the development, the Applicant must evaluate the potential long-term impacts of any final pit voids on groundwater resources, and develop an appropriate management plan to the satisfaction of the Planning Secretary.	Annual Reviews 2021, 2022, 2023 SSD 4960 document DA 376 document	The completion date for underground mine is in 2031, for the void this is 2039 (open cut). As such, these date are outside the scope of this audit. Bulga Coal to follow up in December 2025.																				
S4 C21	AIR QUALITY Impact Assessment Criteria		Not Triggered																				
	22. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are implemented so that the particulate matter emissions generated by the Bulga mining complex do not exceed the criteria listed in Table 3 at any residence on privately-owned land.																						
S4 C22	Table 3: Air quality criteria <table><tr><th>Pollutant</th><th>Averaging period</th><th>Criterion</th></tr><tr><td rowspan="2">Particulate matter < 10 µm (PM₁₀)</td><td>Annual</td><td>A ≤ 25 µg/m³</td></tr><tr><td>24 hour</td><td>B 50 µg/m³</td></tr><tr><td rowspan="2">Particulate matter < 2.5 µm (PM_{2.5})</td><td>Annual</td><td>A ≤ 5 µg/m³</td></tr><tr><td>24 hour</td><td>B 25 µg/m³</td></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>A ≤ 80 µg/m³</td></tr><tr><td rowspan="2">D Deposited dust</td><td rowspan="2">Annual</td><td>B 2 g/m²/month</td></tr><tr><td>A 4 g/m²/month</td></tr></table> Notes: a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources). b Incremental impact (i.e. incremental increase in concentrations due to the development on its own). c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary. d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	Annual	A ≤ 25 µg/m ³	24 hour	B 50 µg/m ³	Particulate matter < 2.5 µm (PM _{2.5})	Annual	A ≤ 5 µg/m ³	24 hour	B 25 µg/m ³	Total suspended particulate (TSP) matter	Annual	A ≤ 80 µg/m ³	D Deposited dust	Annual	B 2 g/m ² /month	A 4 g/m ² /month	Review of Quarterly Ambient Air Quality Data – Quarter 4 2021 - by Todoroski Air Services Quarterly and annual ambient air quality reports by Todoroski Air Services, for 2021, 2022, 2023, 2024 as available on Bulga Coal website Note	The 2021 IEA had raised an NC to this requirement, noting reasons for each exceedance, including other sources, cattle, bushfire or caused by rehabilitation adjacent to the monitor - with a recommendation to continue implementing dust TARP and review. The Investigation report for 4 October 2023 and 26 September 2023 by Todoroski was sighted as evidence in the audit. Around 30% of dust contribution was attributed to one exceedance event in October 23. Operations of the underground mine ceased in 2018, as such no particular matter emissions are expected as relevant for this condition. Note
Pollutant	Averaging period	Criterion																					
Particulate matter < 10 µm (PM ₁₀)	Annual	A ≤ 25 µg/m ³																					
	24 hour	B 50 µg/m ³																					
Particulate matter < 2.5 µm (PM _{2.5})	Annual	A ≤ 5 µg/m ³																					
	24 hour	B 25 µg/m ³																					
Total suspended particulate (TSP) matter	Annual	A ≤ 80 µg/m ³																					
D Deposited dust	Annual	B 2 g/m ² /month																					
		A 4 g/m ² /month																					

				The 2021 IEA had raised an NC to this condition. There is an agreement with P Hardy to have exceedances of air quality and noise. This agreement changed from being in Mrs Hardy's brothers name to hers (land ownership changed). Underground operations ceased prior to this audit period. The non compliance was explained by Bulga Coal as due to a two week period when there was no agreement in place for two weeks in late 2021. As noted in 2021 IEA, the new Hardy agreement was executed on 12 December 2021 and provided to the Department on 7 January 2022. This does not require follow up.	Compliant
S4 C23	23. The air quality criteria in Table 3 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Agreement with P Hardy submitted in Major Projects portal; 2021 IEA report			
	Air Quality Operating Conditions				
S4 C24	24. The Applicant must:			2021 IEA report	Compliant
	(a) implement all reasonable and feasible measures to minimise the off-site odour, fume and particulate matter (including PM10 and PM2.5) emissions generated by the development, including those generated by any spontaneous combustion;				
	(b) minimise any visible air pollution generated by the development;				
	(c) regularly assess meteorological forecasting data and relocate, modify and/or suspend operations to ensure compliance with the relevant conditions of this consent; and	2021 IEA report Annual Reviews 2021, 2022, 2023 Quarterly air quality monitoring reports 2022 - 2024			
	(d) co-ordinate air quality management on site with the air quality management at nearby mines, including the Bulga Mining Complex to minimise the cumulative air quality impacts of the mines, to the satisfaction of the Planning Secretary.				
	Air Quality & Greenhouse Gas Management Plan				
S4 C24A	24A. The Applicant must prepare a detailed Air Quality & Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:				Compliant
	(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;				
	(b) be prepared in consultation with the EPA and submitted to the Planning Secretary for approval by the end of March 2014;				
	(c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, including consideration of applying a real-time air quality management system that employs both reactive and proactive mitigation measures;	AQGGMP March 2024 available on Bulga Coal website AQGGMP approval letter dated 9 May 2022			
	(d) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site; and				
	(e) include an air quality monitoring program undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007) that uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development, and includes a protocol for determining exceedances with the relevant conditions of this consent.	Annual Reviews 2021, 2022, 2023			
	The Applicant must implement the Air Quality & Greenhouse Gas Management Plan as approved by the Planning Secretary.				
S4 C25	25. Deleted	N/A			
S4 C26	26. (deleted)	N/A			
	Post Commissioning Report				
S4 C27	27. Within 3 months of commissioning a ventilation shaft discharge vent, the Applicant must:				Not Triggered
	(a) carry out ventilation shaft monitoring (by sampling and obtaining results by analysis) of the concentration of each parameter in Table 10, using the specified sampling method; and				
	(b) submit the results to EPA.				

Table 10: Ventilation Shaft Monitoring

Parameter	Units of Measure	Sampling method ¹
Solid particles	mg/m ³	TM-15
Odour	OU	OM-7
Velocity	m/s	TM-2
Volumetric flow rate	m ³ /s	TM-2
Temperature	°C	TM-2
Moisture	%	TM-22
Dry gas density	kg/m ³	TM-23
Molecular weight of stack gases	g/g.mol	TM-23
Carbon dioxide	%	TM-24
Selection of sampling positions	-	TM-1

1 NSW EPA, *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

- S4 C28 28. If the results of the ventilation shaft monitoring are outside the range used in the dispersion modelling study in the EIS as modified by SEE (MOD 3), the Applicant must reassess the odour and dust impacts from the ventilation shafts, and submit the results to EPA.

Post Commissioning Report – Power Generation Plant and VAM Abatement Unit

- S4 C28A 28A Within 3 months of commissioning any gas engine within a power generation plant and/or the VAM abatement unit, the Applicant must:
- (a) carry out air emissions monitoring (by sampling and obtaining results by analysis) of the concentration of each parameter in Table 11, for the stack serving each gas-fired engine and the stack serving the VAM abatement unit;
 - (b) demonstrate compliance with EPA's ground level concentration criteria; and
 - (c) submit the results to EPA.

Table 11: Power Generation Plant and VAM Abatement Unit Monitoring

Parameter	Units of Measure	Sampling method ¹
Carbon monoxide	mg/m ³	TM-32
Nitrogen dioxide (NO ₂) or nitric oxide (NO) or both, as NO ₂ equivalent	mg/m ³	OM-11
Volatile organic compounds	mg/m ³	TM-34
Volumetric flow rate	m ³ /s	TM-2
Oxygen	%	TM-25
Moisture	%	TM-22
Dry gas density	kg/m ³	TM-23
Molecular weight of stack gases	g/g.mol	TM-23
Selection of sampling positions	-	TM-1

1 NSW EPA, *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*.

NOISE (Incorporates EPA GTAs)

Construction Noise

- S4 C28B 28B. Approved construction works (including gas drainage well construction) must be undertaken during standard construction hours (7am to 6pm, Monday to Friday and 8am to 1pm on Saturdays, excluding Sundays and Public Holidays), unless otherwise agreed by the Planning Secretary.
- The Applicant may undertake construction works outside of these hours provided that:
- (a) the combined operational and construction noise from the development does not exceed the operational noise criteria under conditions 30 and 30A of this Schedule; or
 - (b) the Applicant has an agreement with the owner/s of the relevant residence/land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement; or

(c) an alternative temporary limit has been approved by the Planning Secretary for specific works.

- S4 C28C 28C. In order to seek an alternative temporary construction noise limit under Condition 28B that exceeds the levels identified in conditions 30 and 30A of this Schedule, the Applicant must submit a Construction Noise Work Protocol to the Planning Secretary for approval, prior to undertaking the nominated construction works. This protocol must:

(a) be prepared to the satisfaction of the Planning Secretary;

(b) be prepared in consultation with the EPA and any landowners who may be affected by the proposed variation; and

(c) address the relevant requirements of the Interim Construction Noise Guideline.

The Applicant may only undertake construction activities that require a Construction Work Noise Protocol, in accordance with an approved Construction Noise Work Protocol as approved by the Planning Secretary.

- S4 C29 29. Deleted

Noise Impact Assessment Criteria

- S4 C30 30. Except for noise affected land listed in Table 1, the Applicant must ensure that the noise generated by the Bulga Mining Complex does not exceed the noise impact assessment criteria in Table 13 at any residence on privately-owned land.

Audit discussions
Site observations
Annual Reviews 2021, 2022, 2023

No ventilation shaft discharge vents were commissioned during this audit period to trigger this condition.

Audit discussions
Site observations
Annual Reviews 2021, 2022, 2023

No ventilation shaft discharge vents were commissioned during this audit period to trigger this condition.

Not Triggered

Not Triggered

Audit discussions
Site observations
Annual Reviews 2021, 2022, 2023

No gas engines were commissioned during this audit period to trigger this condition.

Not Triggered

The Annual review (2021) states that underground operations ceased in 2018

Works in the underground mine ceased in 2018 and no construction works were undertaken during this audit period.

Not Triggered

The Annual review (2021) states that underground operations ceased in 2018

Works in the underground mine ceased in 2018 and no construction works were undertaken during this audit period.

Not Triggered

This requirement concerns both the underground and open cut mines. There were no operations in the underground mine during

Table 13- Noise Impact Assessment Criteria dB(A)

Location	Day	Evening	Night	Night
	L _{day} (15 min)	L _{day} (15 min)	L _{day} (15 min)	L _{nt} (1 min)
1A, 8	38	38	38	45
97	38	38	36	45
217n, 230, 232, 234, 323, 324, 325	37	37	37	45
1B, 94, 95,103, 105A, 105C, 142A, 143B, 145, 164, 165, 179, 195, 217s, 217m, 222, 226, 227, 228, 229, 231, 233, 235, 237, 239, 240, 241, 261, 262, 263, 264, 265, 266, 272	36	36	36	45
All other privately-owned residences	35	35	35	45

However, the noise criteria in Table 13 do not apply if the Applicant has a written agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

The Annual review (2021) states that underground operations ceased in 2018

no operations in the underground mine during the audit period.

There was one non conformance in November 2023 in attended noise monitoring. Details in the 2023 annual review (Section 11.1) and notification to Department of Planning (7 November 2023, as evidenced in noise exceedance letter to Department of Planning from Ralph Northey - Environment and Community Manager Bulga. This document submitted in the planning portal. Affected property was 195 Cobcrofts Road).

Agreement with P Hardy - but no exceedances recorded at this property. **Not Triggered**

	Notes: • To interpret the numerical references to land referred to in Tables 1 and 13, see the applicable figures in Appendix 2. • For the purposes of this condition an "exceedance" is considered to have occurred when valid attended noise data from compliance monitoring (collected in accordance with the requirements in Appendix 4) indicates the noise generated by the Bulga Mining Complex has exceeded the criteria set out in Table 13. • Appendix 4 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.	n/a	Note	Note
S4 C30A	30A. At the direction of the Planning Secretary, Table 13 above must be replaced with the Table in Appendix 5. <i>Note: This direction will be given following the construction of the proposed noise and visual bund under SSD 4960 to a height of 150 m AHD or the start of year 7 of development under SSD 4960, whichever occurs sooner.</i> Additional Noise Mitigation Measures 31. Upon receiving a written request from the landowner of any residence on land listed in Table 1 (unless the landowner of that land has requested acquisition), the Applicant must implement additional noise mitigation measures such as double glazing, insulation, and/or air conditioning at any residence on the land in consultation with the landowner. These additional mitigation measures must be reasonable and feasible and directed towards reducing the noise impacts of the development on the residence. The Applicant must notify all landowners that they are entitled to receive additional noise mitigation measures in accordance with this condition, to the satisfaction of the Planning Secretary.	SSD4960 Appendix 5	Replaced after construction of the noise and visual bund (2019), outside this audit period. Appendix 5 is an appendix of the SSD.	Not Triggered
S4 C31	If within 3 months of receiving such a request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.	Annual Reviews 2021, 2022, 2023 Audit discussion	No noise mitigation request was received during this audit period.	Note
S4 C32	32. Deleted.	-		Not Triggered
S4 C32A	32A. Deleted.	-		
	Noise Operating Conditions			
S4 C32B	32B. The Applicant must:			Not Triggered
	(a) implement all reasonable and feasible measures to minimise the construction, operational and road noise of the development; (b) progressively upgrade and replace its mobile equipment fleet; (c) operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent; and (d) monitor and report on compliance with the relevant noise conditions of this consent, to the satisfaction of the Planning Secretary.	Annual Reviews 2021, 2022, 2023	Underground operations have ceased as of May 2018. No mobile equipment fleet is maintained for the underground mine.	
	Noise Management Plan			
S4 C32C	32C. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: (a) be prepared by a suitably qualified expert whose appointment has been approved by the Planning Secretary, and submitted to the Planning Secretary for approval by 31 March 2014; (b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent; (c) describe the proposed noise management system in detail; (d) include a noise monitoring program that: • evaluates and reports on: - o the effectiveness of the noise management system; - o compliance against the noise criteria in this consent; and - o compliance against the noise operating conditions; • includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a trigger for further attended monitoring where there is a risk of non-compliance with the noise criteria in this consent); and • defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents; and	Noise Management Plan v.10 dated 16 March 2022 Appendix D of the Noise MP Appendix A of the Noise MP Section 4.1 of Noise MP Sections 4.1 and 5.2.1 of the Noise MP Section 5 of the Noise MP	Noise Management Plan for entire Bulga Coal complex is available on the website. Tony Welbourne of Global Acoustics was approved. Noting he has since retired. Appendix A.2 of the Noise MP describes how the DA-376 conditions are addressed. Noise management processes are detailed in these section of the Noise MP. Noise monitoring program covering these requirements is detailed in sections 5.1 and 5.2 of the Noise MP.	Compliant

	(e) include a Construction Noise Work Protocol as required under Condition 28C of this Schedule (including for gas drainage well construction for the Blakefield North Mine) featuring: • the Applicant's commitments to reasonable and feasible noise mitigation; • a work schedule that clearly identifies work that would lead to an exceedance of the Noise Assessment Impact Criteria in Table 13 of this Schedule; • a protocol for notifying affected receivers of the expected severity and duration of such exceedance(s) well in advance of work commencing; • a protocol for monitoring and evaluating noise emissions during work; and • a response protocol that will be immediately followed to reduce noise emissions if the work leads to noise impacts from the Bulga Mining Complex that exceed: - o LAeq 15 min 50 dB during the day at any privately-owned receiver; - o LAeq 15 min 39 dB during the evening or night at any receiver; and - o LAeq 1 min 51 dB during the evening or night at any receiver.	Sections 3.3.2 and 4.2.2 of Noise MP Table 3-2 noise criteria.	Section 4.2.2 of the Noise MP states that noise from construction works including gas drainage well will be managed as per noise criteria listed in Table 3.2 of the Noise MP (which are lower than the noise limits noted in this condition), and that a construction noise work protocol will be prepared if alternative noise limits are required.
	The Applicant must implement the Noise Management Plan as approved by the Planning Secretary. <i>Notes:</i> • <i>The management responses to be followed in the event that noise emissions are nearing or exceeding the noise criteria in this consent should be staged in a manner that is commensurate with the level of noise emissions that may occur.</i> • <i>Management responses should include relocating, modifying and/or ceasing operations until the exceedance is addressed and rectified. In the event of a breach of the noise criteria in this consent, noise traces for the offending period should be forwarded to the Department and EPA as soon as practicable following the event.</i> METEOROLOGICAL MONITORING	Annual Reviews 2021, 2022, 2023 Quarterly Noise Monitoring results Site observations	Section 6.2 of the Annual Review covers results. Annual Reviews are approved by DPHI. Noise and Visual Bund is being constructed as a noise mitigation measure. Other operational noise mitigation measures detailed in the NMP are no more relevant to underground mine as its operations have ceased in 2018.
S4 C33	33. During the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that: (a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales (DEC, 2007) guideline; and (b) is capable of measuring meteorological conditions in accordance with the NSW Industrial Noise Policy (EPA, 2000), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA. ABORIGINAL CULTURAL HERITAGE (Incorporates BCD GTAs) <i>Note: The Applicant is required to obtain consent from BCD under the National Parks Wildlife Act 1974 to destroy Aboriginal sites and objects on the site.</i> Conservation Agreement	Site observation Audit discussions	There are three meteorology stations on site (complex weather station, southern extension meteorology station and flares meteorology station). The main site meteorological station is the Bulga Coal Complex Meteorology Station in the middle of the site. EPA ID 21. Two other meteorology stations on site in the EPL Licence. The 2022 audit of weather stations was sighted as evidence and looks at compliance with approved methods and guidelines.
	<i>Note: The Applicant is required to obtain consent from BCD under the National Parks Wildlife Act 1974 to destroy Aboriginal sites and objects on the site.</i> Conservation Agreement	Audit discussions	Aboriginal grinding groves impacted (overburden dump), but none within the audit period.

S4 C34	34. The Applicant must protect BCO10 and the associated landscape context within the proposed conservation area east of Wollombi Brook (see Figure 13.3 in the Bulga Coal Continued Underground Operations EIS), and consider options for extending this area to the satisfaction of BCD.	Photographs shown on screen during audit discussions Aboriginal Cultural Heritage Management Plan v8 May 2022 Quarterly aboriginal heritage monitoring reports (on Bulga coal website) for 2022, 2023, 2024	BCO10 is an eroded drainage line with a high concentration of artefacts. It has been fenced and sign posted. Evidence of straw bales in site monitoring March 2022 report (photograph). Wollombi Brook Conservation Area Management Plan includes Figures of offsets area, which BCO10 falls within. This area is fenced. Heritage Review of Aboriginal and Cultural Heritage Management Plan is included in appendix G. The Plan is approved by DPHI, in consultation with BCD, and includes protection measures. As discussed in the audit interview and as noted in the quarterly monitoring report May 2024, the status of artefact BCO10 is currently 'partially destroyed'. The March 2022 report noted a review of erosion monitoring points at BCO10 was being undertaken. Compliant
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Scarred Tree			
S4 C35	35. The Applicant must protect the scarred tree at Bulga 6 (see Figure 7.2 in Appendix 13 of the Bulga Coal Continued Underground Operations EIS) to the satisfaction of BCD. Section 90 Consents	Aboriginal Cultural Heritage Management Plan v8 May 2022 Site monitoring report Q2 May 2023	Bulga 6 is fenced, but just north of the offset area (not physically inspected in this audit). Evidence of fencing (Site monitoring report Q2 May 2023 report viewed by audit team). Heritage Review of Aboriginal and Cultural Heritage Management Plan is included in appendix G. The Plan is approved by DPHI, in consultation with BCD, and includes protection measures. Compliant
S4 C36	36. The Applicant must obtain Section 90 consents from BCD to destroy the following Aboriginal artefact find locations, and the deposits between them: BCO2, BCO21, BMU1, BMU2 (B71 & Saxonvale B), BMU12, BMU17, IF Bulga South, GIF-IF1, GIF-IF2, GIF-IF3, GIF-IF4, BP2, G2, G3, G4, G9, G11, PART BCO1 (Saxonvale A), BCO3, BCO10 (G7, G6, G8, Bulga 7). Salvage	Appendix B, Section B.3 of the Aboriginal Cultural Heritage Management Plan v8 May 2022	Bulga Coal advised that the sites have either been destroyed outside of the audit period or will not be disturbed by any future mine operations. Not Triggered
S4 C37	37. The Applicant must develop a salvage program/s for the following sites in consultation with the Aboriginal community and to the satisfaction of BCD: BCO2, BCO21, BMU2 (B71 & Saxonvale B), BP2, G2, G3, G4, G9, G11, PART BCO1 (Saxonvale A), BCO3, BCO10 (G7, G6, G8, Bulga 7). <i>Note: The program/s will be considered as part of the Section 90 consent process.</i>	Audit discussions Appendix B, Section B.3 of the Aboriginal Cultural Heritage Management Plan v8 May 2022 Annual Reviews 2021, 2022, 2023 section 6.8.2	The status of these sites and salvage programs are noted in the ACHMP prior to this audit period. No activities at the underground mine occur currently that are relevant to these sites. Not Triggered

Heritage Management Plan			
S4 C38	38. The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: (a) be prepared in consultation with BCD, the Aboriginal community, and be submitted to the Planning Secretary for approval by the end of March 2014; and (b) include a program/procedures for: • minimising disturbance to Aboriginal sites as far as is reasonable and feasible; • salvage, excavation and/or management of Aboriginal sites and potential archaeological deposits within the project disturbance area; • protection and monitoring of Aboriginal sites outside the project disturbance area; • managing the discovery of any new Aboriginal objects or skeletal remains during the development; and • ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.	Aboriginal Cultural Heritage Management Plan v8 May 2022 Historic Heritage Management Plan v6 Jun 2022 Quarterly Aboriginal heritage monitoring reports (Bulga Coal website) Annual Reviews 2021, 2022, 2023 section 6.8	There are two heritage management plans - one for Aboriginal, the other for non-Aboriginal Heritage. The audit team sighted the approval letter from 2016 from the Department (Historic Heritage Management Plan) for approval of the Plan. This has occurred prior to this audit period. The plan includes details of salvage, excavation, protection and monitoring, and new finds management. As underground mine operations ceased in 2018, these details do not apply. Consultation as required is evidenced in Section 6 of the Plan. Approved Annual Reviews report on archaeology and heritage management progress. Quarterly monitoring reports also provide details of how heritage management is undertaken. Compliant
	The Applicant must implement the Heritage Management Plan as approved by the Planning Secretary. Trust Fund Contribution 39. Within 6 months of the date of this consent, or as agreed otherwise by the Planning Secretary, the Applicant must contribute \$50,000 to the Hunter Aboriginal Cultural Heritage Trust Fund for further investigations into Aboriginal heritage, as defined by the Trust Deed. HERITAGE <i>Note: For more information on the references used in the following conditions see Figure 13.1 of the EIS.</i> Conservation		Compliant
S4 C39			This condition refers to timeframe outside the audit period (2004). Not Triggered
			Note
S4 C40	40. The Applicant must conserve heritage site BH15 to the satisfaction of the Planning Secretary.	Annual Review 2023 section 6.8 Aboriginal Heritage Monitoring Reports e.g. May 2024 on Bulga Coal website	This item relates to a fencepost, which falls within the Wollombi Brook conservation area, the management plan of which has been approved. It is associated with an early land grant. A photograph of the heritage signage was sighted by the audit team - this photograph was explained to have been submitted in 2005 with a letter to Department of Planning and Natural Resources. It is noted that the Annual Review and Heritage monitoring reports do not mention ongoing conservation of BH15. Compliant
S4 C41	Archival Record 41. The Applicant must investigate and prepare an archival record of heritage sites BH9 and BH11 in accordance with the requirements of Heritage NSW, and to the satisfaction of the Planning Secretary.		Archival records were prepared and approved prior to this audit period. Not Triggered
S4 C42	Other Measures 42. The Applicant must: (a) prepare a photographic record of the condition and integrity of heritage site BH13 before, during and after mining; (b) mark BH12 to prevent accidental destruction; and (c) fence and signpost BH7 to the satisfaction of the Planning Secretary.	2021 IEA report Annual Reviews 2021, 2022, 2023 Audit discussions	BH12 and BH13 relate to a former farmstead site including dairy and yards. These items no longer exists (as archived and removed). The destruction was approved, so this requirement no longer applies (as documented in the Historic Heritage Management Plan Section 5.4.1) This item relates to an old homestead. The sign posting and fencing of McNamaras Dairy Cottage (BH7) is referenced in Appendix 1 of the Historic Heritage Management Plan in a letter from the Department of Planning, titled Bulga Underground Coal Mine (DA 376-8-2003 Outstanding Issues, dated 29 September 2005. This letter specifies that requirement 42(c) has been satisfied. Not Triggered

FAUNA & FLORA
Habitat Creation and Conservation

S4 C43 43. The Applicant must:

Compliant

(a) take all practicable measures to minimise vegetation clearing during the development, and wherever practicable, avoid clearing the existing woodland vegetation on site;

This is captured within the Biodiversity Management Plan for Bulga Coal complex, which covers both underground and Open Cut mining. Section 4 of the Plan discusses land clearing procedures, Section 5 discusses land and biodiversity management and Section 7 provides Biodiversity offset strategy.

(b) establish and maintain the proposed ecological corridors on site (see Appendix 6);

Biodiversity Management Plan, v7 May 2022

Section 3 of the Biodiversity MP provides details of maintaining ecological corridors as proposed.

(c) ensure the corridors shown in Appendix 6 link to the Wollombi Brook Conservation Area;

Wollombi Brook Biodiversity Conservation Area Management Plan, v5 May 2022

Section 7.5 of the Biodiversity MP provides details of the corridors in Wollombi Brook Biodiversity Offset / conservation area.

Annual Review 2022, 2023

Section 3.4 of Biodiversity MP lists vegetation communities including variants of Warkworth Sands Woodland EEC which is also part of the Wollombi Brook BOA. The Wollombi Brook Biodiversity offset management plan section 2 includes plans to conserve, maintain and enhance EEC. As per sighted review reports and monitoring reports, the plans are being implemented including update on monitoring of natural regeneration.

(d) conserve, maintain and enhance the existing Warkworth Sands Woodland ecological community (see Appendix 7);

(e) investigate the potential distribution of the Warkworth Sands Woodland ecological community on company owned land on and adjacent to the site, and consider options for providing long-term protection to the existing and potential areas of the Warkworth Sands Woodland ecological community;

(f) deleted;

-

(g) deleted;

-

(h) Conduct regular flora and fauna monitoring on site during the development,

Annual Review 2021, 2022, 2023

Section 8 of the Biodiversity Management Plan describes monitoring and research programs. Underground mine operations ceased in 2018. This subclause is therefore not triggered.

Annual Review reports have been reviewed and approved by DPHI.

to the satisfaction of the Planning Secretary.

Additional Vegetation Offsets

S4 C43A 43A. By the end of December 2014, the Applicant must:

Not Triggered

(a) provide an area that is, in the opinion of the Planning Secretary, suitable in its quantity, quality and vegetation community to offset the clearing of 5.34 hectares of Central Hunter Grey Box – Ironbark Woodland under Modification 5;

(b) provide an area that is, in the opinion of the Planning Secretary, suitable in its quantity, quality and vegetation community to offset the disturbance of 23.71 hectares of Central Hunter Grey Box – Ironbark Derived Native Grassland under Modification 5; and

n/a

This condition is outside this audit period.

(c) make suitable arrangements to manage, protect and provide long-term security for these areas, to the satisfaction of the Planning Secretary.

Biodiversity Management Plan

S4 C44

Compliant

44. The Applicant must prepare a Biodiversity Management Plan for the Bulga Mining Complex to the satisfaction of the Planning Secretary. This plan must:

The Biodiversity Management Plan was sighted by the audit team. It was prepared in consultation with BCD. Email on 17/08/2022 with no comment to make from Robert Gibson of Hunter Central Coast Branch of the BCD, DPE. The Plan includes DPHI approval dated 14 Oct 2021 for rev6 in Appendix I.

(a) be prepared in consultation with BCD, and submitted to the Planning Secretary for approval by 31 March 2017;

(b) include a detailed description of what measures would be implemented to satisfy the requirements in condition 43 and 43A of Schedule 4;

(c) describe the short, medium, and long term measures that would be implemented to:

- manage the impacts of clearing vegetation, including pre-clearance surveys; and
- manage the remnant vegetation and habitat on the site;

The original plan version including recommendations by DPE is dated Dec 2017. This condition is outside this audit period.

Annual Biodiversity offset monitoring report on offsets, including section 6.6 of the Annual Reviews.

Section 4 details land clearing procedures including pre-clearance surveys

	(d) include a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for: • enhancing the quality of existing vegetation and fauna habitat in the conservation and offset areas; • restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary); • maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area; • collecting and propagating seed from the local area; • protecting vegetation and fauna habitat outside the approved disturbance area on site; • minimising the impacts on fauna on site, including undertaking pre-clearance surveys; • managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological); • managing salinity; • controlling weeds and feral pests; • controlling erosion; • managing grazing and agriculture on site; • controlling access; and • bushfire management;	Biodiversity Management Plan, v7 May 2022 Annual Reviews 2021, 2022, 2023 Biodiversity offset monitoring reports (available on Bulga Coal website)	Rehabilitation and revegetation procedures are described in Sections 4, 5 and 6 covering the aspects listed in this clause.
	(e) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;		Section 8 of the Biodiversity Management Plan describes monitoring and research programs. Section 9 details reporting and review. Underground mine operations ceased in 2018.
	(f) identify the potential risks to the successful implementation of the plan, and include a description of the contingency measures that would be implemented to mitigate these risks; and (g) include details of who would be responsible for monitoring, reviewing, and implementing the plan.		Section 12 refers to adaptive management as the key mechanism to manage risks to the implementation of the Biodiversity MP. Section 12 of the Biodiversity MP provides management review details. Environmental performance and details of implementation of the Biodiversity MP is detailed in the Annual Reviews section 6.
	The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.		
S4 C45	45. (deleted)	N/A	
S4 C46	46. (deleted)	N/A	
	TRAFFIC & TRANSPORT New Access Intersections <i>Note: The Applicant requires Council approval under the Roads Act 1993 for any works within the public road reserve.</i>		Note
S4 C47	47. (Incorporates RMS GTA) The Applicant must design, construct and maintain the proposed new Type C access intersections with Broke Road to the satisfaction of Council.	Audit discussions Site observations	Not triggered during this audit period, shown in the EIS - Bulga Optimisation Process. Not Triggered
S4 C48	48. The Applicant must design and construct the proposed conveyors over Broke Road to the satisfaction of Council.	Audit discussions Site observations	There are no conveyors over Broke road, only under Broke Road therefore this condition is not triggered. Not Triggered
S4 C49	49. The Applicant must ensure that all construction work within the transmission line easement is carried out to the satisfaction of Transgrid.	Audit discussions Site observations	No construction associated with underground mining in the easement occurred during this audit period therefore this condition is not triggered. Not Triggered
	Construction Traffic Management Plan		
S4 C49A	49A. The Applicant must prepare a Construction Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:		Not Triggered
	(a) be prepared in consultation with Council and TfNSW and submitted to the Planning Secretary before the commencement of gas drainage well construction; (b) detail the management of light and heavy vehicle movements associated with gas drainage well construction under Modification 5; (c) identify overlaps with any other mine related construction projects in the area; and	Audit discussions Annual Reviews 2021, 2022, 2023	Traffic Management Plan approved in 2013. This falls outside of the audit period. No construction works occurred associated with underground mine during this audit period, as such, no updates to the Traffic Management Plan applicable in this audit.
	(d) employ measures to minimise the impact of gas drainage well construction traffic on the network including measures to restrict the hours of heavy vehicle movements to avoid road use conflicts. The Applicant must implement the Construction Traffic Management Plan as approved by the Planning Secretary.		

VISUAL IMPACT			
Landscaping & Visual Screening			
S4 C50	50. The Applicant must:		Not Triggered
	(a) landscape the proposed access intersections off Broke Road within 3 months of completing construction works; and	Visual Impact Management Plan August 2021. Site observations Audit discussions	New intersections were built in 2016 and 2017, which was prior to this audit period.
	(b) maintain and augment as required, the visual screening along Broke Road throughout the life of the development to the satisfaction of the Planning Secretary.		Additional screening as constructed in 2022/23 along Broke Road. But this screening is related to open cut.
Location & Construction of Gas Plants, and Gas & Dewatering Bores			
S4 C51	51. The Applicant must minimise the potential visual impacts associated with locating and constructing the proposed gas plants, and gas and dewatering bores on site to the satisfaction of the Planning Secretary.	Visual Impact Management Plan v7 August 2023. Site observations Audit discussions	Not Triggered No new infrastructure was located or constructed in the audit period.
Lighting Emissions			
S4 C52	52. The Applicant must take all practicable measures to mitigate off-site lighting impacts from the development to the satisfaction of the Planning Secretary.		Not Triggered Reported in the Annual Review, and also in the recent Bulga Coal Complex Visual and Lighting Review October 2024 which assessed compliance with Australian standards. Review findings included no noncompliances but some suggested areas of improvements; a decrease in complaints relating to lighting (Bulga internal recommendations) noted.
S4 C53	53. All external lighting associated with the development must comply with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.	Annual Review 2021, 2022, 2023 section 6.9 Visual Impact Management Plan v7 August 2023	Not Triggered Operations from the underground mine has ceased therefore lighting emissions are related to open cut mine only.
GREENHOUSE GAS			
S4 C54	54. The Applicant must: (a) monitor the greenhouse gas emissions generated by the development; (b) investigate ways to reduce greenhouse gas emissions on site; and (c) report on these investigations in the AEMR,	Air Quality and Greenhouse Gas Management Plan, v3 24 Mar 2022 Reported in Section 6.12 of the Annual Review 2021, 2022, 2023 Annual Review approval by DPE/DPHI	Compliant AQGGMP section 6.4 provides management measures with regard to Greenhouse Gas. Additional mitigation measures are also provided. Annual Reviews report on details of gas drainage infrastructure, greenhouse gas monitoring and measurement details. Annual reports have been accepted by DPHI.
to the satisfaction of the Planning Secretary.			
WASTE MINIMISATION			
S4 C55	55. The Applicant must minimise the amount of waste generated by the development to the satisfaction of the Planning Secretary.	Annual Review 2023	Compliant Waste Management Plan - monthly waste tracking by contractor (J R Richards) for different waste streams is provided to Bulga and the total amounts are reported in section 4.5 of the 2023 Annual Review. Section 4.4.5 compares waste quantities with previous years, demonstrating reduction in overall waste generation.
HAZARDS MANAGEMENT			
Spontaneous Combustion			
S4 C56	56. The Applicant must take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site.	Annual Reviews 2021, 2022, 2023 Audit discussions	Compliant Coal stockpiles at washery are self heating, but this is not related to underground coal. The underground is sealed and the goaf is managed to prevent spontaneous combustion. Nitrogen is pumped in and oxygen prevented from entering the goaf. Necessary measures to prevent spontaneous combustion, as practical, are being undertaken.
Dangerous Goods			

S4 C57

57. The Applicant must ensure that the storage, handling, and transport of dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code.

Annual Review 2023
Compliance Assessment, Dangerous
goods Bulga Coal, 2023
Site observations

Monthly inspections of dangerous goods are undertaken. The 2023 Dangerous Goods Audit was sighted by the audit team (Compliance Assessment Bulga Coal Dangerous Goods Facilities). Some recommendations were made. The goaf areas and old methane power station are included in this report, so it covers underground. Underground mine operations have been ceased prior to this audit period and no relevant materials were sighted on site.

Compliant

BUSHFIRE MANAGEMENT

S4 C58

58. The Applicant must:

(a) ensure that the development is suitably equipped to respond to any fires on-site; and

(b) assist the Rural Fire Service and emergency services to the extent practicable if there is a fire in the vicinity of the site; and

(c) provide for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2019) guideline.

MINE EXIT STRATEGY

S4 C59

59. The Applicant must work with the Council to investigate the minimisation of adverse socio-economic effects of a significant reduction in local employment levels and closure of the development at the end of its life.

REHABILITATION

Rehabilitation Objectives

S4 C60

60. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases(s) associated with the development under the Mining Act 1992. This rehabilitation must comply with the objectives in Table 17.

Table 17: Rehabilitation Objectives

Feature	Objective
Mine site (as a whole)	Safe, stable & non-polluting <u>Final land use compatible with surrounding land uses</u>
Surface infrastructure	To be decommissioned and removed, <u>unless the RR agrees otherwise</u>
Portals and vent shafts	To be decommissioned and made safe and stable. <u>Consider opportunities to retain habitat for threatened species (eg bats), where practicable</u>
Watercourses subject to subsidence impacts	Hydraulically and geomorphologically stable, with riparian vegetation that is the same or better than prior to mining
Land to be restored or maintained for agricultural purposes	Restored and maintained to: - the same or higher land capability and agricultural suitability than prior to mining; and - a landform consistent with the surrounding environment, including no greater than minor changes to flooding characteristics or ponding
Other land	Restore ecosystem function, including maintaining or establishing self-sustaining eco-systems comprised of: - local native plant species (unless the RR agrees otherwise); and - a landform consistent with the surrounding environment, including no greater than minor changes to flooding characteristics or ponding
Built features damaged by mining operations	Repair to pre-mining condition or equivalent unless: - the owner agrees otherwise; or - the damage is fully restored, repaired or compensated for under the <u>Coal Mine Subsidence Compensation Act 2017</u>.
Community	Ensure public safety Minimise the adverse socio-economic effects associated with mine closure

Notes:

- *These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by mining taking place after the date of approval of Modification 5; and to all surface infrastructure part of the development, whether constructed prior to or following the date of this approval.*
- *Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the date of approval of Modification 5 may be subject to the requirements of other approvals (e.g. under a mining lease or an Extraction Plan approval) or the Applicant's commitments.*

Progressive Rehabilitation

S4 C61

61. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance.

Bushfire Management Plan, 2023
Annual Review 2023
Site observations
Audit discussions

Bulga Coal Rehabilitation Management Plan Version 2.0 prepared for SSD-4960 and DA 376-8-2003 and Schedule 8A of the Mining Amendment (Standard Conditions of Mining Leases – Rehabilitation) Regulation 2021 (Mining Regulation)
Annual Review 2023
Site observations 6 Nov 2024

Mining Leases 1494, 1547, 1674, 1717 and 1788 Instruments of Variation, October 2022

Forward Work Program Bulga Complex 2024, available on Bulga Coal website.

Bushtire Management Plan 2023 captures hazards, management controls, emergency response, etc. Available on public website. Activities undertaken during the year with bushfire preparedness, including monitoring of fuel loads, tracks and trails and consultation with RFS, are described in the Annual Review section 6.
There had not been any requirement to assist RFS and emergency services during this audit period.
Section 5 of the Plan includes details of APZ

Compliant

Closure will be planned collectively for both underground and open cut mines in the future.

Not Triggered

Section 3.1 of RMP captures regulatory requirements including Domain, Timing and section addressed in the RMP. Section 5.1 of the RMP includes rehabilitation objectives consistent with CoA for DA and SSD, 5.2 outlines rehabilitation objectives for each Domain.

Features noted in Table 17 are generally being managed as per stated objectives as noted on site and as per audit discussions.

Compliant

Ste rehabilitation is in progress as sighted during site audit.
Environmental and Rehabilitation conditions have been removed from MLs 1494, 1547, 1674, 1717 and 1788 during this audit period.

Note

Progressive rehabilitation was observed during site inspection. On site observed shaping and topsoil placement following completion of overburden emplacement.

Compliant

S4 C62	Rehabilitation Management Plan 62. The Applicant must prepare a Rehabilitation Management Plan for the development in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This plan must:	Bulga Coal Rehabilitation Management Plan Version 2.0	RMP has been prepared.	Compliant
		Bulga Coal Rehabilitation Management Plan Appendix B Screenshot of Major Projects portal indicating consultation with DPE Water, BCD and Council; Email to CCC dated 25 June 2024.	Section 5.4.1.1 of the RMP includes consultation with relevant statutory authorities, The RMP refers to evidence of consultation and provision of the RMP to Department, DPIE Water, BCD, Council and the CCC in Appendix B. Consultation with the relevant agencies is done through the Major Projects Portal. No comments received from CCC and Council.	
	(a) be prepared in consultation with the Department, DPIE Water, BCD, Council and the CCC;			
	(b) be prepared in accordance with any relevant RR guideline and be consistent with the rehabilitation objectives in Table 17;	Bulga Coal Rehabilitation Management Plan Version 2.0 Form and Way: Rehabilitation Management Plan for Large Mines (RR, 2021)	Observed during the site inspection a number of the rehabilitation method/ rehabilitation implementation outlined in Section 7 of the RMP. During the inspection a number of different aged rehabilitation areas was observed with good groundcover, species diversity, remediated erosion, habitat stags and rocks.	
	(c) describe how the rehabilitation of the site would be integrated with the implementation of the requirements of conditions 43 and 43A of this Schedule;	RMP Section 3.3	This is discussed in section 3.3 of the Rehabilitation Management Plan (RMP), Final Land Use Statement. Arrangements for the integration and long-term protection of the rehabilitation to the satisfaction of the BCT is to be completed within 10 years of mining operations. Section 6 of the Biodiversity Management Plan also discusses the proposed rehabilitation and indicative vegetation communities that align with the proposed communities at the Biodiversity Offsets (Figure 9)	
	(d) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);	RMP Section 5.3 contains the Bulga Complex completion criteria RMP section 11 contains a TARP	These requirements are addressed in the RMP	
	(e) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform, and final land use;	RMP Section 7 Rehabilitation Implementation	These requirements are addressed in the RMP	
	(f) provide for detailed mine closure planning, including measures to investigate and facilitate post-mining beneficial land uses for the site;	RMP section 3.5 outlines planning timeframes	These requirements are addressed in the RMP	
	(g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;	RMP section 7.2.3 (f)	These requirements are addressed in the RMP	
	(h) include a program to monitor and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and	RMP Section 9	These requirements are addressed in the RMP	
	(i) build to the maximum extent practicable on the other management plans required under this consent.	RMP refers to other management plans including: Bulga Coal Biodiversity Management Plan, Bulga Coal Waste Management Plan, Spontaneous Combustion Management Plan, Bulga Coal Complex Erosion and Sediment Control Plan, Bulga Underground Operations Post Mining Subsidence Management Plan, Bulga Coal Aboriginal Heritage Management Plan, Bulga Coal Historic Heritage Management Plan, Site Water Management Plan, Final Void Management Plan	These requirements are addressed in the RMP	

SCHEDULE 5 - ADDITIONAL PROCEDURES**NOTIFICATION OF LANDOWNERS**

S5 C1	1. Within 1 month of the date of this modification, the Applicant must notify the landowners of the land listed in Table 1 of schedule 4 in writing that they have the right to require the Applicant to acquire their land at any stage during the development.	Audit discussion Annual Reviews 2021, 2022, 2023	This condition is not triggered during this audit period.	Not Triggered
	2. If the results of monitoring required in schedule 4 identify that impacts generated by the development are greater than the impact assessment criteria in schedule 4, except where this is predicted in the EA, and except where a negotiated agreement has been entered into in relation to that impact, then the Applicant must notify the Planning Secretary and the affected landowners and tenants (including tenants of mine owned properties) accordingly, and provide regular monitoring results to each of these parties until the results show that the development is complying with the criteria in schedule 4.			Not Triggered
S5 C2	3. Within 6 months of the date of this consent, the Applicant must develop a procedure in consultation with EPA and NSW Health, for notifying landowners and tenants referred to in Condition 1 and the tenants of any mine-owned land. This procedure must ensure that:			Not Triggered
S5 C3	(a) all existing and future tenants are advised in writing about: • air quality impacts likely to occur at the residence during the operational life of the mine; and • the potential health and amenity impacts associated with exposure to particulate matter; and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (NSW Health, 2017); (b) the written advice in (a) is based on current air quality monitoring data, dispersion modelling results, research and literature; and (c) there is an ongoing process for providing current air quality monitoring data, dispersion modelling results, research and literature to the tenants.	DA 376 consent document	This consent is dated in February 2004, so this requirement does not apply in this audit period.	

	INDEPENDENT REVIEW		
	4. If a landowner considers the development to be exceeding the impact assessment criteria in Schedule 4, then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the development on his/her land.		Not Triggered
S5 C4	If the Planning Secretary is satisfied that an independent review is warranted, then within 3 months of the Planning Secretary's decision, the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to: • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the development is complying with the relevant impact assessment criteria in Schedule 4; and • if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and • in cases where there is an exceedance of any air quality criteria, and more than one mine is responsible for the exceedance, determine the relative share of each mine regarding the impact of the development; and (b) give the Planning Secretary and landowner a copy of the independent review.	Audit discussion	Bulga Coal advised that there have not been any requests for underground or open cut mining operations for the audit period to trigger this condition.
S5 C5	5. (Deleted)	-	-
S5 C6	6. (Deleted)	-	-
S5 C7	7. (Deleted)	-	-
S5 C8	8. (Deleted)	-	-
	LAND ACQUISITION		
	9. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:		Compliant
S5 C9	(a) the current market value of the landowner's interest in the property at the date of this written request, as if the property was unaffected by the development, having regard to the: • existing and permissible use of the land, in accordance with the applicable planning instrument at the date of the written request; and • presence of improvements on the property and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the 'additional noise mitigation measures' in condition 31 of schedule 4; (b) the reasonable costs associated with: • relocating within the Singleton, Cessnock or Muswellbrook local government areas, or to any other local government area determined by the Planning Secretary; and • obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and (c) reasonable compensation for any disturbance caused by the land acquisition process. However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land, and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution. Upon receiving such a request, the Planning Secretary shall request the President of the NSW Division of the Australian Property Institute (API) to appoint a qualified independent valuer to: (a) consider submissions from both parties; (b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; (c) prepare a detailed report setting out the reasons for any determination; and (d) provide a copy of the report to both parties. Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary shall determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report and the detailed report of the party that disputes the independent valuer's determination and any other relevant matters.	Audit discussions Email request from B Kennedy, 5 April 2024 Email acceptance from B Kennedy, 21 June 2024	Acquisition is currently being negotiated with the Kennedy family. Evidence includes an email request for acquisition (from R Kennedy, dated 5 April 2024), evidence of submission of written offer time frame extension and acceptance of offer (emails dated 21 June 2024 and 26 July 2024, not viewed for privacy). An Independent Valuer was not required to be appointed. No other land acquisitions have been made.
			Not Triggered
			Not Triggered
		Audit discussions	No valuation was undertaken during this audit period.
			Not Triggered
		Audit discussions	No valuation was undertaken during this audit period.

S5 C10	Within 14 days of the Planning Secretary's determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination.	Audit discussions	No planning determination occurred during this audit period.	Not Triggered
	If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.	Audit discussions	This condition was not triggered during this audit period.	Not Triggered
	10. The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 9 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar General.	Audit discussions	The land acquisition process is in progress, Bulga Coal advised that no costs were incurred during this audit period.	Not Triggered
	SCHEDULE 6 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING ENVIRONMENTAL MANAGEMENT Environmental Management Strategy			
S6 C1	1. The Applicant must prepare an Environmental Management Strategy for the Bulga Mining Complex to the satisfaction of the Planning Secretary. This strategy must: (a) be submitted to the Planning Secretary for approval by the end of December 2016; (b) provide the strategic framework for environmental management of the Bulga Mining Complex; (c) identify the statutory approvals that apply to the development; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (e) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the operation and environmental performance of the development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance and any incident; and • respond to emergencies; and (f) include: • copies of any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this consent.	Bulga Coal Complex Environmental Management Strategy August 2024. Approval letter from DPHI dated 12 August 2024.	Environmental Management Strategy and DPHI approval sighted. Approval of original condition dated Dec 2016 is outside this audit period. The EMS contain: Strategic framework for environmental management Statutory approvals required Roles, responsibilities, authority and accountabilities of key personnel Details of procedures regarding consultation and NC/Incident management and List of all management plans and monitoring Plan Section 9 of the EMS lists the approval conditions and where these are met in the document. The EMS provides a framework for various environmental management systems and monitoring network.	Compliant
	The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary. Adaptive Management 2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 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&A Act or EP&A Regulation.			
S6 C2	Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity: (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) implement remediation measures as directed by the Planning Secretary,	Approval of EMS and annual reviews. 21 June 2024 letter from DPHI Regarding 2023 Annual review stating the review generally satisfies DPHI - H Watters (team Leader Compliance). Various Management Plans Annual Reviews Various monitoring reports on Bulga Coal website	Operations at the underground mine ceased prior to this audit period and no actions were required other than rehabilitation works for decommissioning redundant infrastructure. Captured within each of the management plans in a section on reviews and improvements (section 6 of plans). Also reported on in the annual reviews. Reported in Annual Reviews (statement of compliance). Section 11 of Annual Review. Many exceedances are combined for underground and open cut, as they are monitored together. Section 8.1 looks at reviews of improvements, adaptive management, investigation of incidents, etc.	Compliant
	to the satisfaction of the Planning Secretary. Management Plan Requirements			
		Approval of EMS and annual reviews. 21 June 2024 letter from DPHI Regarding 2023 Annual review stating the review generally satisfies DPHI - H Watters (team Leader Compliance).	EMS and Annual Reviews are approved by Planning. Given underground operations ceased prior to this audit period, only rehabilitation works are undertaken.	

		https://www.glencore.com.au/operations-and-projects/coal/current-operations/bulga-coal/management-plans	Compliant
S6 C3	3. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include: (a) detailed baseline data; (b) a description of: - the relevant statutory requirements (including any relevant approval, licence or lease conditions); - any relevant limits or performance measures/criteria; - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: - impacts and environmental performance of the development; - effectiveness of any management measures (see c above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: - incidents; - complaints; - non-compliances with statutory requirements; and - exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. <i>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i> Annual Review 4. By the end of March each year, or other timing as may be agreed by the Planning Secretary, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. This review must:	Aboriginal Cultural Heritage Management Plan Air Quality and Greenhouse Gas Management Plan Air Quality Management Procedure Biodiversity Management Plan Broke Road Biodiversity Offset Management Plan Bushfire Management Plan Condran Biodiversity Offset Management Plan Construction Transport Management Plan Bulga Optimisation Project Eastern Emplacement Area Management Plan Environmental Management Strategy Erosion and Sediment Control Plan Exploration Activities and Minor Surface Infrastructure Management Plan Gas Drainage Management Plan Historic Heritage Management Plan Noise Management Plan Noise Management Procedure Pollution Incident Response Management Plan (PIRMP) Vere Biodiversity Offset Management Plan Visual Impact Management Plan Water Management Plan Weeping Myall Biodiversity Offset Management Plan Wollombi Brook Biodiversity Conservation Area Management Plan Wollombi Brook Conservation Area Plan of Management Wollombi Brook Flood Levee Plan Management Plans (32 procedures and plans including rehabilitation management plan) for the Bulga coal complex (covering both DA376 and SSD4960) are publicly available on the website. All plans have been approved by DPHI and the approval letters are appended to current versions of the plans. The management plans sighted include base line data / Existing Environment descriptions upfront in the documents. Regulatory requirements are listed as applicable (e.g. section 2 Biodiversity Management Plan, section 3 Noise Management Plan, sections 4-5 in AQGGMP) Environmental management measures, monitoring and evaluation / reporting are described in each of the management plans sighted. It is noted that not all plans are applicable directly to the underground mine where operations ceased in 2018.	
		No particular waiver in this condition noted.	Note
S6 C4	Annual Review 4. By the end of March each year, or other timing as may be agreed by the Planning Secretary, the Applicant must submit a report to the Department reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. This review must: (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year; (b) include a comprehensive review of the monitoring results and complaints records of the development over the past calendar year, which includes a comparison of these results against the: - relevant statutory requirements, limits or performance measures/criteria; - requirements of any plan or program required under this consent; - monitoring results of previous years; and	Each annual review reports for the calendar year is submitted in March of the subsequent year. Section 4 of the Annual Review reports describe operations and section 6 details environmental performance of the operations. There is no underground operations underway during this audit period. Annual Reviews 2021, 2022, 2023 Submission email (Major Project portal response) of 2021 Annual Review on 31/3/2022 DPIE approval of 2021 (letter dated 25 Aug 2022) and 2022 (Letter dated 25 Jul 2023) Annual Review reports DPHI approval of 2023 (Letter dated 21 There has not been any activities in the underground mine as operations ceased prior to this audit period. Section 6 includes detailed	Compliant

	• relevant predictions in the documents listed in condition 2 of Schedule 3; (c) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance; (d) identify any trends in the monitoring data over the life of the development; (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development. Revision of Strategies, Plans and Programs	DPH approval of 2023 (Letter dated 21 Jun 2024) Annual Review report	analysis of various monitoring results against past results, modelling predictions and long term analyses. Section 6.5 of annual reviews detail monitoring results with regard to mine subsidence impacts.
S6 C5	5. Within 3 months of the: (a) submission of an annual review under Condition 4 above; (b) submission of an incident report under Condition 7 below; (c) submission of an audit report under Condition 9 below; or (d) approval of any modifications to this consent, the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Planning Secretary. Within 4 weeks of conducting any such review, the Applicant must advise the Planning Secretary of the outcomes of the review, and provide any revised documents to the Planning Secretary for review and approval. <i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and to incorporate any recommended measures to improve the environmental performance of the development.</i>	8 April 2022 letter to compliance DPIE - Bulga Coal re: review of all strategies, plans and programs following independent audit in 2021 and the incidents due to rainfall events (Feb 22 and March 22 spills).	No particular revision of strategies, plans or programs were noted to be required further to the submission of annual reviews, incident reports and audit reports during this audit period. Updated plans have been submitted to DPHI/DPIE as relevant, and approval included in the version of the plans made publicly available on Bulga Coal website.
			Compliant
			Note

Updating & Staging Strategies, Plans or Programs			Compliant
S6 C5A	5A. The Applicant may at any time submit revised strategies, plans or programs for the approval of the Planning Secretary. With the agreement of the Planning Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis. With the agreement of the Planning 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. <i>Notes:</i> • <i>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.</i> • <i>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.</i> Management Strategies, Plans or Programs 5B. With the approval of the Planning Secretary, the Applicant may integrate any strategy, plan, program, report, review or audit required by this consent with any similar strategy, plan, program, report, review or audit for other components of the Bulga Mining Complex. Community Consultative Committee	Air Quality and Greenhouse Gas Management Plan, v3 24 Mar 2022 DPE letter, dated 22 Dec 2023	Air Quality and Greenhouse Gas Management Plan was reviewed recently in consultation with the EPA (Greenhouse Gas Management). A letter from (DPE) Planning requesting a copy of the plan was sighted by the audit team. This plan was with DPE for review (incorporates feedback from the Cagestone review earlier this year) at the time of this audit.
S6 C5B		Audit discussion	Note
			Not Triggered
S6 C6	6. The Applicant must operate a Community Consultative Committee (CCC) for the Bulga Mining Complex to the satisfaction of the Planning Secretary. This CCC must be operated in general accordance with the Department's Community Consultative Committee (CCC) Guidelines for State Significant Projects (2016, or its latest version). <i>Notes:</i> • <i>The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent.</i> • <i>In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community.</i> REPORTING Incident Notification 7. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident. Non-Compliance Notification 7A. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. <i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i> Regular Reporting	CCC consultation response for this audit; meeting minutes on website 2021 IEA report	CCC meetings are held every six months, with minutes available on the Bulga Coal website. The minutes indicate the CCC is operated in general accordance with the CCC Guidelines for State Significant Projects 2023. The 2021 IEA report had found that for a period of time during that audit period, a Bulga Coal employee acted as the CCC chairperson for which DPIE had issued a warning letter. This resulted in a Non-Conformance in the 2021 IEA. The 2021 IEA further noted that an independent chairperson (J Turner, current chair) was appointed in 2019 with CCC then operating as per DPIE CCC guidelines.
S6 C7		Audit discussion CITECT database Major Project website	Note
			Not Triggered
S6 C7A		Audit discussion CITECT database Major Project website EPA POEO public records	Note

8. The Applicant must 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.

S6 C8

Bulga Coal website

The Bulga Coal website provides approvals, community, monitoring reports, management plans, annual reports etc to provide regular reporting on environmental performance of the development.

Compliant

INDEPENDENT ENVIRONMENTAL AUDIT			
S6 C9	9. By the end of 2015, and every 3 years thereafter, unless the Planning Secretary directs otherwise the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must: (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and (f) be conducted and reported to the satisfaction of the Planning Secretary. <i>Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Planning Secretary.</i> 10. Within 12 weeks of commencing each audit, unless the Planning Secretary agrees otherwise, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of any measures proposed to address the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.	IEA 2021 report and response to recommendations are on the website.	Compliant
	Monitoring and Environmental Audits	DPHI letter ref SSD-4960-PA-98 signed by H Watters 14 May 2024	Independent Environmental Audits (IEA) have been undertaken and reported at required intervals. IEA 2021 by RPS report dated 7 Feb 2022 was sighted. The report included details of consultation with stakeholders, review of compliance against scope consent conditions and recommendations to address non-compliances and observations. The report had been finalised to the satisfaction of DPIE and available on Bulga Coal website. This current audit is being undertaken for IEA 2024 by approved audit team as noted in this report appendices. Approval of auditor and team for the 2024 audit is included in the report.
S6 C10	Monitoring and Environmental Audits	2021 IEA report and Responses lodged on Major Projects portal website on 11 February 2022.	Compliant
S6 C10A	10A. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit. <i>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</i>		Note
			Note
S6 C10B	10B. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 4, providing that these representative monitoring locations are set out in the respective management plan/s.	Quarterly noise and air quality monitoring reports are on the Bulga Coal website.	Compliant
S6 C11	ACCESS TO INFORMATION 11. By the end of December 2016, the Applicant must: (a) make copies of the following publicly available on its website: - the documents listed in condition 2 of Schedule 3; - current statutory approvals for the development; - approved strategies, plans and programs required under the conditions of this consent; - a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; - a complaints register, which is to be updated monthly; - minutes of CCC meetings; - the annual reviews of the development (for the last 5 years, if applicable); - any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; - any other matter required by the Planning Secretary; and (b) keep this information up-to-date, to the satisfaction of the Planning Secretary.	Bulga Coal website	Not Triggered

INTEGRATED STATE SIGNIFICANT DEVELOPMENT SSD-4960

BULGA COAL MANAGEMENT PTY LTD - Bulga Optimisation Project

	MOD 4 - February 2022	Evidence sighted	Audit Finding	Status	Recommendation	NC Ref.
	SCHEDULE 2 - ADMINISTRATIVE CONDITIONS					
	OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
	1. In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.		During the audit site inspection and as per reviewed documentation, it is noted that Bulga Coal has implemented all reasonable and feasible measures to minimise any material harm to the environment that may result from construction, operation or rehabilitation of the development, unless otherwise noted in this audit or any observations and non-compliances noted therein.	Note		
S2 C1	TERMS OF CONSENT	Evidence noted in this audit as below.				
	2. The Applicant must carry out the development generally in accordance with the:			Compliant		
S2 C2	(a) EIS; (b) SEE (MOD 1), SEE (MOD 2) and SEE (MOD 3), MR (MOD 4); and (c) the general layout of the development. <i>Note: The general layout of the development is shown in Appendix 2.</i> 2A. The Applicant must carry out the development in accordance with the conditions of this consent.	Evidence noted in this audit as below.	The approval documentation is available on Bulga coal website. As per findings on the conditions of this consent in this audit, the project is generally carried out in accordance with the requirements.			
		Evidence noted in this audit as below.	This audit reviewed compliance against the SSD-4960 conditions specifically and in general as per applicable development requirements. Non-compliances and observations have been raised in this audit against specific conditions as relevant.	Non-compliant	No specific recommendation - see other NCs raised in this audit.	NC-1
S2 C2A	3. If there is any inconsistency between the above documents, the more recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.			Not Triggered		
S2 C3	4. The Applicant must comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment of:	Audit discussions	No inconsistencies are noted.	Compliant		
S2 C4	(a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this consent;	Audit discussion Annual Reviews 2022, 2023 DPIE review letters appended to various Management Plans 2021 IEA report	There were no triggers for additional requirements. Some modifications of management plans were made, in response to agency comments, as submitted to and approved by the Department. Some recommendations were made regarding the annual review (Items to be included), which have been responded to through updates to the Annual Reviews). Proposed actions came out of a previous audit, to which the Dept has agreed. These actions are listed on the public website, and are tracked on internal compliance system CMO. The 2021 Bulga Complex Independent Environmental Audit Event Report has a list of requirements, actions person responsible and due date, plus completion. This completion report was sighted (on the website) in this audit. Evidence of completion includes Annual Reviews, photographs of signage installed etc. Progress tracking of the independent audit is reported in the annual review. The 2022 annual review was sighted as evidence. T Hayward was the rehabilitation officer and M Pollock looked after rehabilitation (rehab coordinator). There were two requirements from the audit which were not closed out in 2022 and were rolled forward to the 2023 annual review for reporting. As of 2024, all actions have been now closed out. There are some requirements which have not been triggered, including the notification of residents regarding measurement of dust.			
	(b) any reports, reviews or audits commissioned by the Department regarding compliance with this consent; or					
	(c) the implementation of any actions or measures contained in these documents.					
	LIMITS ON CONSENT					
	Mining Operations					
S2 C5	5. The Applicant may carry out mining operations on the site until 31 December 2039. <i>Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of either the Planning Secretary or RR. Consequently this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</i>	NA	The audit was carried out in November 2024, the deadline stated in Condition 5 is in the future therefore this condition is yet to be triggered.	Not Triggered		
		NA	NA	Note		
	Coal Extraction	-	-			
	6. The Applicant must not extract more than 12.2 million tonnes of ROM coal from the open cut mining operations on site in any calendar year.	2022 Annual Review - Bulga Coal Glencore, Umwelt (Australia) Pty Limited dated March 2023. 2023 Annual Review - Bulga Coal Glencore, Umwelt (Australia) Pty Limited, dated March 2024.	The amount of ROM coal being extracted remains within the set limits. In 2022 the amount of ROM coal washed was 9.75 million tonnes and saleable product was 6.35 million tonnes. In 2023 the amount of ROM coal washed was 10.2 million tonnes and saleable product was 6.44 million tonnes.	Compliant		
S2 C6	6A. The Applicant must not process more than 20 million tonnes of ROM coal per calendar year from the Bulga Mining Complex.	Bulga Coal website 2022 Annual Review - Bulga Coal Glencore, Umwelt (Australia) Pty Limited dated March 2023 2023 Annual Review - Bulga Coal Glencore, Umwelt (Australia) Pty Limited, dated March 2024.	The amount of coal processed remains within the set limits. The Bulga Coal website notes 6.691 million tonnes of saleable product was produced in 2023. The 2022 Annual Review notes 9.75 million tonnes of ROM were washed at the CHPP. The 2023 Annual Review notes 10.2 million tonnes ROM were washed at the CHPP.	Compliant		
S2 C6A						

	Coal Transport			
S2 C7	7. The Applicant must: (a) not transport more than 20 million tonnes of product coal from the Bulga mine complex in any calendar year; and	-	-	Compliant
		2022 Annual Review - Bulga Coal Glencore, Urmwelt (Australia) Pty Limited dated March 2023. 2023 Annual Review - Bulga Coal Glencore, Urmwelt (Australia) Pty Limited, dated March 2024.	No more than 20 million tonnes of coal were transported from the site by rail in 2022 and 2023. The 2022 Annual Review notes 5.09 million tonnes of coal were transported by rail to the Port of Newcastle for export and 1.23 million tonnes of coal was railed for domestic use. The 2023 Annual Review notes 6.18 million tonnes of coal were transported by rail to the Port of Newcastle for export and 0.687 million tonnes of coal was railed for domestic use. No other method of transportation has been reported. All transport was by rail.	
	(b) only transport coal from the site by rail.	-	-	
	Hours of Operation	-	-	
S2 C7A	7A. The Applicant may undertake mining operations 24 hours per day 7 days a week. <i>Notes:</i> • For limitations on blasting operations see condition 9 of Schedule 3. • For limitations on construction hours see condition 5A of Schedule 3.	- - - - -	Noted - - - -	Note Note
	NOTIFICATION OF COMMENCEMENT	-	-	
S2 C8	8. The Applicant must notify the Department prior to the commencement of mining operations under this consent.	-	-	Not Triggered
	SURRENDER OF EXISTING DEVELOPMENT CONSENT	-	-	
	9. By the end of December 2015, or as otherwise agreed by the Planning Secretary, the Applicant must surrender the existing development consents for open cut mining operations on site in accordance with Section 104A of the EP&A Act.	-	-	Compliant
		DA 41-03-99 Notice of Surrender of Development Consent Letter dated 29 Aug 2022. Letter response from DPIE Director, Resource Assessments, as nominee of the Planning Secretary, to Bulga Coal dated 31 Aug 2022.	The existing development consents for open cut mining operations on site were surrendered. Evidence includes a letter to DPIE from the Bulga Environment and Community Manager, Bulga Coal Complex, surrendering DA41-03-99 (sighted during audit). The letter indicates this as the only existing development consent impacted by this condition and refers to extension of time granted by DPIE until 30 June 2022 for this surrender. A response letter from DPIE to Bulga Coal Management, dated 31 Aug 2022, confirms that the contents of the above mentioned letter were adequate to enable the surrender of DA 41-03-99.	
S2 C9	Prior to the surrender of these consents, the conditions of this consent must prevail to the extent of any inconsistency with the conditions of these consents.	- -	- This audit separately assessed DA 41-03-99 until 29 August 2022.	
	STRUCTURAL ADEQUACY	-	-	
	10. The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structure, are constructed in accordance with:	-	-	Compliant
		Construction occupation certificates for Meeting room and offices dated 17 January 2022 for Minimbah Charlton Road, Singleton CC/0107532. Building completion certificate for offices in CCHP dated 3 March 2023, date of inspection 6 February 2023.	During the audit period, Bulga Coal constructed a meeting room and offices, and a separate set of offices at the CCHP. As per sighted documentation, these buildings were constructed in accordance with relevant BCA requirements and AS3959.	
S2 C10	(a) the relevant requirements of the BCA; (b) the relevant requirements of AS 3959-2009 Construction of buildings in bush fire-prone areas; and (c) any additional requirements of the SANSW.	Minimbah - BuildCert bushfire assessment report proposed teaching and keeping place dated 3 January 2020 Audit discussions	Bulga Coal advised that the Subsidence Advisory NSW did not specify any additional requirements for CCHP.	Note
	<i>Notes:</i> • Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. • Under Section 21 of the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the SANSW's approval before constructing any improvements in a Mine Subsidence District.	-	-	
	DEMOLITION	-	-	
S2 C11	11. The Applicant must ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	- Audit discussions	Within the audit period, there was no demolition work associated with the open cut mining operations and SSD-4960. Underground demolition works included lighting towers and reclaim tunnel demolition.	Not Triggered
	PROTECTION OF PUBLIC INFRASTRUCTURE	-	-	
S2 C12	12. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	-	-	Not Triggered
	(a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.	Audit discussions	There was no damage or relocation of public infrastructure during this audit period to trigger this condition.	
	<i>Note: This condition does not apply to any damage to public infrastructure subject to compensation payable under the Coal Mine Subsidence Compensation Act 2017, or to any damage to roads caused as a result of general road usage.</i>	-	-	Note

OPERATION OF PLANT AND EQUIPMENT						
	13. The Applicant must ensure that all plant and equipment used on site or any equipment used off site for monitoring the performance of the development is:	Weekly inspection schedule for February for heavy equipment (trucks, dozers, graders, excavators, drills, etc) sighted during audit (sample). CHPP planned maintenance for 2024 sighted in audit. The 2022 to 2022 gas drainage maintenance schedule was sighted. EPA PIN on 7 Dec 2022 for pollution of waters	The maintenance of the plant and equipment used on site is managed through SAP including work orders. Each piece of equipment has its own maintenance workshop schedule. Maintenance of plant and equipment is managed in an efficient manner and operation is checked through routine inspection.	Non-compliant	Make sure all plant and equipment are operated properly.	NC-2
S2 C13	(a) maintained in a proper and efficient condition; and					
S2 C14	(b) operated in a proper and efficient manner. 14. (Deleted)					
	PLANNING AGREEMENT					
	15. Within 6 months of the approval of Modification 3, or as otherwise agreed by the Planning Secretary, the Applicant must revise the PA for the development with Council in accordance with:	Mod 3 was approved in Sept 2020. Voluntary Planning agreement modified and agreed on (Part D contribution for mod 3), 26 April 2021. Signature page sighted.	Not triggered during this audit period.	Not Triggered		
S2 C15	(a) Division 7.1 of Part 7 of the EP&A Act; and (b) the terms of the Applicant's offer in Appendix 4; and (c) the terms of the Applicant's offer in Table 1 of Appendix 4A.					
	EVIDENCE OF CONSULTATION					
S2 C16	16. Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Audit discussion, CMO system screen presentation Annual Reviews 2021, 2022, 2023 (various subsections and Appendices) Aboriginal Culture and Heritage Management Plan v8 31 Aug 2022	Evidence of consultation undertaken is included in each management plan. E.g. ACHMP includes details of consultation in section 6. Details of consultation (including community feedback) is referenced in Annual Reviews and included in the CMO compliance management system. No major disagreements are noted.	Compliant		
	COMPLIANCE					
	17. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.			Compliant		
S2 C17		HSEC Induction pack	HSEC Induction for visitors was viewed, with the community and environment package. This covers regulatory requirements. Reporting incidents, chemicals, hazardous substances, waste, dust, noise, water. This is covered in supplied information item 8 folder. Employee, contractors and sub-contractors awareness of the conditions of consent relating to activities carried out is captured in the Bulga Coal Mine induction process.			
	APPLICABILITY OF GUIDELINES					
	18. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of inclusion (or later update) in the condition.			Compliant		
S2 C18	19. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, in respect of ongoing monitoring and management obligations, agree to or require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.		Management Plans reference the Australian Standards applicable to the aspects they address. Glencore also has standards referring to these such as for hydrocarbon management.		Not Triggered	
S2 C19			There were no changes or updates noted in this audit period.			
	CROWN LAND					
S2 C20	20. The Applicant must consult with DPIE Crown Lands prior to undertaking any development on Crown land or Crown Roads. Notes: • Under section 265 of the Mining Act 1992, the Applicant is required to enter into a compensation agreement with DPIE Crown Lands prior to undertaking any mining operations or related activities on Crown land or Crown roads within a mining lease. • Under section 141 of the Mining Act 1992, the Applicant is required to enter into an access arrangement with DPIE Crown Lands prior to undertaking any prospecting operations on Crown land or Crown roads within an exploration licence.	NA NA	No developments were undertaken on Crown Land during the current audit period.	Not Triggered	Note	
SCHEDULE 3 - ENVIRONMENTAL PERFORMANCE CONDITIONS						
ACQUISITION UPON REQUEST						
	1. Upon receiving a written request for acquisition from the owner of the land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 5 and 6 of schedule 4.					
S3 C1	Audit discussion	Audit discussion	There were no requests for acquisition during the audit period.	Not Triggered		
Table 1- Land subject to acquisition upon request						
Acquisition Basis		Land				
Noise		149, 150				
Air		1A*				

Notes:
a To interpret the land referred to in Table 1, see the applicable figure in Appendix 5.

b The Applicant is only required to acquire this land if acquisition is not reasonably achievable under the development consent for the Mt Thorley Continuation Project (SSD 6465).

ADDITIONAL MITIGATION UPON REQUEST

S3 C2 2. Upon receiving a written request from the owner of any residence on the land listed in Table 1 (unless the landowner of that land has requested acquisition) or Table 2, the Applicant must implement additional:
(a) noise mitigation measures (such as double-glazing, insulation and/or air conditioning); and/or
(b) air quality mitigation measures (such as air filters, a first flush roof water drainage system and/or air conditioning),
at the residence in consultation with the landowner.
These measures must be reasonable and feasible, and directed towards reducing the noise and/or air quality impacts of the development on the residence.

If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.

Table 2: Land subject to additional noise and/or air quality mitigation upon request

Mitigation Basis	Residence
Noise & Air Quality	8, 1A
Noise	97, 157, 179, 195, 232, 234, 235, 237, 239, 240, 261, 262
Air Quality	3, 323, 324, 325

Note: To interpret the land referred to in Table 2, see the applicable figure in Appendix 5.

NOISE

Noise Criteria

S3 C3 3. Except for the noise affected land in Table 1, the Applicant must ensure that the noise generated by Bulga mine complex does not exceed the criteria in Table 3 at any residence on privately-owned land.

Table 3: Noise Criteria dB(A)

Location	Day LAeq (15 min)	Evening LAeq (15 min)	Night LAeq (15 min)	Night LA1 (1 min)
1A, 8	38	38	38	45
97	38	38	36	45
217n, 230, 232, 234, 323, 324, 325	37	37	37	45
1B, 94, 95, 103, 105A, 105C, 142A, 143B, 145, 164, 165, 179, 195, 217n, 217m, 222, 226, 227, 228, 229, 231, 233, 235, 237, 239, 240, 241, 261, 262, 263, 264, 265, 266, 272	36	36	36	45
All other privately-owned residences	35	35	35	45

Note: To interpret the land referred to in Table 3, see the applicable figure in Appendix 5.

Annual Reviews 2022, 2023
Quarterly noise monitoring results (available on Bulga Coal website)

The 2022 and 2023 Annual Reviews, This Table has been replaced by the one in appendix 7 and now includes: 36dBA for B Kennedy and the Russells.

However, these criteria do not apply if the Applicant has a written agreement with the relevant landowner to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Agreement with P Hardy submitted in Major Projects portal (65dB):
2021 IEA report

Note

Not Triggered

Not triggered in this audit period. Refer to Condition C1.

In November and December 2021, there were no noise exceedances, as per the monthly reports.
In 2022, there were five noise exceedances, and one location was omitted from monitoring.
In 2023 there were five exceedances and one noise affected night.
In 2024 from January to November, there were two noise exceedances.
For the audit period, there were a total of 12 noise exceedances and one noise affected night.

Non-compliant

NC-3

Details of the 2022 exceedances are as follows:

At location BCC8 – 154 Cobcroft Road:

A 3 dB exceedance of the LA1(1 minute) noise criterion and a 4 dB exceedance of the LAeq noise criterion was recorded on **20 July 2022**. This was mainly caused by engine/exhaust continuum and dozer track noise. Dispatch was notified and a follow up noise measurement was undertaken. Noise levels were compliant during the follow up measurement.

A 1 dB exceedance of the LAeq noise criterion and a 7 dB exceedance of the LA1(1 minute) noise criterion was recorded on the **17 August 2022**. This was mainly caused by the mining continuum and impact noise. Dispatch was notified and a follow up noise measurement was undertaken. Noise levels were compliant during the follow up measurement.

At monitoring location BCC9 – Mitchell Line Road:

A 2 dB exceedance of the LAeq noise criterion was recorded on the **18 August 2022**, after applying a low frequency modifying factor of +2 dB. This was mainly caused by the mining continuum.

On one occasion during the attended noise monitoring in **May 2022**, monitoring point **BCC1** (Bulga Village) was accidentally omitted from the monitoring. Dispatch was notified and a follow up noise measurement was undertaken. Noise levels were compliant during the follow up measurement.

Details of the 2023 exceedances are as follows:

At monitoring location BCC3 – 803 Milbrodale Road:

A 1 dB exceedance of the LA1 (1 minute) noise criterion was recorded on the **18 January 2023**. This was mainly caused by engine surges. Dispatch was notified and a follow up noise measurement was undertaken within 75 minutes. Noise levels were compliant during the follow up measurement.

At monitoring location BCC7 – 179 Cobcroft Road:

A 1 dB exceedance of the LAeq (15 minute) noise criterion was recorded on **6 November 2023**. This was mainly caused by the mining continuum. A remeasurement recorded a 2 dB exceedance of the LAeq (15 minute), plus a 2 dB low frequency modifying factor resulting in a 4 dB exceedance. The exceedance was caused by the mining continuum. During the follow up remeasurement on **10 November 2023**, LAeq (15 minute) were 27 dB and LA1 (1 minute) were 33 dB: both levels were compliant. The non-compliance was reported to the

Exceedances were noted and reported. It is recommended to continue monitoring and implement noise mitigation measures are per Noise Management Plan.

S3 C4	Noise generated by the Bulga mine complex is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 7 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria. 4. At the direction of the Planning Secretary, Table 3 above must be replaced with the Table in Appendix 6. <i>Note: This direction will be given following the construction of the proposed noise and visual bund (see the figure in Appendix 2) to a height of 150 m AHD or the start of year 7 of the development under this consent, whichever occurs sooner.</i>	Monthly noise monitoring reports on Bulga Coal website	The EMM Environmental Noise Monitoring Report for October 2024 sighted in Audit. Section 2.5 specifies that monitoring has been undertaken in accordance with the NSW Industrial Noise Policy.	Note	
	Construction Noise 5. Notwithstanding the requirements in condition 3 above, during the daytime construction of the Broke Road realignment, the Applicant must ensure that the noise generated by the Bulga mine complex and the construction of the realignment does not exceed 40dB LAeq (15 min) at any residence on privately-owned land in the vicinity of the road realignment works. Noise generated under this condition is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 7 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria. 5A. Approved construction works must be undertaken during standard construction hours (7am to 6pm, Monday to Friday and 8am to 1pm on Saturdays, excluding Sundays and Public Holidays), unless otherwise agreed by the Planning Secretary.	Audit discussion	There were no construction work on Broke Road during this audit period. As such, this item falls outside of the audit period.	Note	
	Not Triggered				
S3 C5	The Applicant may undertake construction works outside of these hours provided that: (a) the combined operational and construction noise from the development does not exceed the noise criteria established under conditions 3, 4 and 5 of this Schedule; (b) the Applicant has an agreement with the owner/s of the relevant residence/land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement; or (c) an alternative temporary limit has been approved by the Secretary for specific works. 5B. In order to seek an alternative temporary construction noise limit under Condition 5A that exceeds the levels identified in conditions 3, 4 and 5 of this Schedule, the Applicant must submit a Construction Noise Work Protocol to the Secretary for approval, prior to undertaking the nominated construction works. This protocol must: (a) be prepared to the satisfaction of the Secretary; (b) be prepared in consultation with the EPA and any landowners who may be affected by the proposed variation; and (c) address the relevant requirements of the Interim Construction Noise Guideline.	Audit discussion	There were no construction works during this audit period	Not Triggered	
S3 C5A	The Applicant may only undertake construction activities that require a Construction Work Noise Protocol, in accordance with an approved Construction Noise Work Protocol as approved by the Secretary. Noise Operating Conditions 6. The Applicant must: (a) implement all reasonable and feasible measures to minimise the construction, operational, road and rail noise of the development;	Audit discussion	There were no construction works during this audit period	Not Triggered	
S3 C6	(b) only undertake works on the outer face of the bund along Charlton Road between 7am and 7pm; (c) operate a comprehensive noise management system on site that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent; (d) minimise the noise impacts of the development during meteorological conditions when the noise criteria in this consent do not apply (see Appendix 7); and	Noise Management Plan 2022 and 2023 Annual Reviews Site observations Audit discussion Email - daily weather forecast for 5 November 2024 Sentinex dashboard Monthly noise monitoring reports (on Bulga Coal website up to Oct 2024) Audit discussions	The measures are captured in the Noise Management Plan. Compliance is recorded in Annual Reviews (2022 and 2023 provided) and monitoring reports. As noted in this audit above (SSD 4960 Schedule 3 Clause 3), a few exceedances have occurred which were monitored and reported. Noise mitigation measures implemented as sighted are in line with the Plan. Noise and Visual bund is in progress of being constructed. These works occurred outside the audit period The weather forecast for 5 November 2024 was sighted during the audit (an email with predictive graphs on wind, fire rating, weather, predicted dust and noise). These are daily updates. Sentinex dashboard for noise and dust viewed (in real time) during audit. Predictive and real-time data is used to manage site operations, as discussed during audit. As per the EMM noise monitoring reports, all measurements are evaluated for potential modifying factors in accordance with the NPfl. Noise mitigation and operational measures are updated according to alarms from noise monitors regardless of weather conditions.	Non-compliant	NC-3
				Exceedances were noted and reported. It is recommended to continue monitoring and implement noise mitigation measures are per Noise Management Plan.	

	(e) monitor and report on compliance with the relevant noise conditions of this consent, to the satisfaction of the Planning Secretary. Noise Management Plan 7. The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: (a) be prepared in consultation with the EPA, and submitted to the Planning Secretary for approval within 12 months of the date of this consent or prior to commencing vegetation clearing or topsoil stripping for the Eastern Overburden Emplacement, whichever occurs sooner; (b) include a noise monitoring compliance strategy that adequately differentiates noise from the premises to that of surrounding coal mines to determine the level of noise emitted from the premises; (c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent; (d) describe the proposed noise management system in detail; and (e) include a noise monitoring program that: • evaluates and reports on: - o the effectiveness of the noise management system; - o compliance against the noise criteria in this consent; and - o compliance against the noise operating conditions; • includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time (so the real-time noise monitoring program can be used as a trigger for further attended monitoring where there is a risk of non-compliance with the noise criteria in this consent); and • defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents. The Applicant must implement the Noise Management Plan as approved by the Planning Secretary. BLASTING Blasting Criteria 8. The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.	Annuals reviews 2021, 2022, 2023 and monthly attended noise monitoring reports up to Oct 2024 available on Bulga Coal website. Noise Management Plan Approved, along with annual reviews (approval sighted) Page 41 of the Noise Management Plan contains a letter from a nominee of the Planning Secretary approving the plan. Section 5.1.1 of the Noise Management Plan Section 4.1 of the Noise Management Plan Section 4.1 of the Noise Management Plan Section 5.1 of the Noise Management Plan Section 5.1 of the Noise Management Plan Section 5.2.2 of the Noise Management Plan Section 5.6.3 of the Noise Management Plan Noise monitoring reporting, including the annual reviews. Real time monitoring data viewed on sentinex during audit.	Annuals reviews and monthly attended noise monitoring reports are available on the Bulga Coal website for public viewing. There is evidence of ongoing monitoring and reporting as per noise conditions. DPHI/DPIE approval of the Noise MP and Annual Reports sighted, indicating satisfaction of proposed plans (in the MP) and their implementation (as per Annual Reports).	Compliant																												
S3 C7																																
S3 C8	Table 4 - Blasting criteria <table><tr><th>Location</th><th>Airblast overpressure (dB(Lin Peak))</th><th>Ground vibration (mm/s)</th><th>Airblast exceedance</th></tr><tr><td>Residence or privately owned</td><td>120</td><td>10</td><td>0%</td></tr><tr><td>land</td><td>115</td><td>5</td><td>0% of the total number of blasts over a period of 12 months</td></tr><tr><td>•••••/ Suspension towers, P/O Pipeline, and public roads</td><td>-</td><td>100</td><td>0%</td></tr><tr><td>Prescribed dams</td><td>-</td><td>50</td><td>0%</td></tr><tr><td>Historic Heritage items</td><td>-</td><td>5</td><td>0%</td></tr><tr><td>All other public infrastructure</td><td>-</td><td> NI (Unless the Planning Secretary has agreed to an alternative a specific limit determined in accordance with the structural design methodology in AS 2187.3-2005, or its latest version) </td><td>0%</td></tr></table> 8A. With the exception of Prescribed dams and Historic Heritage items, the blasting criteria in Table 4 do not apply if the Applicant has a written agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement. Blasting Hours 9. The Applicant must only carry out blasting on site between 9 am and 5 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Planning Secretary.	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Airblast exceedance	Residence or privately owned	120	10	0%	land	115	5	0% of the total number of blasts over a period of 12 months	•••••/ Suspension towers, P/O Pipeline, and public roads	-	100	0%	Prescribed dams	-	50	0%	Historic Heritage items	-	5	0%	All other public infrastructure	-	NI (Unless the Planning Secretary has agreed to an alternative a specific limit determined in accordance with the structural design methodology in AS 2187.3-2005, or its latest version)	0%	EPL 563: 2021-22 Annual Return -Attachment 3 Blast All results reviewed for the audit period were below criteria. Monitoring Compliance Report EPL 563: 2022-23 Annual Return -Attachment 3 Blast All results reviewed for the audit period were below criteria. Monitoring Compliance Report In EPL 563: 2021-22 Annual Return -Attachment 3 Blast Monitoring Compliance Report - all results were below criteria. In EPL 563: 2022-23 Annual Return -Attachment 3 Blast Monitoring Compliance Report - all results except one were below the nominated criteria; On 22 February 2023, EPA ID No 5 (Dawtreys at Charlton house) recorded an airblast overpressure of 115dB. As 5% of the total blasts can exceed 115dB, but none can exceed 120dB, this result remains within compliance limits.	Compliant	Blast Monitoring Compliance Reports (Attachments to annual returns) would benefit from identifying which criteria are applicable to each location, the type of each location (house, land, etc), highlighting results which exceed criteria and highlighting any blasts which occurred outside of the specified hours or on Sundays, if any. 3
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Airblast exceedance																													
Residence or privately owned	120	10	0%																													
land	115	5	0% of the total number of blasts over a period of 12 months																													
•••••/ Suspension towers, P/O Pipeline, and public roads	-	100	0%																													
Prescribed dams	-	50	0%																													
Historic Heritage items	-	5	0%																													
All other public infrastructure	-	NI (Unless the Planning Secretary has agreed to an alternative a specific limit determined in accordance with the structural design methodology in AS 2187.3-2005, or its latest version)	0%																													
S3 C8A		Agreement with Peggy Hardy signed 21 December 2021 and submitted via Major Projects portal, as sighted at the audit interview.	An agreement with local resident Peggy Hardy for ground peak vibration and overpressure was made (Agreement signed 21 December 2021. Viewed during audit). No exceedances have been made of these agreed levels.	Compliant																												
S3 C9		EPL 563: 2021-22 Annual Return -Attachment 3 Blast Monitoring Compliance Report EPL 563: 2022-23 Annual Return -Attachment 3 Blast Monitoring Compliance Report	In 2022 and 2023, blasting occurred within the set hours. EPL 563: 2021-22 Annual Return -Attachment 3 Blast Monitoring Compliance Report - all within allowed hours. EPL 563: 2022-23 Annual Return -Attachment 3 Blast Monitoring Compliance Report. This year, only one blast was undertaken on a Saturday.	Compliant																												

S3 C10	Blasting Frequency 10. The Applicant must carry out a maximum of: (a) 3 blasts a day; and	-	-	Compliant
	(b) 5 blasts a week, averaged over a calendar year, on the site.	EPL 563: 2021-22 Annual Return -Attachment 3 Blast Monitoring Compliance Report - all below criteria. EPL 563: 2022-23 Annual Return -Attachment 3 Blast Monitoring Compliance Report	The information reviewed in the EPA annual returns for 2022 and 2023 indicates that no more than 3 blasts per day occurred in this period. In the EPL Annual returns, some entries were duplicated, giving the appearance of four blasts per day. The dates and times of these blasts were checked and found to be identical, so there was no non compliance (quality control issue only)	
S3 C11	This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, blast misfires or blasts required to ensure the safety of the mine, its workers or the general public. <i>Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine. For the avoidance of doubt, should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast for the purpose of calculating the maximum number of daily and weekly blasts under this condition.</i> Property Inspections 11. If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit/s on site for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection updated, then within 2 months of receiving this request the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to: • establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and • identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and (b) give the landowner a copy of the new or updated property inspection report. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution. Property Investigations 12. If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and (b) give the landowner a copy of the property investigation report. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.	NA	This has not occurred during this audit period.	Note
	(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to: • establish the baseline condition of any buildings and other structures on the land, or update the previous property inspection report; and • identify measures that should be implemented to minimise the potential blasting impacts of the development on these buildings and/or structures; and (b) give the landowner a copy of the new or updated property inspection report. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the property inspection report, either party may refer the matter to the Planning Secretary for resolution. Property Investigations 12. If the owner of any privately-owned land claims that buildings and/or structures on his/her land have been damaged as a result of blasting on the site, then within 2 months of receiving this claim the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and (b) give the landowner a copy of the property investigation report. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.	Section 4.2.2 of the Blast Management Plan Audit discussions	Section 4.2.2 of the Blast Management Plan states: Notification has been provided to private landowners within 2 kilometres of any approved open cut pit that they are entitled to an inspection to establish the baseline condition of any buildings/structures on their land. No requests from private owners were made during this audit period.	Not Triggered
S3 C12	(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and (b) give the landowner a copy of the property investigation report. If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary. If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.	Section 5.2.1 of the Blast Management Plan Audit discussions	No claims for building or structural damage were made within this audit period	Not Triggered

S3 C13	Blasting Operating Conditions 13. During mining operations on site, the Applicant must:	-	The 2021 IEA had raised a non-compliance on this condition, with recommendation to continue to ensure equipment is regularly serviced, maintained, and is fit for purpose. This condition is assessed as compliant in this audit.	
	(a) take all reasonable steps to:	-	Blasting is undertaken in accordance with the Blast Management Plan. Monitoring is carried out to assess air blast overpressure and ground vibration impacts to the nearest privately owned residents. A comparison of the monitoring results is included in the Annual Reviews, where it is stated that the results are consistent with predictions at the EIS phase. A pre-blast risk management process is followed as detailed in the Blast Management Plan. The process follows through design checklist, weather/dust assessment, blast notifications, blast clearance, overpressure assessment etc focusing on safety of people and livestock, private and public infrastructure and emissions.	
S3 C14		Blast Management Plan v14Oct 2021		Compliant
	- protect the safety of people and livestock from blasting impacts in the surrounding area from blasting operations; - protect public or private infrastructure/property in the surrounding area from any damage from blasting operations; and - minimise the dust and fume emissions of any blasting;	Monthly noise monitoring reports on the Bulga Coal website.		
	(b) ensure that blasting on site does not damage the 'Mount Leonard' Homestead, Mt Leonards Public School (Scout Hall), Charlton (BH14), Bulga Bridge, St Andrews Anglican Church, or the Loders Creek grinding groove site (prior to relocation);	BH14 Charlton House 2024 Structural Assessment		
	(c) minimise the frequency and duration of any public road closures, and avoid road closures for blasting during peak traffic periods;	Broke Cemetery 2024 Structural Assessment	Structural assessment reports sighted and no damage reported.	
		Mt Leonard 2024 Structural Assessment		
S3 C14	(d) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site and associated road closures, including, on request, notification via SMS message (or alternative means as agreed) of the blasting schedule and associated public road closures for that day and any variations to that schedule and closures;	St Andrews Anglican Church 2024 Structural Assessment	According to the website, the firing window is between the hours of 9.00am and 5.00pm.	Compliant
	(e) use all reasonable efforts to co-ordinate the timing of blasting on site with the timing of blasting at the Mt Thorley and Warkworth mines to minimise any cumulative blasting impacts;	Blast schedule for November 2024	Blast schedule for November 2024 viewed on website, along with a phone number relating to blasting activities and road closures.	
	(f) carry out regular blast monitoring and report on compliance with the relevant blasting conditions in this consent, to the satisfaction of the Planning Secretary.	Example of blasting notification for 1 November (email) sighted. Provided to Yancoal and Council.	There is evidence of ongoing collaboration across blasting activities.	
		Annual reviews (2022 and 2023). Blast reports in EPL annual returns.	There is evidence of ongoing reporting of blasting activities, monitoring results and compliance evaluation in the sighted documentation.	
	14. The Applicant must not undertake blasting on site within 500 metres of: (a) any public road; or			
S3 C15	(b) any land outside the site that is not owned by the Applicant, unless: the Applicant has a written agreement with the applicable roads authority or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or	Section 4.1.5 of the Blast Management Plan. The Blast Management Plan was sent to Singleton Council for consultation. The Section 138 road closure and blast pack associated with proximity to road from Singleton Council signed 2 Jul 2024. Blast Checklists completed for Deep pit blasts dated 1 November 2024 and 3 October 2024	Only relevant for Broke Road and there is sufficient distance. Singleton Council is the Roads Authority on this road. The 500m separation is adhere to, for public road. Section 138 road closure and blast pack associated with proximity to road sighted. Blast Checklists completed for Deep pit blasts dated 1 Nov 2024 and 3 Oct 2024 sighted. The Section 138 road closure and blast pack associated with proximity to road from Singleton Council sighted. There is no other written agreement with a road authority in place.	Compliant
	- the Applicant has: - o demonstrated to the satisfaction of the Planning Secretary that the blasting can be carried out closer to the road or land without compromising the safety of people or livestock, or damaging roads, buildings and/or structures; and - o updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the road or land.	Annual Review 2022 and 2023.	No blast exceeded the overpressure or ground vibration exceedance criteria during this audit period.	
	Blast Management Plan 15. The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	Section 4.1.5 of the Blast Management Plan.	Blast MP includes the relevant information.	
	(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;	Letter from Stephen O'Donoghue, a nominee of the Secretary of DPIE, dated 18 October 2021	Page 51 of The Blast Management Plan contains a letter from Stephen O'Donoghue, a nominee of the Secretary of DPIE, dated 18 October 2021, approving the Blast Management Plan.	
	(b) be prepared in consultation with the EPA, and submitted to the Planning Secretary for approval within 3 months of the approval of Modification 3;	Letter from DPIE, dated 16 September 2020	Page 50 of the Blast Management Plan contains a letter from DPIE, dated 16 September 2020, approving the appointment of Thomas Lewandowski of Enviro Strara Consulting Pty Ltd to prepare the Blast Management Plan.	
S3 C15	(c) describe the blast management system and measures that would be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;	Letter from the NSW EPA, dated 13 August 2021	Page 50 of the Blast Management Plan contains a letter from the NSW EPA, 13 August 2021, stating that the EPA has not reviewed the Blast Management Plan, given their role as a regulatory authority.	Compliant
	(d) include a Blast Fume Management Strategy for:			
	(i) minimising blast fume emissions;			
	(ii) rating and recording blast fume events; and	Blast Management Plan	Included in Section 4 of the Blast Management Plan - Implementation Included in Section 4.1.4 of the Blast Management Plan Included in Section 4.1.4.2 of the Blast Management Plan Included in Section 5.1.2 and Appendix A of the Blast Management Plan Included in Section 5.4 and Section 4.3.1 of the Blast Management Plan	
	(iii) reporting significant blast fume events to the Department and to the EPA;			
S3 C15	(e) include a Road Closure Management Plan for any blasting within 500 metres of a public road, that has been prepared in consultation with relevant roads authorities and includes provisions for minimising the duration of closures		Included in Section 4.1.5 of the Blast Management Plan. Consultation with relevant road authorities includes: Singleton Council section 138 approvals for road closure for blasting, Traffic Control Plans approved by Singleton Council.	Compliant
	(f) propose and justify any alternative ground vibration limits for any public infrastructure in the vicinity of the site (if relevant); and	NA	This was not required, not triggered.	

(g) include a monitoring program for evaluating and reporting on compliance with the blasting criteria and operating conditions; and
(h) include an agreed strategy for the management of potential blast interactions with any approved and/or developed underground workings for the Bulga Underground Mine, and includes details of:
(i) systems for the prior and timely notification of scheduled blasting and subsidence activities;
(ii) personnel evacuation and safety protocols for specific blast events; and
(iii) procedures and protocols for managing the interaction of the two mines.
The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.

AIR QUALITY

Air Quality Criteria

16. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the particulate matter emissions generated by the Bulga mine complex do not exceed the criteria listed in Table 5 at any residence on privately-owned land.

Blast Management Plan

Annual Reviews for 2022 and 2023.
Audit discussions

Included in Section 5 of the Blast Management Plan

Included in Section 4.1.8 of the Blast Management Plan

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Implementation of the Blast Management Plan is evidenced in the 2022 and 2023 Annual Reviews.

In 2023:

There were no exceedances of the depositional dust (particulate matter) criteria.
High volume annual averages were below the relevant criteria at all locations.
Three days recorded an exceedance of the continuous 24-hour average criterion (one at Dawtrely, two at Mitchell Line Road). Exceedances recorded during September and October 2023 were investigated and results indicated that Bulga contributed to less than 50 µg/m³. Investigations conducted into these events indicate that Bulga Complex did not significantly contribute to the elevated levels (see Q4 2023 Todoroski Report).
The annual PM2.5 averages and maximums were below the relevant criteria.
In 2022:

There were no exceedances of the depositional dust criteria
High volume annual averages were below the relevant criteria at all locations.
There were no exceedances of the average or maximum PM2.5 or PM10 criteria.
The D2 monitor (Hill St) did not record valid data from the start of the reporting period to 29 April 2022. Investigations concluded that the heater and temperature sensor cable were faulty and were replaced on the 29 April 2022.
Several exceedances of 50ug/m3 criteria noted. Notifications to the secretary and investigation of Bulga mine's contribution of this documented in the Todoroski reports.
Example given was PM10 data for 25 October 2023, dated 1 November 2023.

Non-compliant

NC-4

It is noted that a faulty probe was identified and rectified in time. It is recommended to make sure all probes are in working order and exceedances are minimised.

Table 5: Air quality criteria

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM ₁₀)	Annual	A ≤ 25 µg/m³
	24 hour	B 50 µg/m³
Particulate matter < 2.5 µm (PM _{2.5})	Annual	A ≤ 8 µg/m³
	24 hour	B 25 µg/m³
Total suspended particulate (TSP) matter	Annual	A ≤ 90 µg/m³
^a Deposited dust	Annual	B 2 g/m²/month A 4 g/m²/month

Air Quality Monitoring Data Review and Analysis at Bulga Complex 2023, dated 26 February 2023 by Todoroski Air Sciences Pty Ltd

2023 and 2022 Annual Reports

Air quality monitoring reports (quarterly)

Notes: a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources)
b Incremental impact (i.e. incremental increase in concentrations due to the development on its own). c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary. d Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.

16A. The air quality criteria in Table 5 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.

Mine-owned Land

17. The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Bulga mine complex do not cause exceedances of the criteria in Tables 5, 6 and 7 at any occupied residence on mine-owned land (including land owned by another mining company) unless:

(a) the tenant or landowner (if the residence is owned by another mining company) has been notified of any health risks associated with such exceedances in accordance with the notification requirements in schedule 4 of this consent;

(b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days' notice;
(c) air quality monitoring is regularly undertaken to inform the tenant or landowner (if the residence is owned by another mining company) of the actual particulate emissions at the residence; and

(d) data from this monitoring is presented to the tenant or landowner (if the residence is owned by another mining company) in an appropriate format for a medical practitioner to assist the tenant or landowner in making informed decisions on the health risks associated with occupying the residence, to the satisfaction of the Planning Secretary.

Agreement with P Hardy for Air quality signed 21 December 2021

Section 7.4.3 of the Air Quality and Greenhouse Gas Management Plan

Mine Dust and You fact sheet (sighted during audit)
Lease agreement template (sighted during audit)

Residential Tenancy agreement

Air Quality Management Plan
Annual Reports 2022, 2023
Air Quality monitoring quarterly reports
-

There is an agreement with P Hardy for air quality.

There are several residences within mine-owned land.
None of the particulate matter exceedances noted against condition 16 above were found to be from the mine based on the investigations reports. As such, notification was not triggered. Each exceedance is reported through the major projects portal to Planning. The 19 September 2023 exceedance notification was sighted in the audit, however this does not relate to onsite exceedances (not triggered).

Mine dust and housing is part of the tenancy agreement. A lease agreement template was viewed. Clause 3, possible effects of mining refers the fact sheet "Mine dust and You". This fact sheet was sighted during the audit.
Example of residential tenancy agreement sighted during audit. The 14 day notice period is given in clause 43.4.
There are 15 properties and only a few have monitors in place. Since there are no exceedances during this period, this condition is not triggered. The nearest residence is at Dawtrely and has a monitor, the next nearest is Peggy Hardy's property, which has a monitor and is not mine owned.

Not triggered.

The Air Quality Management Plan and Annual Reports have been approved by Planning.

Note

Note

Compliant

Compliant

Air Quality Operating Conditions

S3 C18	18. The Applicant must: (a) implement all reasonable and feasible measures to:	-	Implementation was evidenced in the Annual reviews 2022 and 2023 (and appendices containing annual air quality report, such as appendix B of 2023), as well as the Quarterly air quality monitoring reports (available on the public website - 2024 Q3 report was sighted during the audit).	
	(i) minimise odour, fume and particulate matter (including PM10 and PM2.5) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;	Air Quality and Greenhouse Gas Management Plan.	Measures are documented in Section 6.1 and Section 6.2 of the Air Quality and Greenhouse Gas Management Plan. There is also the camera network and watercarts sighted during site visits on 4 and 5 November. Sentinelx alarm system also sighted.	
	(ii) eliminate or minimise the risk of spontaneous combustion;	Air Quality and Greenhouse Gas Management Plan Stockpile management - spontaneous combustion principle hazard management plan (sighted during audit).	Measures are documented in Section 6.3 of the Air Quality and Greenhouse Gas Management Plan. The clean coal stockpile has occasional heating issues. The Stockpile management spontaneous combustion principle hazard management plan sighted during audit. Section 4.5 discusses stockpiles, section 5 discusses monitoring.	
	(iii) improve energy efficiency and reduce greenhouse gas emissions of the development;	Air Quality and Greenhouse Gas Management Plan.	Detailed in Section 6.4 of the Air Quality and Greenhouse Gas Management Plan	
	(iv) minimise any visible air pollution generated by the development;		Detailed in Section 6.1 and Appendix B of the Air Quality and Greenhouse Gas Management Plan. Appendix B, Bulga Open Cut Air Quality Management Trigger Action Response Procedure, links to a website which is not available. Air Quality Management Procedure sighted during audit (available on website). During the audit site walkover, a large plume of dust was seen to escape from the western sections of the development where parts of the Noise and Visual Bund was yet to be landscaped	Make sure surfaces are covered or dust suppressed to avoid dust / particulate matter being disturbed and carried by wind.
	(v) minimise the surface disturbance of the site;	Air Quality and Greenhouse Gas Management Plan.	Detailed in Section 6.1 of the Air Quality and Greenhouse Gas Management Plan	
	(b) ensure that all new 'non-road' mobile diesel equipment used in undertaking the development includes reasonable and feasible diesel emissions reduction technology;	Air Quality and Greenhouse Gas Management Plan.	Detailed in Section 6.5 of the Air Quality and Greenhouse Gas Management Plan	
	(c) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting, predictive air dispersion modelling and real-time air quality monitoring data to guide the day-to-day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;		Appendix B Bulga Open Cut Air Quality Management Trigger Action Response Procedure links to a website which is not available. Air Quality Management Procedure sighted during audit (available on website).	Compliant
	(d) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note c to Table 5 above);	Air Quality and Greenhouse Gas Management Plan Appendix B of the Air Quality and Greenhouse Gas Management Plan The Sentinelx system with forecasting and alarms, and the air quality TARP.	Appendix B Bulga Open Cut Air Quality Management Trigger Action Response Procedure links to a website which is not available. Air Quality Management Procedure sighted during audit (available on website).	
	(e) minimise the air quality impacts of the development on air quality-affected land referred to in Table 1 for as long as the land remains privately-owned (i.e.. until it is acquired);		Appendix A - Air Quality Statutory Requirements of the AQGGMP gives Section 7.4.3 of the Air Quality and Greenhouse Gas Management Plan as the relevant section of the Plan in response to this requirement. However, this section does not exist. Section 5.4.3 discusses land recommended for acquisition, but not the minimisation of air quality impacts at these locations. 7.3.2 talks about notification to landowners. Property 1A remains privately owned, Mt Thorleigh has the major contribution. The Hedley air monitor records impacts and can be used to predict Bulga's contribution to dust at this location.	O-5
S3 C19	(f) manage activities at the Eastern Overburden Emplacement Area to minimise potential air quality impacts on the mushroom composting facility during its operating hours, to the greatest extent practicable;	Air Quality and Greenhouse Gas Management Plan		Review and update the Appendix A of AQGGMP with correct referencing for requirements and compliance
	(g) use all reasonable efforts to co-ordinate the air quality management at the Bulga mine complex with the air quality management at the Mt Thorley and Warkworth mines to minimise any cumulative air quality impacts;	Air Quality and Greenhouse Gas Management Plan, Eastern Emplacement Area Air Quality Management Framework	Addressed in the Eastern Emplacement Area Air Quality Management Framework and Section 6.10 of the Air Quality and Greenhouse Gas Management Plan	
	(h) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and	Air Quality and Greenhouse Gas Management Plan Example blast notification (sighted during audit)	Addressed in Section 6.9 of the Air Quality and Greenhouse Gas Management Plan. An example of a blast notification was sighted as part of this audit.	
	(i) regularly assess meteorological and air quality monitoring data and modify operations on the site to ensure compliance with the relevant conditions of this consent, to the satisfaction of the Planning Secretary.	Air Quality and Greenhouse Gas Management Plan Quarterly air quality monitoring reports, Annual Reports	Section 7.1 of the Air Quality and Greenhouse Gas Management Plan and air quality monitoring reports available on the website demonstrate addressing this requirement.	
	Eastern Emplacement Area	Air Quality and Greenhouse Gas Management Plan Predictive forecast email for 5 November 2024	Appendix B of the Air Quality and Greenhouse Gas Management Plan. Captured in the TARP. Predictive forecast email for 5 November 2024 sighted during audit.	
	19. The Applicant must prepare an EEAMF for the development to the satisfaction of the Planning Secretary. The EEAMF must:	-	-	
	(a) be prepared in consultation with the owners of the mushroom composting facility and the Technical Review Committee established in accordance with condition 20 of schedule 3;	Plan for Eastern Emplacement Area Management Framework	This framework has been prepared. Evidence of input by the Technical Review Committee, which the owners of the Mushroom composting facility take part in is provided in Section 6 of the Plan for Eastern Emplacement Area Management Framework.	
	(b) incorporate the recommendations of the letter from Todoroski Air Sciences dated 21 October 2014 (see Appendix 8);	Plan for Eastern Emplacement Area Management Framework Plan for Eastern Emplacement Area Management Framework	The Todoroski Letter forms Appendix 2 of the Plan for Eastern Emplacement Area Management Framework.	

S3 C20	(c) establish air quality assessment criteria for the development with regard to impacts on the mushroom composting facility during its approved operating hours;	Plan for Eastern Emplacement Area Management Framework	The criteria is established in Section 2 of the Plan for Eastern Emplacement Area Management Framework.	The EEAMF should address the requirement for establishing AQ trigger levels for the required 1-hr, 2-hr, 3-hr and 4-hr timeframes. Observation O-6
	(d) establish air quality trigger levels to initiate a management response for activities at the Eastern Emplacement Area, including for 1-hour, 2-hour, 3-hour and 4-hour periods;			
	(e) include modelling to predict the effects of the Eastern Emplacement Area on local meteorological conditions and design the emplacement operations accordingly;	Plan for Eastern Emplacement Area Management Framework	A Trigger Action Response Plan is included in Table 4-1 of the Plan for Eastern Emplacement Area Management Framework. The criteria applies to 13 hour work periods for worker health and safety at Mushroom Composting Facility, however the 1-hour, 2-hour, 3-hour and 4-hour periods is not clear. Addressed in Section 4.3 of the Plan for Eastern Emplacement Area Management Framework.	
	(f) include modelling to predict the generation of dust from various sources within the Eastern Emplacement Area;	Plan for Eastern Emplacement Area Management Framework	Weather forecast email for 5 November 2024 was sighted as part of the audit. It covers the whole site, including the EEA. Modelling was built into trigger levels, which are used to inform alarms. The Annual Review compared results with predictions. The Todoroski report compares the modelled and measured conditions. Addressed in Section 4.3 of the Plan for Eastern Emplacement Area Management Framework.	
	(g) outline a monitoring program to measure background air quality levels, meteorological conditions and air quality during operations at the Eastern Emplacement Area;	Plan for Eastern Emplacement Area Management Framework	Weather forecast email for 5 November 2024	
	(h) describe predictive meteorological forecasting to ensure operations at the Eastern Emplacement Area are planned to minimise air quality impacts on the mushroom composting facility;	Plan for Eastern Emplacement Area Management Framework	Addressed in Section 3 of the Plan for Eastern Emplacement Area Management Framework.	
	(i) describe management responses to exceedances of air quality criteria and trigger levels; and	Plan for Eastern Emplacement Area Management Framework	Addressed in Section 4.3 of the Plan for Eastern Emplacement Area Management Framework.	
	(j) (deleted)	Plan for Eastern Emplacement Area Management Framework	A Trigger Action Response Plan is included in Table 4-1 of the Plan for Eastern Emplacement Area Management Framework.	
	(k) describe the function of the Technical Review Committee required by condition 20 of schedule 3.	Plan for Eastern Emplacement Area Management Framework	Section 6 of the Plan for Eastern Emplacement Area Management Framework.	
	The Applicant must implement the approved EEAMF as approved by the Planning Secretary.	Plan for Eastern Emplacement Area Management Framework	The 2023 Annual Review reports that exceedances are not attributable to Bulga. This is supported by the 2023 Todoroski Report.	
S3 C20	The Applicant must not commence vegetation clearing or topsoil stripping for the Eastern Overburden Emplacement before the Planning Secretary has approved the EEAMF.		Outside the period for this audit (2016)	Compliant
	20. The Applicant must:	-	-	
	(a) establish and fund a Technical Review Committee to oversee the management of air quality impacts on the mushroom composting facility. This committee must:			
	• comprise representatives of the mushroom composting facility, the Applicant and an independent air quality expert whose appointment has been approved by the Planning Secretary in consultation with the EPA;		Addressed in Section 6 of the Plan for Eastern Emplacement Area Management Framework. Addressed in Section 6 of the Plan for Eastern Emplacement Area Management Framework. Letter from Secretary's nominee dated 5 of June 2017 accepting David Rollings as independent air quality expert. Addressed in Section 6 of the Plan for Eastern Emplacement Area Management Framework. The Technical Review Committee meeting minutes from June 2023 were sighted during the audit. David Rollings was the chair.	
	• be chaired by the appointed independent air quality expert;			
	• meet:			
	o at least monthly during the preparation of the Air Quality Management Plan and during the first 3 months of operations at the Eastern Emplacement Area;		Addressed in Appendix 1B – Summary Report – Independent Chair – Nov 2015, of the Plan for Eastern Emplacement Area Management Framework.	
	o at least twice yearly during overburden emplacement operations at the Eastern Emplacement Area; and		The committee meets twice yearly. The Technical Review Committee meeting minutes from June 2023 and May 2024 were sighted during the audit. David Rollings was the chair.	
	o more frequently if mining operations exceed the relevant air quality assessment criteria;	Plan for Eastern Emplacement Area Management Framework		
S3 C20		Technical Review Committee meeting minutes from June 2023 and May 2024 were sighted during the audit.	The committee meets twice yearly. The Technical Review Committee meeting minutes from June 2023 and May 2024 were sighted during the audit. David Rollings was the chair. No exceedances attributable to Bulga in the past 3 years. No recommended improvements.	Compliant
	• review the implementation of the EEAMF and Air Quality Management Plan as it relates to the mushroom composting facility; and			
	• recommend any necessary improvements to the management of air quality impacts on the mushroom composting facility, including:			
	o modifying, restricting or ceasing emplacement operations during the operational hours of the mushroom composting facility;			
	o the application of air quality trigger levels used to initiate mitigation measures;			
	o meteorological and air quality monitoring; and		Equipment shut down and operations at EEA ceased during alarms from TARP.	

	o additional mitigation at the mushroom composting facility, where appropriate; • have clear procedures for handling any disputes within the Technical Review Committee; and (b) implement any reasonable and feasible recommendations of the Technical Review Committee within the recommended timeframes, to the satisfaction of the Planning Secretary. If there is any dispute about either the recommended measures to be implemented or the implementation of any recommendations of the Technical Review Committee, then the dispute must be referred to the Planning Secretary for resolution. The Planning Secretary's decision on any dispute must be final. Notes: • <i>If the owners of the mushroom composting facility do not agree to be represented on the Technical Review Committee then the Applicant must appoint a second independent air quality expert to the committee.</i> • <i>The appointment of this expert must be approved by the Planning Secretary.</i>		As per the TARP, notification of MC (phone alarms sent to MC), evaluation of dust sources, factors contributing to air quality and consultation regarding actions. Part of the EEA Framework in section 6.1 Dispute resolution. There were no recommendations for improvement as per the Technical Review committee meeting records.
S3 C21	21. (deleted) Air Quality and Greenhouse Gas Management Plan 22. The Applicant must prepare a detailed Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: (a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;		Not during this audit period.
S3 C22	(b) be prepared in consultation with the EPA and the Technical Review Committee established in accordance with condition 20, and submitted to the Planning Secretary for approval within 3 months of the approval of Modification 3; (c) describe the measures that would be implemented to ensure: (i) compliance with air quality criteria and operating conditions of this consent; (ii) best practice management is being employed to: • minimise the development's air quality impacts; • minimise the development's Scope 1 and 2 greenhouse gas emissions; and • improve the development's energy efficiency; and (d) describe the air quality management system in detail; and (e) include an air quality monitoring program, undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), that: • establishes a diesel combustion emissions baseline; • uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of mining operations; • adequately supports the proactive and reactive air quality management system; • evaluates and reports on: - o the effectiveness of the air quality management system; and - o compliance with the air quality operating conditions; and • defines what constitutes an air quality incident, and includes a protocol for identifying any air quality exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events; and (f) include detailed measures to manage air quality impacts on the mushroom composting facility, as described in the EEAMF. The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.	AQGGMP March 2024 available on Bulga Coal website AQGGMP approval letter dated 9 May 202	Not during this audit period. Note Not applicable. Approval by Planning was not included in the Air Quality and Greenhouse Gas Management Plan. Separate correspondence from Planning approving the Plan on 9 May 2022 sighted during the audit. The 2021 IEA raised an NC and recommended that the AQGGMP should include evidence of approval of the suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary along with evidence of consultation with the EPA in Appendix C. Appointment of experts by DPIE letter dated 16 Sept 2020 is included in Appendix C of the AQGGMP and EPA consultation (response 1 Sept 2021) is provided in Appendix D. These requirements are addressed in Sections 6 and 7 of AQGGMP. Section 5 of the AQGGMP describes air quality management system. Section 7.1 of the AQGGMP provides air quality monitoring program - this does not include diesel combustion emissions baseline. Section 6.5 specifically details management of diesel combustion emissions. Section 5.2.3 includes diesel exhaust emissions baseline data.
S3 C23	METEOROLOGICAL MONITORING 23. During the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that: (a) complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales (DEC, 2007) guideline; and (b) is capable of measuring meteorological conditions in accordance with the NSW Industrial Noise Policy (EPA, 2000), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.	Annual reviews for 2022 and 2023. Quarterly air quality monitoring reports Site observation Todoroski Report of 24 May 2022	Implementation of measures from AQGGMP are reported in the Annual Reviews and Air quality quarterly monitoring reports, available on Bulga website. The Annual Reports have been approved by DPHI. Met station sighted during the site visit. Assessment of compliance against Australian standards and monitoring requirements was undertaken by Todoroski in 24 May 2022 (sighted by audit). Yes, there is a statement of compliance in the Todoroski Report of 24 May 2022 (sighted by audit). Compliant
S3 C24	WATER Water Supply 24. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply.	CITECT system screen sighted at the audit, weekly reporting of water data.	Citetec water level management, monthly and weekly water balance review of storages on site. Weekly report for 10 November 2024 sighted during audit.

Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain necessary water licences for the development, including during rehabilitation and post mine closure

24A. The Applicant must report on water extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence for the development. The Applicant must also report on any water transferred to/from the site each year (direct and indirect) in the Annual Review, including water taken under water licences that apply to other mining operations.

S3 C24A

Water Transfers

25. The Applicant may receive water from, and transfer water to, the Mt Thorley mine.

S3 C25

Water Discharges

26. Unless an EPL or the EPA authorises otherwise, The Applicant must ensure that all surface water discharges from the site comply with the:

S3 C26

(a) discharge limits (both volume and quality) set for the development in any EPL; and

(b) relevant provisions of the POEO Act or Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.

Annual Review 2022 and 2023.

Annual Review 2022 and 2023.

Hunter River Salinity Trading Scheme (HRSTS) reports 2021-2022, 2022-2023 and EPL Annual return.

Annual Review 2022 Table 2
Annual Review 2023 Section 11

Note: For the avoidance of doubt, it is noted that the EPA will determine the cumulative allowable salinity discharges to the Hunter River catchment, according to rules of the Hunter River Salinity Trading Scheme and the respective quantities of tradeable salinity credits held by participants in the scheme (including the Mount Thorley Mine and other nearby mining operations).

Water Management Performance Measures

27. The Applicant must comply with the performance measures in Table 8 to the satisfaction of the Planning Secretary.

S3 C27

Table 8: Water management performance measures	
Feature	Performance Measure
Water management – General	Minimise the size of clean water on site Minimise the need for make-up water from external supplies Minimise cumulative water impacts with the other mines in the region
Construction and operation of infrastructure	Design, install and maintain erosion and sediment controls generally in accordance with the series Managing Urban Stormwater - Soils and Construction including Volume 1, Volume 2A – Installation of Services and Volume 2C – Unsettled Floats Design, install and maintain the infrastructure within 40 m of watercourses generally in accordance with DPI Water Controlled Activities Guidelines (2012), or its latest version Design, install and maintain any creek crossings generally in accordance with the Policy and Guidelines for Fish Friendly Waterway Crossings (NSW Fisheries 2003) and Why Go Fish? Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003), or their latest versions
Clean water diversion & storage infrastructure	Design, install and maintain the clean water system to capture and convey the 100 year ARI flood Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site
Sediment dams	Design, install and maintain the dams generally in accordance with the series Managing Urban Stormwater - Soils and Construction – Volume 1 and Volume 2E Mines and Quarries
Mine water storages	Design, install and maintain mine water storage infrastructure to ensure no unlicensed or uncontrolled discharge of mine water off-site Design, install and maintain on-site storages including tailings dams, mine infrastructure dams, groundwater storage and treatment dams) to minimise permeability Ensure adequate freeboard within the pit void at all times to minimise the risk of discharge to surface waters
Tailings storage	Design and maintain tailings storage areas to maximise recovery of tailings from water Design and maintain tailings storage areas to encapsulate and prevent the movement of tailings leachate/acidate off-site, where reasonable and feasible
Overburden emplacements	Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and toxic material Design, install and maintain emplacements to prevent and/or manage long term tailing groundwater seepage
Chemical and hydrocarbon storage	Chemical and hydrocarbon products to be stored in builded areas in accordance with the relevant Australian Standards
Aquatic and riparian ecosystem	Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures (DECC 2006), or its latest version

2021 IEA report and Bulga Coal's Proposed Actions document

20220308 Initial spill notification to DPE

20220325 Incident report

20230622 Final response from the DPHI – Warning Letter

Annual Reports 2022, 2023 (section 11)

Dangerous Goods Facilities compliance assessment for Bulga Coal by Moore Management 17 July 2023.

Four water licences are associated with the open cut. Three provide Sydney Hardrock Aquifer water draw. One licence for inferred leakage from Wollombi Brook alluvial aquifer.

Note

Compliant

Annual Review reports include Water Management reporting in section 7, including water balance, water take, comparison against predictions, trend analysis etc.

This occurs (receipt of water). It is tracked in Citect and reported in the Annual Reviews. It is also allowed under a condition of the EPL.

Compliant

Annual Report 2022 reported discharge of sediment laden water from a dirty water drain into a clean water catchment, caused by significant rainfall. Spill from mine water dam C3 also occurred due to weather event. In May 2022, discharge of mine water from a pipeline into a clean water tributary of the Nine Mile Creek catchment occurred due to the disconnection of a temporary mine water pipeline (EPA issued a PIN for this event). These events were identified and reported as required.

Annual Report 2023 reported a failure to continuously operate communication equipment at the HRSTS discharge point (EPA monitoring point 11).

Non-compliant

It is recommended to make sure all plant, equipment and probes are in working order and failures are reported and corrected on time

NC-5

Note

The 2021 IEA raised an NC and recommended regular inspections and maintenance of drainage infrastructure to avoid preventable discharge events and to review water infrastructure design where required. It also recommended to ensure chemical and hydrocarbon storage is reviewed for compliance.

Underground goaf water and neighbouring mine water used.
Capture of dirty water for reuse and dust control (capture and primary treatment systems sighted).

Compliant

There was an incident reported related to a natural event.

Warning letter sent by Planning in June 2023 for spill from dam C3 (mine water) in March 2022, due to rain event. This was based on a self report from Bulga. The catchments within the CHPP area have since been upgraded. The Water Management Plan was updated to show the plan for this. Works as executed surveying in 2023 (1 September 2023) by WSP for the nine mile creek revised detailed design was sighted by the audit team. The 2023 Annual review reported on this upgrade, and was provided and accepted by Planning.

Site water management plan describes facilities and their design specifications.
Hydrocarbon management plan and chemical bund procedure were documented in 2023
Dangerous Goods Facilities compliance assessment for Bulga Coal by Moore Management 17 July 2023 sighted.

It is noted that previous NC has been acted upon and measures have been implemented to address the sediment dam spill incident.

S3 C28	Water Management Plan 28. The Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: (a) be prepared in consultation with the EPA, DPIE Water and BCD, by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary; (b) be submitted to the Planning Secretary for approval within 3 months of the approval of Modification 3; and (c) in addition to the standard requirements for management plans (see condition 3 of schedule 5), include a: (i) Site Water Balance that: • includes details of: - o sources and security of water supply, including contingency planning for future reporting periods; - o water use and management on site, including details of water sharing between neighbouring mining operations; - o Water Access Licences held for the development; - o any off-site water transfers and discharges; - o reporting procedures, including the preparation of a site water balance for each calendar year; • investigates and implements all reasonable and feasible measures to minimise water use on site; and • builds on any improvements identified in periodic reviews and the results of water monitoring data, to inform and update future modelling and reporting; (ii) Surface Water Management Plan, that includes: • detailed baseline data on surface water flows and quality in the watercourses that could potentially be affected by the development; • a detailed description of the water management system on site, including the: - o clean water diversion systems; - o erosion and sediment controls and works (mine water system); - o dredging, extraction, reprocessing and redistribution of coal reject materials; and Water Management Plan 2021 v4 15 Oct 2021 - o mine water management systems including irrigation areas; • detailed plans, including design objectives and performance criteria, for: - o design and management of final voids; - o design and management for the handling, transfer, emplacement and capping of coal reject materials; - o reinstatement of drainage lines on the rehabilitated areas of the site; and - o control of any potential water pollution from the rehabilitated areas of the site; • performance criteria for the following, including trigger levels for investigating any potentially adverse impacts (or trends) associated with the development: - o mine water management system; - o surface water quality of Loders Creek and Wollombi Brook; - o channel stability, stream and riparian vegetation health of Loders Creek and Wollombi Brook; and - o post-mining water pollution from rehabilitated areas of the site; • a program to monitor and report on: - o the effectiveness of the mine water management system; and - o surface water flows and quality, stream and riparian vegetation health in Loders Creek and Wollombi Brook potentially affected by the development; • a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the development; and (iii) Groundwater Management Plan, which includes: • detailed baseline data on groundwater levels, yield and quality in the region, and privately-owned groundwater bores, that could be affected by the development; • groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;	Water Management Plan Appendix A has Letter from Planning 14 October 2021 approving the Plan Compliant There is a statement of compliance in section 1.1 of the WMP, and a letter of approval of Mr Anthony Marzsaleck of HEC Consulting from the nominee of the Planning Secretary, dated 13 February 2020. A letter from the NSW EPA dated 30 October 2020 stating "Being a regulatory authority, the EPA's role is to set environmental management objectives rather than being directly involved in the development of strategies to achieve those objectives. Accordingly, the EPA has not reviewed this management plan". Consultation with BCD noted as email response on 28 Jan 2021. Appendix B of the plan includes DPIE approval of water expert to prepare the Site Water Management Plan. Section 13 of the plan says DPIE and the NRAR will be consulted whenever this document is revised or updated. Section 18.3 table 31 states that Draft 3 of Version 4 included consultation comments from DPIE (received 13 May 2021) and from NRAR (received 26 April 2021), which was then finalised as Version 4 (final) including DPIE approval letter. Mod 3 was approved in July 2020. Therefore, this item is outside of the current audit period. Section 6, Section 2.5.3, Section 5.4, Section 12 of the Water Management Plan Improvement to the model is work in progress. Section 8 of the Water Management Plan Section 8.1 of the Water Management Plan Section 5 of the Water Management Plan Section 4, Section 5.2.3, Section 8.3.2 & Section 11 of the Water management Plan Section 8 of the Water Management Plan Section 8.3 of the Water Management Plan Section 10 of the Water Management Plan Section 9 of the plan is Groundwater Monitoring Program, Section 10 is Surface and Groundwater Response Plan Section 9.1 and Section 9.2 of the Water Management Plan Section 9.4 of the Water Management Plan
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- a program to monitor and report on:
 - o groundwater inflows to the open cut pits;
 - o the seepage/leachate from water storages, tailings storage areas, emplacements, backfilled voids, and final voids;
 - o the impacts of the development on:
 - regional and local (including alluvial) aquifers;
 - groundwater supply of potentially affected landowners; and
 - groundwater dependent ecosystems and riparian vegetation; and
 - o base flows to Wollombi Brook;
- a program to validate the groundwater model for the development, including an independent review of the model with every independent environmental audit, and compare the monitoring results with modelled predictions; and
- a plan to respond to any exceedances of the groundwater assessment criteria.

(d) builds on the commitments described in the documents listed in condition 2 of Schedule 2, any improvements identified in periodic reviews and the results of water monitoring data, to inform and update future modelling, management and reporting.

The Applicant must implement the Water Management Plan as approved by the Planning Secretary.

BIODIVERSITY
Biodiversity Offset Strategy

29. The Applicant must implement the biodiversity offset strategy described in the EIS and SEE (MOD 3), summarised in Table 9 and shown conceptually in Appendix 9.

Table 9: Summary of the Biodiversity Offset Strategy

Area	Offset Type	Minimum Size (hectares)
Preedy Valley Offset Area	Existing vegetation to be enhanced and additional vegetation to be established, with the restoration of at least 42 ha of White Box - Yellow Box - Balakrishna Red Gum Woodland and Distinct Native Grassland CSEEC and 14 ha of the Central Hunter Grey Box-Ironbark Woodland EEC.	1,400
Snake Road Offset Area	Existing vegetation to be enhanced and additional vegetation to be established, with the restoration of at least 100 ha of the Central Hunter Grey Box-Ironbark Woodland EEC.	241
Wollombi Brook Conservation Area	Existing vegetation to be enhanced and additional vegetation to be established, with the restoration of at least 10 ha of the Wollombi Swamp Woodland EEC and 10 ha of the Central Hunter Grey Box-Ironbark Woodland EEC.	65
Condara Property Biodiversity Offset Area	Existing vegetation to be enhanced and additional vegetation to be established, with the restoration of at least 80 ha of Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC.	60
Vere Offset Area	Existing vegetation to be enhanced and additional vegetation to be established, including at least 81 ha of existing Central Hunter Valley Escalped Forest and Woodland EEC and restoration of at least 31.3 ha of additional Central Hunter Valley Escalped Forest and Woodland EEC.	153.7
Rehabilitation Area	Vegetation to be established, with the restoration of at least 2,200 ha of Central Hunter Grey Box-Ironbark Woodland EEC, 260 ha of Central Hunter Ironbark-Spotted Gum-Grey Box Forest EEC and 50 ha of Central Hunter Swamp Oak Forest.	2,600
TOTAL		4,499.7

Habitat for Threatened Fauna Species

30. The Proponent must ensure that the biodiversity strategy provides potentially suitable habitat for the following threatened fauna species, to the satisfaction of the Planning Secretary: Little Eagle, Little Lorikeet, Brown Treecreeper, Diamond Firetail, Speckled Warbler, Swift Parrot, Regent Honeyeater, Grey-crowned Babbler, Varied Sitella, Scarlet Robin, Hooded Robin, Grey-headed Flying-fox, Yellow-bellied Sheath-tail-bat, Eastern Freetail-bat, Large-eared Pied Bat, Eastern False Pipistrelle, Little Bentwing-bat, Eastern Bentwing-bat, Large-footed Myotis, Greater Broad-nosed Bat and Eastern Cave Bat.

Hunter Ironbark Research Program

31. The Applicant must implement any relevant findings of the Hunter Ironbark Research Program for the Ravensworth complex during the establishment of the vegetation in the Rehabilitation Area (see Table 9 above) to the satisfaction of the Secretary.

Regent Honeyeater Recovery Plan Contribution

32. The Applicant must contribute at least \$200,000 over 2 years towards the implementation of actions under the National Regent Honeyeater Recovery Plan. The initial payment of at least \$100,000 must be made within 6 months of the date of this consent.

Long Term Security of Offsets

Annual Review 2022 and 2023.
Quarterly Surface and Groundwater Monitoring Reports

As per the Biodiversity Management Strategy, available on website

Biodiversity Management Plan, v7 May 2022

Biodiversity Management Plan, v7 May 2022

Section 9.4 and Section 9.6 of the Water Management Plan

Section 9.5, Section 9.6 & Section 14 of the Water Management Plan

Section 10 of the Water Management Plan

Monitoring reports available on Bulga Coal website provide details of implementing the Plan

Compliant

The rehabilitation has not yet been established as an offset, but will be established at closure. Appendix B to G of the Biodiversity Management Plan give individual biodiversity offset management plans. These sub plans are publicly available on the website.

Compliant

Section 5.6 (Habitat Enhancement) of the Biodiversity management Plan. Section 3.4.3 lists threatened Fauna Species. BMP approved by Planning Secretary. Habitat augmentation includes nest boxes, habitat salvaging. This year a repair program for nest boxes is planned. Each offset area has a different list of species.
Verve offset was approved in 2024.
Planning approval letter dated 14 October 2021 by Planning is in appendix I of the BMP.

Compliant

Submitted in 2016 and captured in section 8.5 of the BMP. (Hunter Ironbark Research Program). Findings include erosion (Erosion and Sed control Plan and Water Management Plan), mulch - enhanced topsoil captured in Rehabilitation Management Plan (methodologies), weeds (rehabilitation management plan and integrated weed management plan), ground cover of native species (covered in Offset Management Plans, including Vere offset plan).

Not Triggered

Completely paid, outside of the audit period.
Evidence of later payments viewed including remittance advice 16948 - accounts receivable the Australian National University 29 May 2015.

	33. By the end of December 2015, unless the Planning Secretary agrees otherwise, the Applicant must make suitable arrangements to provide appropriate long term security for the land within the Biodiversity Offset Strategy identified in Table 9 (excluding the Rehabilitation Area and Vere Offset Area), to the satisfaction of the Planning Secretary.		Not Triggered
S3 C33	33A. Within 2 years of commencing development approved under Modification 3, or other timeframe as agreed by the Planning Secretary, the Applicant must make suitable arrangements for the long-term protection of the Vere Offset Area identified in Table 9, to the satisfaction of the Biodiversity Conservation Trust.		Outside the period of this audit (December 2015)
S3 C33A	Rehabilitation Offsets 33B. Within 10 years of the cessation of mining operations, or other timeframe agreed by the Planning Secretary, the Applicant must make suitable arrangements for the long term protection of the 2,500 ha Rehabilitation Area identified in Table 9, to the satisfaction of the Biodiversity Conservation Trust. If the rehabilitation area does not meet the listing criteria of the targeted EEC or the completion criteria, then the Applicant must retire the relevant deficient biodiversity credits in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT. <i>Note: The rehabilitation offset performance and completion criteria form a component of the Rehabilitation Management Plan required under condition 55 of Schedule 3 of this consent.</i> Biodiversity Management Plan 34. The Applicant must prepare a Biodiversity Management Plan for the development to the satisfaction of the Planning Secretary. This plan must: (a) be prepared by a suitably qualified and experienced person/s;	Vere Biodiversity Offset Management Plan v2 26 May 2022	The Vere Biodiversity Offset Management Plan appendix B has a letter of approval for the Biodiversity Management Plan from the Planning Secretary dated 14 October 2021. No specific approval from BCD was noted, however section 1.4 of this Plan states that consultation with BCD occurred throughout the process of developing this Plan and will continue.
S3 C33B			Compliant
			Not Triggered
			Note
S3 C34	(b) be prepared in consultation with BCD, and submitted to the Planning Secretary for approval within 3 months of the approval of Modification 3; (c) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site; (d) establish baseline data for the existing habitat in the offsite biodiversity offset area and on the site; (e) describe the short, medium, and long term measures that would be implemented to: • manage the impacts of clearing vegetation, including pre-clearance surveys; • manage the remnant vegetation and habitat on the site; and • implement the biodiversity offset strategy; (f) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and include triggers for remedial action, where these performance or completion criteria are not met; (g) include a strategy that describes how the biodiversity offset areas in Table 9 will be secured; (h) include a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for: • enhancing the quality of existing vegetation and fauna habitat in the biodiversity offset areas; • restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary); • maximising the salvage of resources within the approved disturbance area – including vegetative and soil resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area; • collecting and propagating seed; • protecting vegetation and fauna habitat outside the approved disturbance area on site; • minimising the impacts on fauna, including undertaking pre-clearance surveys; • managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological); • managing salinity; • controlling weeds, including measures to avoid and mitigate the spread of noxious weeds; • controlling feral pests, with consideration of actions identified in relevant threat abatement plans;	Biodiversity Management Plan, v7 May 2022	Appendix I of the Biodiversity Management Plan includes a letter from the nominee of the Planning Secretary, dated 14 October 2021, approving the Plan. Appendix H of the Biodiversity Management Plan includes a letter from the nominee of the Planning Secretary, dated 16 September 2020, approving the nomination of Rebecca Vere of Umwelt to prepare the Biodiversity Management Plan. Consultation with BCD noted as email (Steven Cox), response dated 28 January 2021. Email (Robert Gibson) dated 17 Aug 2022 notes BCD has reviewed and has no comments. Submission to DPIE is evident in the approval of the plan as noted in Appendix I of the Plan. Sections 6 and 7 of the Biodiversity Management Plan 3.0 and relevant Appendices of the Biodiversity Management Plan Section 4 and Appendix A of the Biodiversity Management Plan Section 5 of the Biodiversity Management Plan Section 7 of the Biodiversity Management Plan Section 7.8 and relevant Appendices of the Biodiversity Management Plan Section 7.1 and relevant Appendices of the Biodiversity Management Plan Section 7.0 and relevant Appendices of the Biodiversity Management Plan Section 5.6, 6, 7 and relevant Appendices of the Biodiversity Management Plan Section 4.2.2 of the Biodiversity Management Plan Appendices B to G of the Biodiversity Management Plan (for each biodiversity offset management area) Section 5 of the Biodiversity Management Plan Section 4 and 5 of the Biodiversity Management Plan Section 5.9 and relevant Appendices of the Biodiversity Management Plan Section 5.3 and relevant Appendices of the Biodiversity Management Plan Section 5.4 and relevant Appendices of the Biodiversity Management Plan Section 5.5 and relevant Appendices of the Biodiversity Management Plan

	- controlling erosion; - managing any grazing and agriculture on site; - controlling access; and - managing bushfire hazards; (i) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance indicators and completion criteria, and identify improvements that could be implemented to improve biodiversity outcomes; (j) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate these risks, including provisions for alternative direct and/or supplementary offset measures where regeneration of EECs and/or the propagation/translocation of threatened flora do not meet performance and completion criteria ; and (k) include details of who would be responsible for monitoring, reviewing, and implementing the plan. 34A. The Applicant must not commence any vegetation clearing within the additional disturbance areas approved under Modification 3 until the Biodiversity Management Plan is approved by the Planning Secretary. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.		Section 5.2 and relevant Appendices of the Biodiversity Management Plan Section 5.1 and relevant Appendices of the Biodiversity Management Plan Section 5.8 and relevant appendices of the Biodiversity Management Plan Section 5.7 and relevant Appendices of the Biodiversity Management Plan	
			Section 8 and relevant Appendices of the Biodiversity Management Plan	
			Section 7 and relevant Appendices of the Biodiversity Management Plan	
		Section 1.3 of the Biodiversity Management Plan The Biodiversity Management Plan was approved on 14 October 2021. No additional vegetation clearing occurred during this audit period.		Compliant
S3 C34A		Appendix I of the Biodiversity Management Plan Audit discussions		
		The 2022 and 2023 Annual Reviews. The Bulga Complex Annual Rehabilitation Reports for 2022 and 2023 (publicly available on website).	As per sighted reports, there is evidence of implementing measures within the Biodiversity MP. The Annual Reviews have been approved by DPHI.	Compliant
	Conservation Bond 35. Within 6 months of the approval of the Biodiversity Management Plan, the Applicant must lodge a conservation bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria described in the Biodiversity Management Plan.			Compliant
S3 C35	The sum of the bond must be determined by: (a) calculating the full cost of implementing the offset strategy (other than land acquisition costs); and (b) employing a suitably qualified person whose appointment has been endorsed by the Planning Secretary, to verify the calculated costs, to the satisfaction of the Planning Secretary. The calculation of the Conservation Bond must be submitted to the Department for approval at least 1 month prior to lodgement of any bond. The conservation bond must be reviewed by the Applicant and, if required, an updated bond must be lodged with the Department within 3 months of any of the following: (a) an approved revision of the Biodiversity Management Plan; (b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy have been made; or (c) in response to a request by the Planning Secretary. If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond. If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Planning Secretary will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works. With the agreement of the Planning Secretary, this bond may be combined with the rehabilitation security deposit administered by RR. <i>Notes:</i> <i>• Alternative funding arrangements for long-term management of the biodiversity offset strategy, such as provision of capital and management funding as agreed by BCD as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.</i> <i>• The sum of the conservation bond required under this condition excludes the costs associated with the establishment of the Rehabilitation Area, to the extent that these costs are covered by a separate rehabilitation security required under the mining lease.</i>	Biodiversity Management Plan, v7 May 2022 - Appendix I ANZ Guarantee No DG1073903418 dated 1 August 2023 for AUD1,937,173.00 Letter from Stephen O'Donohue, Director Resource Assessments, DPIE (as nominee of Planning Secretary) dated 20 Jun 2023	The Biodiversity Management Plan was approved on 14 October 2021. DPIE approval of conservation bond is evidenced in letter provided, noting satisfaction of the calculations. The calculations have not been separately verified in this audit. ANZ letter with undertaking to pay the beneficiary (DPIE) on written demand, with description: Rehabilitation / Biodiversity Offsets and conservation work relating to Bulga Coal Mine / SSD 4960 Condition 35 sighted.	
				Note
	HERITAGE Human Remains 36. If suspected human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and BCD, and work must not recommence in the area until authorised by NSW Police Force and BCD.	Annual Reviews 2022, 2023 Audit discussions	Section 9.2.1.2 and section 9.2.3 of the Aboriginal Cultural Heritage state this requirement. The 2023 and 2022 Annual Reviews reports that no heritage related incidents occurred during 2023 or 2022.	Not Triggered
S3 C36	Protection of Aboriginal Heritage Items			

S3 C37	37. Unless otherwise authorised under the NP&W Act, the Applicant must ensure that the project does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition 2 of Schedule 2. <i>Note: Identified heritage items outside the approved disturbance area are listed in Table 1 of Appendix 10.</i> Loders Creek Grinding Grooves 38. The Applicant must relocate the Loders Creek Grinding Grooves and any associated objects to a suitable site within the Loders Creek catchment, in consultation with the BCD and Aboriginal Stakeholders, and to the satisfaction of the Planning Secretary.	Annual Reviews 2022, 2023 Audit discussions	Not triggered, survey information is used to monitor this from occurring. Heritage items captured in database and routine maintenance inspections are undertaken.	Not Triggered	
				Note	
S3 C38	Wollombi Brook Conservation Area 39. The Applicant must establish the 109 ha Wollombi Brook Conservation Area shown in Figure 2 of Appendix 10, to the satisfaction of the Planning Secretary.	Aboriginal Cultural Heritage Salvage Report, March 2017 by OzArk EHM Conservation Agreement between the minister administering the NSW National Parks and Wildlife Act 1974 and Bulga Coal Management Pty Limited, dated 3 Nov 2022 Major Projects portal notification 18 Jan 2023 with no comments, on Loders Creek Conservation Agreement	Relocated in 2017, outside the audit period.	Not Triggered	
S3 C39		Aboriginal Cultural Heritage Management Plan approval letter from Stephen O'Donohue, Director Resource Assessments (as nominee of Planning Secretary) dated 18 May 2022 Wollombi Brook Plan of Management v1 2018	The Aboriginal Cultural Heritage Management Plan (2022), has a letter of approval from Heritage NSW in appendix G and approval for Rev6 from DPIE is noted via letter dated 18 May 2022. Section 9.1.1 states that: "<i>The WBCAA is within Lot 6 and 7, DP 10022, Lot 125, DP 755270, and Lot 852, DP 612261, Parish of Wollombi, County of Hunter, and occupies 120 hectares (ha)</i>". The ACHMP references the Wollombi Brook Plan of Management (2018) which states that: "<i>The WBCAA includes Lot 1 DP564480, Lot 7 DP10022, Lot 125 DP755270 and Lot 852 DP612261 and currently covers approximately 65 hectares with a condition to increase to 109 hectares.</i>" The WBPM does not have an approval letter from the Planning Secretary however the approved ACHMP notes in section 9.1.3.1 that it was approved by DPE on 30 November 2017. The area of land is noted to be inconsistent between the two documents, perhaps due to dated information. This is part of the biodiversity offset area, and there is a Wollombi Brook Conservation Agreement (on website). There are two land areas, due to different ownership; joint venture). The Wollombi Brook Biodiversity Conservation Area encompasses a total of 114.04 ha, comprised of two conservation agreements for biodiversity and cultural heritage(53.42 ha and 60.59 ha). Copy of the Conservation Agreements sighted.	Compliant	As per the document control details, the WBPM v.1 is effective 11 Jan 2018 and is due for review on 11 Jan 2021. This need to be reviewed and updated on the website. Specific approval of the updated WBPM is then required from DPHI - Bulga Coal to request this.
S3 C40	<i>Note: The Aboriginal heritage conservation area/s may be combined with the biodiversity conservation areas required under this consent.</i> Long Term Aboriginal Heritage Conservation 40. The Applicant must make suitable arrangements for the long-term protection and management of the Wollombi Brook Conservation Area and Loders Creek Grinding Grooves Relocation Site, in consultation with BCD and Aboriginal stakeholders, and to the satisfaction of the Planning Secretary.	Aboriginal Cultural Heritage Management Plan approval letter from Stephen O'Donohue, Director Resource Assessments (as nominee of Planning Secretary) dated 18 May 2022 Wollombi Brook Plan of Management v1 2018 Conservation Agreement between the minister administering the NSW National Parks and Wildlife Act 1974 and Bulga Coal Management Pty Limited, dated 3 Nov 2022 BCD email 17 August 2022 Major Projects portal notification 18 Jan 2023 with no comments, on Loders Creek Conservation Agreement 2019 Letter from Biodiversity Conservation Trust, registering offset conservation agreements on title	The Aboriginal Cultural Heritage Management Plan (2022), has a letter of approval from Heritage NSW in appendix G and approval for Rev6 from DPIE is noted via letter dated 18 May 2022. The ACHMP references the Wollombi Brook Plan of Management (2018) The WBPM does not have an approval letter from the Planning Secretary however the approved ACHMP notes in section 9.1.3.1 that it was approved by DPE on 30 November 2017. Section 6.3 of the Aboriginal Cultural Heritage Management Plan (2022), discusses consultation with Registered Aboriginal Parties and BCD. Appendix G has email response (assumed to be from RAPs, but identification details have been redacted) and a letter of approval from Heritage NSW (but not the Planning Secretary or a nominee). Section 9.1.1 references the Wollombi Brook Conservation Agreement Area and Section 9.1.2 references the Loders Creek Grinding Grooves Conservation Area. Section 12.1 references related documents including the Wollombi Brook Plan of Management (2018) and the Loders Creek Grinding Grooves Conservation Area Management Plan (2019). Loders Creek Grinding Grooves relocation occurred prior to this audit period. it is noted that the Agreement was signed on 3 Nov 2022	Note Compliant	

	Heritage Management Measures 41. The Applicant must implement the: (a) Aboriginal heritage mitigation and management measures described in the documents listed in condition 2 of schedule 2;	Aboriginal Cultural Heritage Management Plan v8 May 2022 Historic Heritage Management Plan v6 May 2022	Section 9 of the Aboriginal Cultural Heritage Management Plan sets out mitigation measures, including monitoring. The 2022 and 2023 Annual Reviews document this work. There are quarterly Aboriginal Heritage Monitoring reports available on the website for 2022 and 2023 and annual reports for the Loders Creek Grinding Grooves Monitoring for 2022 and 2022. Aboriginal heritage mitigation and management measures relating to archaeological salvage were completed in 2015–2016 and as such are outside of the period of this audit.	Compliant
S3 C41	(b) Aboriginal archaeological management measures summarised in Table 2 of Appendix 10; (c) historic heritage management measures summarised in Table 3 of Appendix 10,	Broke RAAF landing ground and McNamara's Dairy Cottage Archival Recording, Oct 2015 by Umwelt BH13 Monkey Pl Creek Stone Wall BH14 Charlton House 2024 Structural Assessment Broke Cemetery 2024 Structural Assessment Mt Leonard Homestead 2024 Structural Assessment St Andrews Anglican Church 2024 Structural Assessment	Section 5.4 and 5.5 of the Historic heritage Management Plan give the management measures. The Sign posting and fencing of McNamaras Dairy Cottage (BH7) is referenced in Appendix 3 of the HHMP in a letter from the Department of Planning, dated 8 July 2016. This letter specifies that the McNamara's dairy Cottage Archival Recording Draft generally satisfies the requirements, and requests the record be finalised and provided to the Dept Planning. Vibration monitoring at Charlton, Dawtrey and Bulga monitors - results are available in the 2022 and 2023 Annual Reviews, with approval by Planning As per section 5.5.6 of the HHMP, a structural assessment of the Broke General Cemetery (Site BH6), the Charlton Homestead, St Andrew's Anglican Church, Mt Leonard Homestead, are undertaken at three-yearly intervals. Reports of 2024 structural assessments sighted.	
	to the satisfaction of the Planning Secretary.			
	Heritage Management Plan 42. The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	Aboriginal Cultural Heritage Management Plan v8 May 2022 ACHMP approval by DPIE letter dated 18 May 2022 Historic Heritage Management Plan v6 May 2022 HHMP approval by DPIE letter dated 19 May 2022	The Heritage Management Plan is made of two parts: Appendix 3 of the Historic Heritage Management Plan included a letter of approval from the Planning Secretary's nominee, dated 8 July 2016. The Aboriginal Cultural Heritage Management Plan (2022), has a letter of approval from Heritage NSW in Appendix G and approval for Rev6 from DPIE is noted via letter dated 18 May 2022. Appendix 4 of the Historic Heritage Management Plan includes a letter of approval from the Planning Secretary's nominee, dated 16 September 2020, for the appointment of Ben Churcher of Ozark as an expert in Heritage. Appendix 5 of the Historic Heritage Management Plan includes a letter from Heritage NSW giving comments on the Plan. It also includes a letter inviting Singleton Council to provide comment, noting that no response was received. Section 6.3 of the Aboriginal Cultural Heritage Management Plan (2022), discusses consultation with Registered Aboriginal Parties and BCD. Appendix G has email response (assumed to be from RAPs, but identification details have been redacted) and a letter of approval from Heritage NSW. In the Aboriginal Cultural Heritage Management Plan: (2022) Section 9.1.1 references the Wollombi Brook Conservation Agreement Area and Section 9.1.2 references the Loders Creek Grinding Grooves Conservation Area. Section 12.1 references related documents including the Wollombi Brook Plan of Management (2018) and the Loders Creek Grinding Grooves Conservation Area Management Plan (2019). The Aboriginal Cultural Heritage Management Plan Section 9 and Appendix H The Aboriginal Cultural Heritage Management Plan Section 9 and Appendix I The Aboriginal Cultural Heritage Management Plan discusses the Wollombi Brook Conservation Area Agreement in Section 9. The Aboriginal Cultural Heritage Management Plan and the Historic Heritage Management Plan ACHMP and HHMP address other conditions relating to heritage in this consent as reviewed across such conditions. ACHMP Appendix B details various regulatory and consent conditions and how they are addressed / complied with. HHMP section 2 has two tables listing the SSD 4960 conditions and how these are addressed in the plan.	Compliant
S3 C42	(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with BCD, Heritage NSW, Council and the relevant Aboriginal stakeholders; (c) include a detailed plan for:	20230118 FW_ Bulga Coal Mine Optimisation - Loders Creek Conservation Agreement (email)		
	• the relocation of the Loders Creek Grinding Grooves; and • conservation of the Wollombi Brook Conservation Agreement Area; (d) include a detailed description of the proposed implementation of the heritage management measures required under condition 39 above; (e) describe the procedures and management measures to be implemented on the site or within any offset areas to; (i) comply with the heritage-related operating conditions of this consent;			
	(ii) ensure all workers receive suitable non-Aboriginal and Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; (iii) undertake photographic/archival recording of any items of heritage significance predicted to be impacted by the development, prior to disturbance; (iv) protect, monitor and manage identified non-Aboriginal heritage, Aboriginal objects and Aboriginal places (including any proposed archaeological investigation of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2 of Schedule 2;		Section 9.9.1 of the ACHMP Section 5.4 of the HHMP Section 8 and section 9.9.3 of the ACHMP and Section 5.4 of the HHMP	

	(v) protect non-Aboriginal heritage, Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development, beyond those predicted in the document/s listed in condition 2 of Schedule 2; (vi) manage the discovery of suspected human remains and any new heritage items, Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; (vii) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and (viii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; (f) include a strategy for the care, control and storage of any heritage relics and Aboriginal objects salvaged on the site, both during the life of the development and in the long term; (g) include a program to The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register; and (h) include a program to monitor and report on the effectiveness of the management measures carried out under the plan.	Section 9.1, Section 9.3, Section 9.9 and Section 9.9.3 of the ACHMP and Section 5.5 of the HHMP Section 9.2.3 and Section 9.9.3 of the ACHMP and Section 5.7 of the HHMP Section 9.3, Section 9.6 of the ACHMP Section 6.4 of the ACHMP Section 9.7 of the ACHMP Section 9.9.4 of the ACHMP This ACHMP establishes quarterly site monitoring (Section 9.3.1), annual meetings (Section 6), and annual monitoring at the LCGGRA in Section 9.1.3.2. Section 5 of the HHMP gives the management Strategy, including direct, indirect and vibration impacts and section 6 includes annual review reporting and incident reporting.		
	42A. The Applicant must not undertake any disturbance within the additional disturbance areas approved under Modification 3 until a revised Heritage Management Plan is approved by the Planning Secretary.	Aboriginal Cultural Heritage Management Plan v8 May 2022 ACHMP approval by DPIE letter dated 18 May 2022 Historic Heritage Management Plan v6 May 2022 HHMP approval by DPIE letter dated 19 May 2022 BEP Expansion map 7 Jul 2023 and Ground Disturbance Permit ID GD-23-07-04-07-00 4 Jul 2023 GD-2023-02-01-09-30_GDP_Dam_S53_FULL APPROVAL dated 1 Feb 2023 Top Soil stripping amended boundary 22 Jun 2023 site map The 2022 and 2023 Annual Reviews, Aboriginal Heritage Monitoring Reports available on the website including: 2022 Loders Creek Grinding Grooves Monitoring Report December 2022 Monitoring Report September 2022 Monitoring Report May 2022 Monitoring Report March 2022 Monitoring Report November 2023 Monitoring Report September 2023 Monitoring Report 2023 Loders Creek Grinding Grooves Monitoring Report July 2023 Monitoring Report March 2023 Monitoring Report May 2024 Monitoring Report 2024 Loders Creek Grinding Grooves Monitoring Report March 2024 Monitoring Report	The revised HHMP and ACHMP were approved in May 2022 Disturbance associated with Mod3 commenced on the 17 July 2023 (as per sighted Ground Disturbance Permit) near the Deep Pit area, and in February 2023 at the s53 dam area section near Broke Road. Copies of both GDPs and Figures sighted for additional works sighted further to the Heritage Management Plans approval as per the approved plans.	Compliant Compliant
	TRANSPORT Road/Rail Works 43. Prior to the closure of the relevant section of Broke Road, the Applicant must realign Broke Road and associated intersections, to the satisfaction of Council.		Implementation of the HHMP is evidenced in the monitoring reports as sighted.	
S3 C43	<i>Note: The proposed realignment of Broke Road is shown in the figure in Appendix 11.</i>			Note
S3 C44	44. The Applicant must design, construct, and maintain the two proposed haul road bridges over the realignment of Broke Road, to the satisfaction of Council.		Transport Management Plan was required as part of the Broke Road realignment, which was completed in 2016-2017. In regards to items detailed in item C (Haul road crossing between the EEA and new rail siding), this has not happened and there are no plans for this to happen.	Not Triggered
S3 C45	45. The Applicant must: (a) design, construct and maintain the proposed haul road crossing of the Crown Road between the two parts of the Eastern Emplacement Area;		Not triggered during this audit period	Not Triggered

	(b) design, construct and maintain the new rail siding adjacent to the existing Saxonvale Rail Spur; and (c) ensure neither the proposed haul road crossing nor the new rail siding compromises the existing access to the mushroom composting facility land, to the satisfaction of the Planning Secretary. Transport Management Plan 46. The Applicant must prepare a Transport Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:		Not triggered during this audit period		
S3 C46	(a) be prepared in consultation with TfNSW, Council, the Department of Lands, and the owner of the mushroom composting facility, and submitted to the Planning Secretary for approval prior to commencing construction of the Broke Road realignment; (b) describe the measures that would be implemented to minimise the construction traffic impacts of the development, particularly on the Golden Highway/Putty Road/Mitchell Line of Road intersection; (c) include the detailed plans for the: • proposed haul road crossing of the Crown Road between the two parts of the Eastern Emplacement Area; and • new rail siding adjacent to the existing Saxonvale Rail Spur; and (d) include a program to monitor and report on the amount of coal transported from the Bulga mine complex in each calendar year. The Applicant must implement the Transport Management Plan as approved by the Planning Secretary. VISUAL Noise & Visual Bund 47. The Applicant must design, construct and maintain the proposed noise and visual bund to the satisfaction of the Planning Secretary. This bund must:	2022 and 2023 Annual Reviews.	This condition was applicable prior to the 2015 Independent Environmental Audit. The BOP Construction Management Plan forms the Transport Management Plan and was approved by DPE 4/12/2014. No new plan has been required during the audit period. The amount of coal transported from Bulga mine complex each year is included in the 2022 and 2023 Annual Reviews.	Not Triggered	
S3 C47	(a) be completed as soon as practicable after the commencement of development under this consent; (b) be constructed to ensure the western (outer) edge of the bund is at its full design height (up to 165 m AHD) with an initial vegetation cover, within 4 years and 9 months (i.e. 1 September 2019) of the date of this consent; and (c) be generally consistent with the concept plan in the EIS and the figure in Appendix 12 Visual Screening – Broke Road 48. The Applicant must install and maintain suitable planting and screening to minimise the views of on-site mining infrastructure from Broke Road, in consultation with Council and to the satisfaction of the Planning Secretary. This planting and screening must:	Audit discussion Site observations SSD 4960 Appendix 12 EIS	A letter from Bulga to DPIE, dated 5 June 2020, states that the outer face of the Noise and Visual Bund (NVB) was completed in August 2019. The bund was seeded with native species and habitat features established. Completion of the inner face of the NVB is continuing, as per discussion during the November 2024 site visit of this audit. The Visual Impact Management Plan associated with the Bund (relating to the design) was approved by a nominee of the Secretary in a letter dated 3 April 2019 (Appendix A1). Appendix 4 (response to RFI, 5 June 2020) includes photographs of the bund. The 2023 version of the Visual Impact Management Plan contains an additional letter from the nominee of the Planning Secretary, dated 10 August 2023, approving the revised plan, which includes a survey of the outer face of the noise and visual bund and compliance to design.	Compliant	
S3 C48	(a) be installed in conjunction with the road works and prior to the use of the realignment; and (b) be strategically located along the realignment of Broke Road or within the site.	Not in the period of this audit			
S3 C49	Visual & Lighting 49. The Applicant must: (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the development; (b) ensure no fixed outdoor lights shine above the horizontal or above the building line or any illuminated structure; (c) ensure no in-pit mobile lighting rigs shine above the pit wall and other mobile lighting rigs do not shine above the horizontal; (d) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting, or its latest version; (e) take all practical measures to shield views of mining operations from users of public roads and privately-owned residences; and (f) ensure the visual appearance of all new buildings, structures, facilities or works (including paint colours and specifications) constructed following the approval of Modification 3 is aimed at blending as far as possible with the surrounding landscape, to the satisfaction of the Planning Secretary.	Visual Impact Management Plan v7 August 2023 2022 and 2023 Annual Reviews	Lighting management is discussed in Section 6 of the Visual Impact Management Plan. According to the 2022 and 2023 Annual Reviews, 4 lighting related complaints were received in this period. The three in 2023 were from the same stakeholder. Follow up actions are documented in the complaints registers for the given months and years. Section 6 of the Visual Impact Management Plan Section 6 of the Visual Impact Management Plan Section 6 of the Visual Impact Management Plan Sections 4 and 6 of the Visual Impact Management Plan Sections 4.3 of the Visual Impact Management Plan The 2022 and 2023 Annual Reviews are approved by the Planning Secretary	Compliant	Observation: there are reoccurring lighting complaints related to mobile lighting, which are addressed in the complaints register, but appear to be reactive in nature. Observation O-8

(a) dangerous goods is undertaken in accordance with the relevant Australian Standards, particularly AS1940 and AS1596 and the Dangerous Goods Code; and

(b) explosives are managed in accordance with the requirements of the Resources Regulator

REHABILITATION

Rehabilitation Objectives

53. The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the proposed rehabilitation objectives described in the documents listed in condition 2 of schedule 2 (and depicted conceptually in the figures in Appendix 13), and comply with the objectives in Table 10.

Feature	Objective
Mine site (as a whole)	• Safe, stable and non-polluting • Final landform to: ◦ be designed to minimise the visual impacts of the development; ◦ be in keeping with the natural terrain features of the area; ◦ be consistent with the rehabilitated landform of surrounding areas; • Manageable macro-relief and micro-relief and drainage features that mimic natural topography and mitigate erosion, to the greatest extent practicable; • Avoid straight run drainage drop structures; • Minimise long term groundwater seepage; • Minimise exposure of tailings material and prevent the occurrence of spontaneous combustion; and ◦ be sustainable and compatible with surrounding land uses
Final Void	• Designed as long term groundwater sinks and to maximise groundwater flow across back-filled pits to the final void • Monitor: ◦ the size and depth of final voids ◦ the drainage catchment of final voids ◦ any high wall instability risk ◦ risk of flood inundation for all flood events up to and including the Probable Maximum Flood
■ Revegetation	• Restore and enhance ecosystems that meet the requirements of the Rehabilitation Areas in the Biodiversity Offset Strategy in condition 29 of Schedule 3, plus re-vegetate at least an additional 121 ha of Central Hunter Grey Box-Jordan Woodland EEC • Establish native vegetation areas that complement and improve local and regional biodiversity
Agriculture	• Return at least 200 hectares of and within the project disturbance area to be suitable for agricultural use
Surface Infrastructure	• To be decommissioned and removed, unless 100% agreed otherwise
Community	• Ensure public safety • Minimise the adverse socio-economic effects associated with mine closure

Progressive Rehabilitation

54. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies must be employed when areas prone to dust generation cannot yet be permanently rehabilitated.
Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.

Rehabilitation Management Plan

55. The Applicant must prepare a Rehabilitation Management Plan for the development in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This plan must:
(a) be prepared in consultation with the Department, DPIE Water , BCD, Council and the CCC;

(b) be prepared in accordance with any relevant RR guideline and be consistent with the rehabilitation objectives in Table 10;

(c) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy referred to in condition 29 of Schedule 3;

(d) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);
(e) describe the measures that would be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform, and final land use;
(f) provide for detailed mine closure planning, including measures to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:
• align with regional and local strategic land use planning objectives and outcomes;

HAZNOT0001098 Submission of Schedule 11
Hazardous Chemicals by NSW RR, 17 Jul 2023, for
Bulga surface operations
SafeWork Licence XSTR100095 date of issue 18
March 2023 expiry 17 Jan 2027

2022 and 2023 Annual Reviews

Rehabilitation Management Plan v2 22 July 2024 (on
Bulga Coal website)

Forward Work Program Bulga Complex 2024 (Bulga
Coal website)

Screenshot of Major Projects Portal - consultation
with CCC, DPE Water, Biodiversity Conservation
Division (BCD) and Singleton Council

Bulga Coal Rehabilitation Management Plan Version
2.0
Form and Way: Rehabilitation
Management Plan for Large Mines (RR, 2021)

Copy of the Hazardous Chemicals Notification HAZNOT0001098 sighted, this is the current notification of hazardous chemicals (dangerous goods) for hazardous materials storage. Licence No. XSTR100095 for the storage of explosives at Bulga Coal sighted showing licence to store explosives

Mining and exploration leases are covered in annual reviews. RMP programs on website.

Section 3.1 of RMP captures regulatory requirements including Domain, Timing and section addressed in the RMP. Section 5.1 of the RMP includes rehabilitation objectives consistent with CoA for DA and SSD, 5.2 outlines rehabilitation objectives for each Domain

Forward Work Program Bulga Complex 2024. Progressive rehabilitation was observed during site inspection. On site observed shaping and topsoil placement following completion of overburden emplacement

Section 5.4.1.1 of the RMP includes consultation with relevant statutory authorities, The RMP refers to evidence of consultation and provision of the RMP to Department, DPIE Water, BCD, Council and the CCC in Appendix B. Appendix B is a screen shot of Major Projects Portal for the Bulga Coal Mine Optimisation SSD 4960. Consultation is done through Major Projects Portal.

Relevant requirements and applicable guidelines are listed in RMP section 2. This is discussed in section 3.3 of the RMP, Final Land Use Statement. Arrangements for the integration and long-term protection of the rehabilitation to the satisfaction of the BCT is to be completed within 10 years of mining operations. Section 6 of the Biodiversity Management Plan also discusses the proposed rehabilitation and indicative vegetation communities that align with the proposed communities at the Biodiversity Offsets (Figure 9)

RMP Section 5.3 contains the Bulga Complex completion criteria
RMP section 11 contains a TARP

RMP Section 7 Rehabilitation Implementation

Compliant

Compliant

Note

Compliant

	• support opportunities for sustainable post mining land uses; • utilise existing mining infrastructure, where practicable; • avoid disturbing self-sustaining native ecosystems, where practicable; and • includes a description of long-term land management objectives, including bushfire management, weed and feral animal control, water quality and public safety. (g) include interim rehabilitation where necessary to minimise the area exposed for dust generation; (h) include a program to monitor and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and (i) build to the maximum extent practicable on the other management plans required under this consent.	RMP section 7.2.3 (f)	RMP section 7.2.3 (f)		
		RMP Section 9	RMP Section 9		
		RMP refers to other management plans including Bulga Coal Biodiversity Management Plan, Bulga Coal Waste Management Plan, Spontaneous Combustion Management Plan, Bulga Coal Complex Erosion and Sediment Control Plan, Bulga Underground Operations Post Mining Subsidence Management Plan, Bulga Coal Aboriginal Heritage Management Plan, Bulga Coal Historic Heritage Management Plan, Site Water Management Plan, Final Void Management Plan	RMP is consistent and builds on other management plans listed. Rehabilitation Strategy has not been prepared. It is noted that no specific timeline is prescribed to have this document prepared.		
S3 C56	Rehabilitation Strategy 56. The Applicant must prepare a Rehabilitation Strategy for the development to the satisfaction of the Planning Secretary. This strategy must: (c) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; (d) be prepared in consultation with the RR and Council; (e) build upon the Rehabilitation Objectives in Table 10 and the Rehabilitation Plan in Appendix 13, (f) include details of the canopy, sub-canopy, understorey and ground strata species to be established in the rehabilitation areas, with a particular focus on ensuring the achievement of an appropriate level of diversity and mix of functional groups within each target community; (g) include a program to periodically review the rehabilitation, final landform and land use outcomes to: • identify opportunities for the incorporation of preferred feed trees, foraging resources and habitat features for threatened fauna species; • increasing the areas of woodland and habitat connectivity within the rehabilitated landscape; • identify the location, land use classification and intended future use of the minimum 260 hectares of land within the project disturbance area to be returned to agricultural use, as required by the Rehabilitation Objectives in Table 10; and • identify post-closure land uses that minimise and/or mitigate negative social impacts from the development, both locally and regionally; (h) include an indicative schedule for the staged rehabilitation of the development; and (i) describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure. The Applicant must implement the Rehabilitation Strategy as approved by the Planning Secretary.	n/a	Only the mining lease RMP is available to the public. Bulga would like to remove this condition of consent as it is duplication (submit modification for final landform). No formal correspondence with Dept Planning to document this available.	Compliant	There is no rehabilitation strategy - request any evidence of an exemption from the department and that the RMP from the mining lease can be used, rather than the RMP from the SSD conditions. If this document is required by DPHI, seek a specific timeline to prepare it. Observation O-9
S4 C1	SCHEDULE 4 - ADDITIONAL PROCEDURES NOTIFICATION OF LANDOWNERS/TENANTS 1. Within 1 month of the date of this consent, the Applicant must: (a) notify in writing the owners of: (i) the land listed in Table 1 of schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the development and/or request the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any stage during the development (if they have not requested acquisition); (ii) any residence on the land listed in Table 2 of schedule 3 that they are entitled to ask the Applicant to ask for additional noise and/or air quality mitigation measures (whichever is relevant) to be installed at their residence at any stage during the development; and (iii) any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; (b) notify the tenants of any mine-owned land of their rights under this consent (see condition 17 of schedule 3); and		This is not applicable in the period for this audit	Not Triggered	

S4 C2	(c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the documents listed in condition 2 of schedule 2 identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the development. 2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in condition 1 that is subsequently purchased by the Applicant, the Applicant must: (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and (b) advise the prospective tenants of the rights they would have under this consent.	Audit discussions, Monthly Noise monitoring reports (Bulga Coal website) Email notification to resident on noise exceedance dated 8 Nov 2024 Todoroski air quality report Quarterly Air quality monitoring reports (on Bulga Coal website) Mine Dust and You	No residential properties have predicted exceedances of the criteria. One noise exceedance on 6 November 2023, followed up on 8 November. An email notification to the resident (dated 8 Nov 2024) was sighted during the audit meeting on 12 Nov 2024. Meeting minutes from 15/11/2023 local PID meeting indicate that Ralpa and resident Bob Kennedy discussed the results of follow up attended noise monitoring and that it was compliant. Dust exceedances at landowner locations were not attributable (in majority percentage) to Bulga Coal Mine. Todoroski report supporting contributions.	Not Triggered Compliant Not Triggered
S4 C3	3. As soon as practicable after obtaining monitoring results showing: (a) an exceedance of any relevant criteria in schedule 3, the Applicant must notify the affected landowners in writing of the exceedance, and provide regular monitoring results to these landowners until the development is again complying with the relevant criteria; and (b) an exceedance of any relevant air quality criteria in schedule 3, the Applicant must 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).			
S4 C4	INDEPENDENT REVIEW 4. If an owner of privately-owned land, excluding the mushroom composting facility, considers the development to be exceeding the relevant criteria in schedule 3, then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the development on his/her land. If the Planning Secretary is satisfied that an independent review is warranted, then within 2 months of the Planning Secretary's decision the Applicant must: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to: - consult with the landowner to determine his/her concerns; - conduct monitoring to determine whether the development is complying with the relevant criteria in schedule 3; - if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and • in cases where there is an exceedance of any air quality criteria, and more than one mine is responsible for the exceedance, determine the relative share of each mine regarding the impact of the development; and (b) give the Planning Secretary and landowner a copy of the independent review.		Not triggered during this audit period	Not Triggered
S4 C5	LAND ACQUISITION 5. Within 3 months of receiving a written request from a landowner with acquisition rights, excluding the mushroom composting facility, the Applicant must make a binding written offer to the landowner based on: (a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, having regard to the: - existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and - presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in condition 2 of schedule 3; (b) the reasonable costs associated with: - relocating within the Singleton, Cessnock or Muswellbrook local government area, or to any other local government area determined by the Planning Secretary; and - obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and (c) reasonable compensation for any disturbance caused by the land acquisition process.		Not triggered for open cut	Not Triggered

	However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution. Upon receiving such a request, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to: • consider submissions from both parties; • determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; • prepare a detailed report setting out the reasons for any determination; and • provide a copy of the report to both parties. Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions. Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination. If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise. 6. The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 5 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.		Not Triggerged	
S4 C6		Not triggered for open cut		
	SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING ENVIRONMENTAL MANAGEMENT Environmental Management Strategy 1. If the Planning Secretary requires, the Applicant must prepare an Environmental Management Strategy for the Bulga mine complex to the satisfaction of the Planning Secretary. This strategy must: (a) be submitted to the Planning Secretary for approval within 12 months of the date of this consent; (b) provide the strategic framework for environmental management of the Bulga mine complex; (c) identify the statutory approvals that apply to the development; (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (e) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the operation and environmental performance of the development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance and any incident; and • respond to emergencies; and (f) include: • copies of any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this consent. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary. Adaptive Management 2. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. 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&A Act or EP&A Regulation.	Bulga Coal Complex Environmental Management Strategy August 2024. Approval letter from DPHI dated 12 August 2024. 2022 and 2023 Annual Reviews Various Management Plans Annual Reviews	Environmental Management Strategy and DPHI approval sighted. EMS version 1 is dated 2011. Approval of original condition dated Dec 2016 is outside this audit period. The EMS contain: Strategic framework for environmental management Statutory approvals required Roles, responsibilities, authority and accountabilities of key personnel Details of procedures regarding consultation and NC/incident management and List of all management plans and monitoring Plan Section 9 of the EMS lists the approval conditions and where these are met in the document. Annual Reviews 2022 and 2023 (in general), plus the management plans available on website. In EIS the initial risks were assessed. A review of risks is completed in July each year, and then again in December). Captured in section 4.1 and 4.2 of the EMS. The December 2022 and July 2023 ECRA environment and community risk assessments were viewed during the audit meeting on 12/11/24	Compliant Compliant
S5 C1				
S5 C2				

	Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity: (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) implement remediation measures as directed by the Planning Secretary, to the satisfaction of the Planning Secretary.	Annual Reviews 2021, 2022, 2023	Noise exceedance at the Kennedy's was followed up, dust exceedances were investigated and found not to have majority contributions from the Bulga Coal Mine.	
	Management Plan Requirements 3. The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:	Approval of EMS and annual reviews. 21 June 2024 letter from DPHI Regarding 2023 Annual review stating the review generally satisfies DPHI - Heidi Watters (team Leader Compliance).	Section 11 of the Annual Reviews for 2022 and 2023 are reviewed by the Planning Secretary.	
S5 C3	(a) detailed baseline data; (b) a description of: - the relevant statutory requirements (including any relevant approval, licence or lease conditions); - any relevant limits or performance measures/criteria; - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: - impacts and environmental performance of the development; - effectiveness of any management measures (see c above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the development over time; (g) a protocol for managing and reporting any: - incidents; - complaints; - non-compliances with statutory requirements; and - exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan.	Aboriginal Cultural Heritage Management Plan Air Quality and Greenhouse Gas Management Plan Air Quality Management Procedure Biodiversity Management Plan Broke Road Biodiversity Offset Management Plan Bushfire Management Plan Condran Biodiversity Offset Management Plan Construction Transport Management Plan Bulga Optimisation Project Eastern Emplacement Area Management Plan Environmental Management Strategy Erosion and Sediment Control Plan Exploration Activities and Minor Surface Infrastructure Management Plan Historic Heritage Management Plan Noise Management Plan Noise Management Procedure Pollution Incident Response Management Plan (PIRMP) Vere Biodiversity Offset Management Plan Visual Impact Management Plan Water Management Plan Weeping Myall Biodiversity Offset Management Plan Wollombi Brook Biodiversity Conservation Area Management Plan Wollombi Brook Conservation Area Plan of Management Wollombi Brook Flood Levee Plan	Management Plans (32 procedures and plans including rehabilitation management plan) for the Bulga coal complex (covering both DA376 and SSD4960) are publicly available on the website. All plans have been approved by DPHI and the approval letters are appended to current versions of the plans. The management plans sighted include base line data / Existing Environment descriptions upfront in the documents. Regulatory requirements are listed as applicable in various plans noting how compliance is reviewed internally (e.g. section 2 Biodiversity Management Plan, section 3 Noise Management Plan, sections 4-5 in AQGGMP) Environmental management measures, monitoring and evaluation / reporting are described in each of the management plans sighted.	Compliant
	Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.			Note
S5 C4	Annual Review 4. By the end of March each year, unless the Planning Secretary agrees otherwise, the Applicant must submit a report to the Department, reviewing the environmental performance of the development to the satisfaction of the Planning Secretary. This review must: (a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the next year; (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: - relevant statutory requirements, limits or performance measures/criteria; - requirements of any plan or program required under this consent; - monitoring results of previous years; and - relevant predictions in the documents listed in condition 2 of schedule 2; (c) identify any non-compliance over the past calendar year, and describe what actions were (or are being) taken to ensure compliance; (d) identify any trends in the monitoring data over the life of the development; (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the current calendar year to improve the environmental performance of the development.	Annual Reviews 2021, 2022, 2023 Submission email (Major Project portal response) of 2021 Annual Review on 31/3/2022 DPIE approval of 2021 (letter dated 25 Aug 2022) and 2022 (Letter dated 25 Jul 2023) Annual Review reports DPHI approval of 2023 (Letter dated 21 Jun 2024) Annual Review report	The 2021, 2022 and 2023 Annual Reviews were submitted in 31 March 2022, 31 March 2023, 28 March 2024 respectively.	Compliant
S5 C5	Revision of Strategies, Plans and Programs 5. Within 3 months of: (a) the submission of an annual review under Condition 4 above;	8 April 2022 letter to compliance DPIE - Bulga Coal		Compliant

	(b) the submission of an incident report under Condition 7 below; (c) the submission of an audit report under Condition 9 below; or (d) any modification to the conditions of this consent (unless the conditions require otherwise). the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Planning Secretary. Within 4 weeks of conducting any such review, the Applicant must advise the Planning Secretary of the outcomes of the review, and provide any revised documents to the Planning Secretary for review and approval. <i>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.</i> Updating & Staging Strategies, Plans or Programs 5A. The Applicant may at any time submit revised strategies, plans or programs for the approval of the Planning Secretary. With the agreement of the Planning Secretary, the Applicant may also submit any strategy, plan or program required by this consent on a staged basis. With the agreement of the Planning 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. <i>Notes:</i> • 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. • 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. Management Strategies, Plans or Programs 5B. With the approval of the Planning Secretary, the Applicant may integrate any strategy, plan, program, report, review or audit required by this consent with any similar strategy, plan, program, report, review or audit for other components of the Bulga Mining Complex. 5C. With the written agreement of the Planning Secretary, the Applicant may undertake activities associated with Modification 3 prior to the revision of relevant strategies, plans or monitoring programs, provided the Secretary is satisfied that the activities are appropriately covered by measures and controls in an existing approved strategy, plan or monitoring program for the development.	review of all strategies, plans and programs. No plans required revision in this letter. This covers the independent audit in 2021 and the incidents due to rainfall events (Feb 22 and March 22 spills). A 27 June 2024 letter to Planning advised no plans required review. This letter was triggered by the 2023 Annual Review Submission. An email from the Planning Portal confirms receipt, dated 27 June 2024.	No particular revision of strategies, plans or programs were noted to be required further to the submission of annual reviews, incident reports and audit reports during this audit period. Updated plans have been submitted to DPHI/DPIE as relevant, and approval included in the version of the plans made publicly available on Bulga Coal website.	Note
S5 C5A		Bulga Coal Complex Environmental Management Strategy August 2024. Air Quality and Greenhouse Gas Management Plan, v3 24 Mar 2022 DPE letter, dated 22 Dec 2023	The EMS was reviewed on 12 August 2024. Visual Impact Management Plan was reviewed on 10 August 2023. Approval letters give dates of review and submission. Air Quality and Greenhouse Gas management Plan was reviewed recently in consultation with the EPA (Greenhouse gas management). A letter from (DPE) Planning requesting a copy of the plan was sighted by the audit team. This plan was with DPE for review (incorporates feedback from the Cagestone review earlier this year) at the time of this audit.	Compliant
				Note
S5 C5B		Audit discussion	There was no specific requirement to integrate documents during this audit period.	Not Triggered
				Not Triggered
			Not triggered	
	Community Consultative Committee 6. The Applicant must operate a Community Consultative Committee (CCC) for the Bulga mine complex to the satisfaction of the Planning Secretary. This CCC must be operated in general accordance with the Department's Community Consultative Committee Guidelines for State Significant Projects (2016, or its latest version).	CCC consultation response for this audit; meeting minutes on website 2021 IEA report	CCC meetings are held every six months, with minutes available on the Bulga Coal website. The minutes indicate the CCC is operated in general accordance with the CCC Guidelines for State Significant Projects 2023. The 2021 IEA report had found that for a timeframe during that audit period, a Bulga Coal employee acted as the CCC chairperson for which DPIE had issued a warning letter. This resulted in a Non-Conformance in the 2021 IEA. The 2021 IEA further noted that an independent chairperson (John Turner, current chair) was appointed in 2019 with CCC then operating as per DPIE CCC guidelines.	Compliant
S5 C6	<i>Notes:</i> • The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent. • In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community. REPORTING Incident Notification The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.	Audit discussion CITECT database Major Project website		Note
			Incidents are detailed in the Annual Review (C3 dam spill, pipeline discharge from May 2022). Details of the notification are included in section 11 of the annual review. In 2022 there were 6 incidents. A notification to Planning, dated 8 March 2022, for the C3 dam spill occurring on 8 March was viewed during the audit meeting. A letter from Planning dated 2 September 2022 acknowledged receipt of notification on 8 March 2022. In 2023 there was one incident related to noise (6 Nov 2023) The notification dated 7 November and Planning receipt of the notification on the same day were viewed during the audit meeting of 12 November 2024.	Compliant
S5 C7	Non-Compliance Notification			

S5 C7A	7A. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. <i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i> Regular Reporting 8. The Applicant must 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.	Audit discussion CITECT database Major Project website	An example of a dust event on 2 October 2023 and notification to Planning on 5 October 2023 was viewed during the audit. An example of a noise exceedance on 6 November 2023 was provided during the audit. A notification was submitted to Planning on the 7 November 2023. A letter from Planning, dated 22 February 2024 reviewing the non compliances and considering it to satisfy the conditions of consent in relation to non-conformance reporting was viewed during the audit meeting on 12/11/24.	Compliant
S5 C8	INDEPENDENT ENVIRONMENTAL AUDIT 9. By the end of 2015, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission, commence and pay the full cost of an Independent Environmental Audit of the development. This audit must:	Bulga Coal website https://www.glencore.com.au/operations-and-projects/coal/current-operations/bulga-coal/monitoring-documents	Available on website including quarterly and annual reports.	Note Compliant
S5 C9	(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; (b) include consultation with the relevant agencies; (c) assess the environmental performance of the development and assess whether it is complying with the requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); (d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; (e) recommend appropriate measures or actions to improve the environmental performance of the development, and/or any assessment, strategy, plan or program required under the abovementioned approvals; and (f) be conducted and reported to the satisfaction of the Planning Secretary. <i>Note: This audit team must be led by a suitably qualified auditor and include experts in any field specified by the Planning Secretary.</i> 10. Within 12 weeks of commencing each audit, unless the Planning Secretary agrees otherwise, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of any measures proposed to address the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.	IEA 2021 report and response to recommendations are on the website.	Independent Environmental Audits (IEA) have been undertaken and reported at required intervals. IEA 2021 by RPS report dated 7 Feb 2022 sighted; The report included details of consultation with stakeholders, review of compliance against scope consent conditions and recommendations to address noncompliances and observations. The report had been finalised to the satisfaction of DPIE and available on Bulga Coal website. This current audit is being undertaken for IEA 2024 by approved audit team as noted in this report appendices.	Note Compliant
S5 C10	Monitoring and Environmental Audits 10A. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.	2021 IEA report and Responses lodged on Major Projects portal website on 11 Feb 2022.	The 2021 Audit report was submitted to Planning on 11 February 2022, a evidenced in a letter from Planning dated 6 of April 2022. The IEA satisfies the reporting requirements.	
S5 C10A	<i>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</i> 10B. Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Schedule 4, providing that these representative monitoring locations are set out in the respective management plan/s.		Monitoring is detailed within each of the management plans. No additional monitoring has been required. Monitoring reports are available on website. Bulga Coal does their own assurance reviews (not publicly available). Compliance is reported in the annual reviews.	Not Triggered
S5 C10B	ACCESS TO INFORMATION 11. Within 6 months of the date of this consent, the Applicant must: (a) make copies of the following publicly available on its website: • the documents listed in condition 2 of schedule 2; • current statutory approvals for the development; • approved strategies, plans and programs required under the conditions of this consent; • a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; • a complaints register, which is to be updated monthly; • minutes of CCC meetings; • the annual reviews of the development (for the last 5 years, if applicable); • any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit; • any other matter required by the Planning Secretary; and (b) keep this information up-to-date, to the satisfaction of the Planning Secretary.	Quarterly noise and air quality monitoring reports are on the Bulga Coal website.	Air quality monitors are located as per management plans. Noise monitoring is done at suitable locations. No monitoring is done outside of locations set out in the plans.	Note Compliant
S5 C11		Bulga Coal website	The timeline for this condition is not within this audit period. Nevertheless, the documentation listed is available on Bulga Coal website.	Not Triggered

EPL	Condition Ref	Condition	Audit finding	Status	Ref.
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1 Administrative Conditions

A1.1	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.	As per Annual Review reporting, 2021 - 10,986,664 tonnes 2022 - 9,749,513 tonnes 2023 - 10,195,451 tonnes and 2024 - 10,038,851 (forecast) tonnes are within the limit approved by SSD 4960	Compliant
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Scheduled Activity	Fee Based Activity	Scale
Coal works	Coal works	> 5000000 T annual handing capacity
Crushing, grinding or separating	Crushing, grinding or separating	> 100000 - 500000 T annual processing capacity
Mining for coal	Mining for coal	> 5000000 T annual production capacity

Note	Note: In relation to this licence, the licensee must comply with: a) the activity scale limits imposed by this licence; b) the activity scale limits which apply for the reporting period specified in this licence; and c) the activity scale limits imposed by other legal instruments, such as approvals currently in force under the Environmental Planning and Assessment Act 1979.	Note
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A1.2	The licence applies to the following premises:	Noted	Note
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Premises Details
BULGA COAL COMPLEX
BROKE ROAD
SINGLETON
NSW 2330

A3.1	This licence applies to all other activities carried on at the premises, including:	Noted	Note
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Ancillary Activity
Electricity Generation from Gas
Sewage Treatment Systems

A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

Based on findings of this audit, works and activities at the site are in accordance with the licence and approvals.

Compliant

A4.2 Any other document and/or management plan is not to be taken as part of the documentation in condition A4.1, other than those documents and/or management plans specifically referenced in this licence.

Noted

Note

2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

Noted. As per audit discussions and sighted monitoring reports, these monitoring points are maintained.

Compliant

EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
9	Particulate Matter Monitoring		eBAM Monitor "D9" at coordinates 319066 6384966 (Easting Northing) identified as EPA Point 9 on Figure 2.
10	Particulate Matter Monitoring		eBAM Monitor "D10" at coordinates 323196 6376176 (Easting Northing) identified as EPA Point 10 on Figure 2.
15		Discharge to Air	Gas Flares at coordinates 321158, 6378951 (Easting, Northing) identified as EPA Point 15 on Figure 2.
16		Discharge to air	Gas Power Plant Air Emission Unit 1 at co-ordinates 322406, 6380150 (Easting, Northing) identified as EPA Point 16 on Figure 2.
17		Discharge to Air	Gas Power Plant Air Emission Unit 2 at co-ordinates 322406, 6380150 (Easting, Northing) identified as EPA Point 17 on Figure 2.
18		Discharge to Air	Gas Power Plant Air Emission Unit 3 at co-ordinates 322406, 6380150 (Easting, Northing) identified as EPA Point 18 on Figure 2.

P1.2 The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.

Noted

Note

P1.3

The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.

Noted

Note

Water and land			
EPA Identifier	Type of Monitoring Point	Type of Discharge Point	Location Description
11	Discharge of saline water under the Hunter Salinity Trading Scheme (HSTS) Discharge Quality Volume Monitoring	Discharge of saline water under the Hunter Salinity Trading Scheme (HSTS) Discharge Quality Volume Monitoring	HSTS discharge from Northern Dam at co-ordinates 324217 636570 (Easting, Northing) Identified as EPA Point 11 on Figure 2.
12	Discharge to Utilisation Area, Effluent Quality Monitoring	Discharge to Utilisation Area, Effluent Quality Monitoring	BOC CHPP STP Discharge at co-ordinates 324346, 6363002 (Easting, Northing) Identified as EPA Point 12 on Figure 2.
13	Discharge to Utilisation area, Effluent quality monitoring	Discharge to Utilisation area, Effluent quality monitoring	BOC East PH Master STP Discharge at co-ordinates 323228, 6363354 (Easting, Northing) Identified as EPA Point 13 on Figure 2.
24	Water quality monitoring		Ambient water quality monitoring in Woolloom Brook at co-ordinates 322595 6374780 (Easting, Northing) Identified as L51 on Figure 2.
25	Water quality monitoring		Ambient water quality monitoring in Monkey Place Creek at co-ordinates 321110 6377360 (Easting, Northing) Identified as L42 on Figure 2.
26	Water quality monitoring		Ambient water quality monitoring in Woolloom Brook at co-ordinates 317143 6379790 (Easting, Northing) Identified as L43 on Figure 2.
27	Water quality monitoring		Ambient water quality monitoring in Woolloom Brook at co-ordinates 316468 6362595 (Easting, Northing) Identified as W2 on Figure 2.
28	Water quality monitoring		Ambient water quality monitoring in Woolloom Brook at co-ordinates 317150 6364638 (Easting, Northing) Identified as W4 on Figure 2.
29	Water quality monitoring		Ambient water quality monitoring in Loders Creek at co-ordinates 323806 6365250 (Easting, Northing) Identified as W5 on Figure 2.
30	Water quality monitoring		Ambient water quality monitoring in Loders Creek at co-ordinates 322407 6365163 (Easting, Northing) Identified as W10 on Figure 2.
31	Water quality monitoring		Ambient water quality monitoring in Northern Drainage Line at co-ordinates 316359 6363270 (Easting, Northing) Identified as NDL1 on Figure 2.
32	Water quality monitoring		Ambient water quality monitoring in Nine Mile Creek at co-ordinates 324127 6361269 (Easting, Northing) Identified as NCM1 on Figure 2.
33	Water quality monitoring		Ambient water quality monitoring in Southern drainage line at co-ordinates 315361 6376372 (Easting, Northing) Identified as SCL1 on Figure 2.

P1.4

The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

As per Annual Review reporting, noise and vibration monitoring is being undertaken and reported.

Compliant

Noise/Weather		
EPA identification no.	Type of monitoring point	Location description
5	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast Monitor "Dawtry" at coordinates 317221 638145 (Easting Northing) Identified as EPA Point 5 on Figure 2.
6	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor "Medley" at coordinates 324830 6388160 (Easting Northing) Identified as EPA Point 6 on Figure 2.
7	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor "Bulga" at coordinates 315110 6394557 (Easting Northing) Identified as EPA Point 7 on Figure 2.
8	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor "Chanton" at coordinates 322969 6377540 (Easting Northing) Identified as EPA Point 8 on Figure 2.
20	Meteorological Station – to determine meteorological conditions for noise monitoring	Meteorological Station at co-ordinates 321077 6379162 (Easting Northing) Identified as "Hares Meteorological Station" on Figure 2.
21	Meteorological Station – to determine meteorological conditions for noise monitoring	Meteorological Station at co-ordinates 323314 6383054 (Easting Northing) Identified as "New Bulga Complex Weather Station" on Figure 3.
23	Meteorological Station – to determine meteorological conditions for noise monitoring	Meteorological Station at co-ordinates 321376 630454 (Easting Northing) Identified as "Southern Extension Met Station" on Figure 2.

P1.5

For the purpose of conditions P1.1, P1.3 and P1.4, "Figure 2" refers to the plan titled "Bulga Coal Complex - Figure 2. EPL 563 Premises Boundary and Monitoring Points" dated 22/11/2023 (EPA ref. DOC24/21697). For the purpose of condition P1.4, "Figure 3" refers to the plan titled "Bulga Coal Complex - BCC Relocation" dated 29/07/2024 (EPA ref. DOC24/838641-2).

Noted

Note

3 Limit Conditions

L1

Pollution of waters

L1.1

Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

In 2022, a few unlicensed discharges occurred to clean water environments due to significant rain events. These were identified and reported. One incident in May 2022 due to a pipeline disconnected from a pump received a PIN from EPA.

Non-compliant NC-5

L2

Concentration limits

L2.1

For each monitoring/discharge point or utilisation area specified in the table/s below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table

Noted.

Note

L2.2

Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.

The reported pH values at monitoring point 11 are within the limit in 100% of the samples analysed, as per sighted EPL annual returns data reporting (2021-22, 2022-23). There were no discharges from HRSTS, corresponding to monitoring point 11 from July 2023 to November 2024, according to the monthly pollution monitoring reports.

L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.

Noted

Note

L2.4 Water and/or Land Concentration Limits

POINT 11

Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit
pH	pH				6.5-9.5
Total suspended solids	milligrams per litre				120

As per EPL annual returns, the pH and TSS values for point 11 remained within limits

Compliant

L3 Volume and mass limits

L3.1 For each discharge point or utilisation area specified below (by a point number), the volume/mass of:

a) liquids discharged to water; or;

b) solids or liquids applied to the area;

must not exceed the volume/mass limit specified for that discharge point or area.

The reported values are within the limit as per sighted EPL annual returns data reporting

Compliant

Point	Unit of Measure	Volume/Mass Limit
11	megallitres per day	500

L4
L4.1

Waste

The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Garden waste	Pasteurised garden organics for the purpose of rehabilitation	As specified in each particular resource recovery exemption	The Licensee must comply with the Pasteurised Garden Organics Exemption 2016
NA	Gypsum plaster board	Gypsum plasterboard for the purpose of rehabilitation	As specified in each particular resource recovery exemption	The Licensee must comply with the Recovered Plasterboard Exemption 2014
NA	Compost (The compost exemption 2016-NSW EPA)	Compost for the purpose of rehabilitation	As specified in each particular resource recovery exemption	The Licensee must comply with the Compost Exemption 2016.

In 2022, 294.4 t and in 2023, 32.1t of recycled gypsum plasterboard was received at the premises for use in rehabilitation. All the recycled gypsum that has been received and used on site during the audit period has come from the same supplier, REGYP Pty Ltd. Totals have been reported in the annual review.

Sighted certificate of Analysis, Product details and compliance statement as noted in this audit against SSD 4960 Schedule 3 Condition 52A.

Compliant

L5
L5.1

Blasting

The airblast overpressure level from blasting operations in or on the premises must not exceed 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; at either monitoring point 5,6,7 or 8 in Condition P1.4.

As per sighted evidence (SSD 4960) all reported airblast overpressure levels were within the limit.

Compliant

L5.2

The airblast overpressure level from blasting operations in or on the premises must not exceed 120 dB (Lin Peak) at any time; at either monitoring point 5,6,7 or 8 in Condition P1.4.

Compliant

L5.3

The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 5 mm/second for more than 5% of the total number of blasts during each reporting period; at either monitoring point 5,6,7 or 8 in Condition P1.4.

Reported results (per annual review) indicate the values were within the allowable limit.

Compliant

L5.4

The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed 10 mm/second at any time; at either monitoring point 5,6,7 or 8 in Condition P1.4.

Reported results (per annual review) indicate the values were within the allowable limit and no exceedance of 10mm/sec occurred during audit period.

Compliant

L5.5	Offensive blast fume must not be emitted from the premises. Definition: Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances: 1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.	No emissions of blast fume reported during this audit period.	Compliant
L6	Other limit conditions		
L6.1	Flares must be operated by the licensee such that there is no visible emission other than for a total period of no more than 5 minutes in any 2 hours, except for heat haze. Note: The operation of the flares and gas engines are required to comply with the provisions and limits contained with the Protection of the Environment Operations (Clean Air) Regulation 2010.	Noted	Note
4 Operating Conditions			
O1	Activities must be carried out in a competent manner		
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	Licensed activities are considered to being carried out in a competency manner generally as per site observations and as per sighted documentary evidence.	Compliant

O2	Maintenance of plant and equipment		
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Except as noted for a few failures of monitoring equipment and the one occasion of pipeline failure that caused a sediment laden water discharge in May 2022, based on available equipment register and maintenance records, all plant and equipment are maintained and operated properly.	Compliant
O2.2	The licensee is responsible for the correct operation of the sewage treatment system on the premises.	No issues were noted with regard to the operation of sewage management system on site.	Compliant
O2.3	Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system management requirements and must ensure that the necessary service contracts are in place.	Contractor is engaged to undertake regular supervision and system maintenance. Copy of the current Contractor Management Plan (dated 15/11/2024) with WGU Engineering sighted.	Compliant
O2.4	The sewage treatment system must be serviced by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year.	Letter of competency sighted for the wastewater technician with suitable qualification and level of experience. Purchase Requisition History sighted indicating records of quarterly STP servicing, testing and supply for the last three calendar years, as well as other relevant monitoring, auditing and supply of services/items for the STP.	Compliant
O2.5	The licensee must record each inspection and any actions required or recommended by the technician including all results of tests performed on the sewage treatment system by the technician as required in Condition O2.4.	Records of maintenance reports undertaken within each quarter during 2022 - 2024 sighted. Records include items inspected and any actions taken / recommended. Records of Quarterly Effluent Monitoring reports sighted which review plant performance and any actions to address effluent water quality issues.	Compliant
O2.6	The licensee must prepare a sewage treatment system maintenance program. The program must include: a) Certification from the system provider that the sewage treatment system is operating within its capacity; b) Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and c) Provide written records of each quarterly inspection.	Sewage treatment system maintenance program is undertaken by Gauge Industrial and Environmental. The quarterly Effluent Monitoring Reports provided by the contractor were sighted for a selection of quarters from 2022 to 2024. Reports include details on sewage treatment system compliance, maintenance and recommendations to address any identified issues.	Compliant

O3	Dust			
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	During the audit site walkover, a large plume of dust was seen to escape from the western sections of the development where parts of the Noise and Visual Bund was yet to be landscaped	Compliant	Observation O-4
O3.2	All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	The site was observed to be maintained well to contain noticeable dust emissions. Water carts were observed to be in operation throughout the site.	Compliant	
O3.3	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	The site was observed to be maintained well to contain noticeable dust emissions.	Compliant	
O4	Emergency response			
Note	Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.	PIRMP is dated 14 June 2024 and is current.	Compliant	

O5	Waste Management		
O5.1	The Licensee is authorised to dispose of heavy Plant-tyre waste generated on the premises, in the pit. The Licensee must: a) ensure that heavy Plant waste tyres are re-used on the premises as much as practical; b) ensure that any surplus heavy Plant waste tyres can be emplaced by being spread out on the pit-floor and buried as deep as practical, but, covered by at least 20m of inert material beneath any final rehabilitated surface; c) place heavy Plant waste tyres at least 10m away from coarse reject material or tailings emplacement areas; d) not place any heavy Plant waste tyres near heated material; e) not place any heavy Plant waste tyres in an area likely to leach to any water-coarse; f) tyres must not be stacked greater than 2 tyres in height.	Waste tyres were disposed of as per this condition, as documented in Attachment 4, Heavy Plant Tyre Disposal Report of EPL Annual returns for 2021/22 and 2022/23. No data was available for review for the period of July 2023 onwards (not covered by an issued Annual Return).	
O6	Other operating conditions		
O6.1	All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.	Above ground tanks were sighted to have sufficient bunding.	Compliant
5 Monitoring and Recording Conditions			
M1	Monitoring records		
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Monitoring and recording of data is generally being undertaken as required and retained.	Compliant
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	All records are digitised and retained in electronic form and available for inspection as required.	Compliant
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	The dates, time (where applicable) and samples point locations are included in quarterly monitoring reports and in attachments to Annual Returns. There are no details in these reports of the name of the person who collected the samples. No other records were inspected in this regard.	Compliant

M2
M2.1 Requirement to monitor concentration of pollutants discharged
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:

Noted

Note

M2.2 Air monitoring requirements

POINT 9,10

Failure to continuously monitor PM10 has been identified

Non-compliant NC-4

Pollutant	Units of measure	Frequency	Sampling Method
PM10	micrograms per cubic metre	Continuous	Special Method 1

Note For the purposes of condition M2.1, Special Method 1 requires the licensee to undertake the monitoring of PM10 concentrations strictly in accordance with the manufacturer's operating manual supplied with the continuous monitoring equipment and titled "E-BAM Particulate Monitor Operation Manual E-BAM-9800 Rev M" by Met One Instruments, Inc. (EPA Reference DOC19/970477).

Noted

Note

M2.3 Water and/or Land Concentration Limits

POINT 11

Pollutant	Units of measure	Frequency	Sampling Method
Conductivity	microsiemens per centimetre	Continuous during discharge	A probe designed to measure the range 0 to 10,000 uS/cm
pH	pH	Daily during any discharge	Grab sample
Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample
Turbidity	nephelometric turbidity units	Continuous during discharge	In line instrumentation

POINT 12,13

Pollutant	Units of measure	Frequency	Sampling Method
Faecal Coliforms	colony forming units per 100 millilitres	Quarterly	Grab sample
pH	pH	Quarterly	Grab sample

POINT 24,25,26,27,28,29,30,31,32,33

Pollutant	Units of measure	Frequency	Sampling Method
Electrical conductivity	microsiemens per centimetre	Monthly	Grab sample
pH	pH	Monthly	Grab sample
Total suspended solids	milligrams per litre	Monthly	Grab sample

Note: The requirement for turbidity monitoring at point 11 will be reviewed by the EPA after review of the data obtained during HRSTS discharge events.

Water monitoring reports are available on Bulga Coal website and noted in EPL returns

Compliant

M3	Testing methods - concentration limits		
M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.	Tests are undertaken by approved consultants or accredited laboratories and the reports indicate the methods followed, it is considered that the methodologies applied are as per requirements or standard approved methods.	Compliant
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.		Compliant
Note	The Protection of the Environment Operations (Clean Air) Regulation 2022 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".		Compliant

M4
M4.1

Weather monitoring

At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.

POINT 20,21

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Temperature at 2 metres	AM-4	Celsius	10 minutes	Continuous
Temperature at 10 metres	AM-4	Celsius	10 minutes	Continuous
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	10 minutes	Continuous
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	10 minutes	Continuous

POINT 20,21,23

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Relative humidity	AM-4	percent humidity	10 minutes	Continuous
Sigma theta	Special Method 2	Degrees	10 minutes	Continuous
Rainfall	AM-4	millimetres per hour	10 minutes	Continuous

POINT 23

Parameter	Sampling method	Units of measure	Averaging period	Frequency
Wind Direction at 30 metres	AM-2 & AM-4	Degrees	10 minutes	Continuous
Temperature at 30 metres	AM-4	Celsius	10 minutes	Continuous
Wind Speed at 30 metres	AM-2 & AM-4	metres per second	10 minutes	Continuous

Failure to monitor relative humidity has been noted in Annual Reviews and EPL annual returns, due to sensor failure. This was rectified.

Non-compliant NC-5

M4.2

Special Method 2 means sampling method in accordance with Fact Sheet D of the Noise Policy for Industry 2017.

Note

M5

Recording of pollution complaints

M5.1

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

Monthly complaints register updates are available on Bulga Coal website for up to January 2019 to December 2024

Compliant

M5.2

The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the licensee, the reasons why no action was taken.

The required details are available in the entries sighted in complaints registers available on Bulga Coal website.

Compliant

M5.3

The record of a complaint must be kept for at least 4 years after the complaint was made.

Monthly complaints register updates are available on Bulga Coal website for up to January 2019 to December 2024

Compliant

M5.4

The record must be produced to any authorised officer of the EPA who asks to see them.

Note

M6

Telephone complaints line

M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	A 24 hours/7days Community complaints line Tel: 1800 332 693 is noted on Bulga Coal website. Bulga Coal undertakes various community awareness activities as noted on the website. A complaints register is maintained online.	Compliant
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.		Compliant
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.		Note
M7	Requirement to monitor volume or mass		
M7.1	For each discharge point or utilisation area specified below, the licensee must monitor: a) the volume of liquids discharged to water or applied to the area; b) the mass of solids applied to the area; c) the mass of pollutants emitted to the air; at the frequency and using the method and units of measure, specified below.	As per EPL annual returns discharge events are monitored at Point 11 as required by this condition.	Compliant

POINT 11

Frequency	Unit of Measure	Sampling Method
Continuous during discharge	megalitres per day	Electronic level sensor and continuous logger

M8	Blasting														
M8.1	To determine compliance with conditions L5.1, L5.2, L5.3 and L5.4: a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 5, 6, 7 and 8 for the parameters specified in Column 1 of the table below; and b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.	Blasts are managed as per approved Blasting Management Plan, monitored and reported in the quarterly noise monitoring reports and the Annual Reviews.	Compliant												
	<table border="1"> <thead> <tr> <th>Parameter</th><th>Units of Measure</th><th>Frequency</th><th>Sampling Method</th></tr> </thead> <tbody> <tr> <td>Airblast Overpressure</td><td>Decibels (Linear Peak)</td><td>All blasts</td><td>Australian Standard AS 2187.2-2006</td></tr> <tr> <td>Ground Vibration Peak Particle Velocity</td><td>millimetres/second</td><td>All blasts</td><td>Australian Standard AS 2187.2-2006</td></tr> </tbody> </table>	Parameter	Units of Measure	Frequency	Sampling Method	Airblast Overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006	Ground Vibration Peak Particle Velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006	Airblast overpressure and ground vibration levels are measured and recorded for monitoring points 5, 6, 7 and 8 as per this condition, as documented in Attachment 3 of the 2021-22 and 2022-23 Annual Returns. As documented in the Monthly Pollution Monitoring Reports, monitoring follows Australian Standard 2187.2-2006.	
Parameter	Units of Measure	Frequency	Sampling Method												
Airblast Overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006												
Ground Vibration Peak Particle Velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006												
M9	Other monitoring and recording conditions														
	HRSTS Monitoring														
M9.1	The Licensee must continuously operate and maintain communication equipment which makes the conductivity and flow measurements, taken at Point 11 available to the "Service Coordinator" within one hour of those measurements being taken and makes them available in the format specified in the report titled "Hunter River Salinity Trading Scheme Discharge Point Telemetry Specification - Rev V1.0 Released 4 October 2018" as published by WaterNSW.	HRSTS communications were interrupted to the Water NSW website and were not permanently re-established for over three months during 2023. Cause of the fault was identified and corrective action taken, as reported in Annual Review.	Non-compliant NC-5												
M9.2	The licensee must ensure that all monitoring data is within a margin of error of 5% for conductivity measurements and 10% for discharge flow measurement.	A sample of calibration reports were sighted from 2022 - 2024 for EC, Turbidity and pH instruments specifying margin of error. Error margins within the reports sighted were <5%.	Compliant												
M9.3	The licensee must mark monitoring Point 11 with a sign which clearly indicates the name of the licensee, whether the monitoring point is up or down stream of the discharge point and that it is a monitoring point for the Hunter River Salinity Trading Scheme.	Licensed Discharge Point 11 sign clearly indicates name of licensee and that it is part of the HRSTS. Sign does not indicate whether the monitoring point is up or down stream of the discharge point.	Non-compliant NC-6												

M9.4	Requirement to Monitor Particulate Matter The licensee must record the average PM10 concentration at Monitoring Points 9 and 10 at intervals of 10 minutes. This data must be made available upon request by any Authorised Officer of the EPA who asks to see them.	PM10 data is included in EPL annual returns for points 9 and 10 and also discussed in quarterly air quality monitoring reports. The 2021 IEA raised a non-compliance and recommended to Continue to ensure equipment is regularly serviced, maintained, and is fit for purpose. The 2022 annual return attachments indicated Valid data was captured for 98.0% of the reporting period, at EPA Point 9, and 98.9% of the reporting period, at EPA Point 10. Details of invalid/missing data was explained mostly indicating equipment failure.	Compliant
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6 Reporting Conditions

R1	Annual Return documents		
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.	Bulga Coal has completed and lodged the EPL annual returns during the audit period with the required details listed in this condition. The annual returns are available on POEO website for this EPL.	Compliant

R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below.		Compliant
Note	Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.		
R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.	There has not been any transfer of licence during this audit period.	Not Triggered
Note	An application to transfer a licence must be made in the approved form for this purpose.		Note
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	The licence is current as at the time of this audit.	Not Triggered
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	EPL annual returns are lodged to EPA via electronic submission and are available on EPL POEO register site.	Compliant
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	EPL annual returns are saved in Bulga Coal CMO database.	Compliant

R1.7	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Signed annual returns are available on EPL register online - not verified in this audit. Annual returns are submitted and signed by the Directors electronically. Screen shot of the electronic annual returns portal requesting the electronic signatures sighted. Confirmation emails from the EPA for the electronic submission of annual returns sighted.	Compliant
R2 Note	Notification of Environmental Harm The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Noted. Incidents have been notified and there is evidence of EPA/DPE taking action as relevant.	Note
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.		Note
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.	Written notification to DPE/EPA with regard to incidents noted e.g. 2022 water discharges and sediment discharge.	Compliant
R3	Written report		
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Noted	Not Triggered
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Noted	Not Triggered

R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Noted	Not Triggered
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Noted	Not Triggered
R4	Other notifications		
	Notification of pollution of waters		
R4.1	The Licensee must notify the EPA by telephoning the Environment Line service on 131555 immediately after the Licensee becomes aware of any contravention or potential contravention of Condition L1 of the Licence.	Notification of sediment discharge from pipeline disconnected from a pump in May 2022 was notified with rectification methods proposed.	Compliant
R4.2	Within seven days of notifying the EPA of a potential contravention of Condition L1, the Licensee must provide the EPA a written report that explains the cause of the potential contravention and the actions taken to comply with Condition L1 of the Licence.		Compliant

R5	Blast Exceedance Notification and Reporting The Licensee must notify the EPA of any exceedance of Licence blast limits by telephoning the Environment Line Service on 131555 as soon as practicable after the exceedance becomes known to the Licensee or to one of the Licensee's employees or agents.	There were no exceedances of blast limits during this period.	
R4.4	Within seven days of notifying the EPA of an exceedance of Licence blast limits, the Licensee must provide the EPA a written report that explains the cause of the exceedance and the actions taken to prevent future exceedances of blast limits.	All results reviewed for the audit period were below criteria. This is documented in Annual returns for 2021/22 and 2022/23 as well as the Monthly Pollution Monitoring Reports for July 2023 to November 2024. On 22 February 2023, EPA ID No 5 (Dawtrety at Charlton house) recorded an airblast overpressure of 115dB. As 5% of the total blasts can exceed 115dB, but none can exceed 120dB, this result remains within compliance limits.	
R5	Other reporting conditions Blast monitoring compliance report		
R5.1	The results of the blast monitoring required by condition M7.1 must be submitted to the EPA with the Annual Return at the end of each reporting period.	EPL annual return attachments include detailed blast monitoring report.	Compliant
R5.2	HRSTS Reporting The Licensee must compile a written report of the activities under the Scheme for each scheme year. The scheme year shall run from 1 July to 30 June each year. The written report must be submitted to the EPA's regional office within 60 days after the end of each scheme year and be in a form and manner approved by the EPA. The information will be used by the EPA to compile an annual scheme report.	Three Hunter River Salinity Trading Scheme discharge sheets / reports covering the periods of 2021-22, 2022-23 and 2023-24 were available for review. Emails from the EPA confirming the receipt of each report were sighted.	Compliant
R5.3	Turbidity Report The Licensee must include graphical analysis of turbidity against discharge from Point 11 measured at EPA Point 11 for the length of any discharges from EPA Point 11 with the Annual Return.	EPL annual return attachments include turbidity report as required.	Compliant
R5.4	Sewage Treatment Plant Maintenance Report The sewage treatment system maintenance program required by Condition O2.6 must be submitted annually to the EPA with the Annual Return.	Sewage treatment system maintenance reports are part of the attachments submitted with the Annual Return. Screenshots of the attached supporting documents for the 2021-22, 2022-23 and 2023-24 Annual Returns (EPA Annual Returns portal) sighted.	Compliant

R5.5	The licensee must retain a copy of each report required by Condition O2.5 for 3 years from the date each record is made.	Noted. Reports are digitised and retained within the EMD database. All other monitoring and historical results are also within the EMD database. Screen shot of the reports within the database sighted.	Compliant	
R5.6	Heavy Plant-Tyre Disposal Report The Licensee must provide the EPA with the Annual Return a Heavy Plant-Tyre Disposal Report. The Report must include: a) a plan of the disposed heavy plant waste tyres on the premises for the period that includes: (i) each tyre serial number; (ii) supplier of each tyre; (iii) purchase date of each tyre; (iv) disposal date of each tyre; (v) co-ordinates (easting and northings) of the disposal of each tyre; (vi) the Real Level (RL) in metres AHD of each tyre placed in the pit; (vii) the number of tyres buried in a particular area; and (vii) the cumulative tonnage of tyres disposed of at the premises each year.	EPL annual return attachments include Heavy Plant Tyre Disposal Report with required details included.	Compliant	
R5.7	Water Quality Monitoring Report R5.7 The licensee must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following: a) for the monitoring required by the licence during the reporting period to which the Annual Return relates: (i) a summary of results for all ambient water quality monitoring required by the licence in table form and graphical form; (ii) total daily rainfall records from the premises meteorological monitoring required by the licence on the day that the sampling was undertaken in table form; (iii) total daily continuous rainfall records in graphical form; and (iv) a plan with the monitoring locations. b) A graphical presentation of the trends of monitoring results required by the licence for the reporting period to which the Annual Return relates and the preceeding data for the period of record the licensee has monitoring results for the licensed location. c) A graphical representation of total daily continuous rainfall records required by the licence for the record that matches the ambient water quality results, if available.	Surface water quality monitoring report is attached to the EPL annual returns as submitted. This report is prepared by Bulga Coal (qualification and experience of person who prepared it is not evident) and include relevant details.	Compliant	Observation O-10

7 General Conditions

G1	G1 Copy of licence kept at the premises or plant G1.1 A copy of this licence must be kept at the premises to which the licence applies. G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it. G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.	A copy of the EPL is available on site	Compliant
G2	G2 Contact number for incidents and responsible employees G2.1 The licensee must operate 24-hour telephone contact lines for the purpose of enabling the EPA to directly contact one or more representatives of the licensee who can: a) respond at all times to incidents relating to the premises; and b) contact the licensee's senior employees or agents authorised at all times to: i) speak on behalf of the licensee; and ii) provide any information or document required under this licence. G2.2 The licensee is to inform the EPA in writing of the appointment of any subsequent contact persons, or changes to the person's contact details as soon as practicable and in any event within fourteen days of the appointment or change.	A 24 hours/7days Community complaints line Tel: 1800 332 693 is noted on Bulga Coal website.	Compliant

G3

G3 Other general conditions

G3.1 Completed Programs

Program	Description	Completed Date
Saline discharge dispersion investigation	Saline discharge dispersion investigation... minimize risk of saline discharge to downstream irrigators.	11 December 2011
Coal Tailings Clean Up Nine Mile Creek	Remove Coal Tailings from Nine Mile Creek	01-November-2011
Clean Up Verification Report	Provide a report on clean up activities in Nine Mile Creek	04-November-2011
Environmental Harm Assessment	Provide a report on the actual and potential harm caused by the contamination of Nine Mile Creek with Coal Tailings.	04-November-2011
Coal Mine Particulate Matter Control Best Practice	Resolves issues in London's dust specific Best Management Practice (BMP) determination to identify ways to reduce particulate emissions.	29-June-2012
Particulate Matter Control Best Practice Implementation - Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel generated dust.	15-August-2014
Particulate Matter Control Best Practice Implementation - Discharging and Handling Overburden under Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	15-August-2014
Particulate Matter Control Best Practice Implementation - Trial of Best Practice Measures for Discharging and Handling Overburden	Investigation to establish best practice measures for the handling of overburden.	30-July-2014
Coal Mine Wind Erosion of Fines and Assessment	Assessment of predicted vs actual exposed lands.	23-March-2015

These are dated outside this audit period.

Not triggered

8 Special Conditions

E1	Hunter River Salinity Trading Scheme (HRSTS)	
E1.1	E1.1 This licence authorises the discharge of saline water into the	E1.1 - Noted
E1.2	Hunter River Catchment from an authorised discharge point (or	E1.2 - Noted
E1.3	points), in accordance with the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.	E1.3 - Noted
	E1.2 For the purposes of Clauses 23 and 29 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 the licensee must apply the conversion factor of 0.6.	
	E1.3 The licensee must not exceed the hourly volume discharge limit calculated using the following formula, at all discharge point(s) on this licence titled "Discharge of saline water under the Hunter River Salinity Trading Scheme (HRSTS)": $H = V / RRT$ Where: H is the hourly volume discharge limit (in megalitres per hour); V is the licence holder's volume discharge limit for the block (in megalitres) calculated in accordance with clause 23 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002); and <i>RRT is the difference between the discharge stop and start times shown on the river register for that block (in hours)</i> <i>Note 1: The intent of this condition is to prevent spikes of saline water in the Hunter River as a result of discharges of less than the duration permitted by the river register.</i> <i>Note 2: A river register is issued by the Service Co-ordinator and allows participants of the Hunter River Salinity Trading Scheme (HRSTS) to discharge saline to the Hunter River during a discharge period.</i>	

Note

Lease	Condition Ref	Condition	Audit finding (up to Oct 2022)	Status	Ref.
ML1494	Condition 2	Environmental Harm The proponent shall implement all practical measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of the development.	There is general compliance to this requirement as evidenced in this audit with regard to operation and rehabilitation of the development.	Compliant	
ML1494	Condition 3 a	MINING OPERATIONS PLAN Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General of the Department of Primary Industries - Mineral Resources		Compliant	
ML1494	Condition 3 b	identify areas that will be disturbed by mining operations detail the staging of specific mining operations identify how the mine will be managed to allow mine closure identify how mining operations will be carried out on site to prevent and or minimise harm to the environment reflect the conditions of approval under the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 and any other approvals relevant to the development including the conditions of the lease; and have regard for to any relevant guidelines adopted by the Director General	Bulga Coal had separate active MOPs for both open cut and underground operations. Underground mine ceased operations in 2018. The MOPs had been approved by D_G previously. Mining operations are generally in line with the MOP as reported in Annual Reviews.		
ML1494	Condition 3 c	The titleholder may apply to the Director General to amend an approved MOP at any time.	There was no amendment during this term.	Not Triggered	
ML1494	Condition 3 d	It is not a breach of this condition if: The operations constituting the breach were necessary to comply with the lawful order or direction given under the Mining Act 1992, Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997 or the Occupational Health and Safety Act 2000; and The Director General has been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out	Note	Note	
ML1494	Condition 3 e	A MOP ceases to have affect after 7 years after the date of the 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.	Note		
ML1494	Condition 4	ENVIRONMENTAL MANAGEMENT REPORT The lease holder must lodge Environmental Management Reports (EMR) with the DirectorGeneral annually or at the dates otherwise directed by the Director General.		Compliant	
ML1494	Condition 5	The EMR must: report against compliance with the MOP; report on progress in respect of rehabilitation completion criteria; report on the extent of compliance with regulatory requirement; and have regard to any relevant guidelines adopted by the Director General.	Annual Review reports are prepared and submitted to / approved by DPIE/DPHI. These reports serve the purpose of EMR.		
ML1494	Condition 6	Additional environmental reports may be required on specific surface disturbing operations or environmental issues from time to time as directed in writing by the Director General and must be lodged as instructed.	This condition was not triggered during this term.	Not Triggered	
ML1494	Condition 7	Rehabilitation Disturbed land must be rehabilitated to an sustainable/agreed end land use to the satisfaction of the Director General.	Rehabilitation works are in progress as sighted and evidenced in this audit.	Compliant	

ML1494	Condition 8	Extraction Plan a) in this condition: (i) an extraction plan means a plan being: (A) an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or (B) a subsidence management plan relating to the mining operations subject of this lease; I. submitted to the Secretary on or before the 31 December 2014; and II. approved by the Secretary. b) The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan. c) The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this mining lease. d) The lease holder must notify the Secretary within 48 hours of any: i) incident caused by subsidence which has a potential to expose any person to health and safety risks; ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence affects, and the potential impacts and consequences of those deviations on built features and the health and safety of any persons; or iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: A) built features; B) public safety; or C) subsidence monitoring.	Extraction works did not occur during this term.	Not Triggered
ML1494	Condition 10	Control of Operations a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of this lease, he may direct the lease holder to:- i) cease working the lease; or ii) cease that part of the operation complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified. b) The lease holder must comply with any direction given. The Director General may confirm, vary or revoke any such direction. c) A direction referred to in this condition may be served on the Mine Manager.		Not Triggered
ML1494	Condition 18	Prevention of Soil Erosion and Pollution Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution(including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purposes of this condition water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director General in this respect.	This condition was not triggered during this term. There were unlicensed discharges of mine water to clean water catchment during this term (March 2022) contributed by heavy rainfall and local floods, which were reported on time whereupon a warning letter had been received from DPE.	Compliant

ML1494	Condition 25	Resource Recovery a) Notwithstanding any description of mining method and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals. b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the process the lease holder shall use to achieve the specified recovery. c) The lease holder must, when requested by the Director General, provide such information as the Director General may specify about the recovery of the mineral resources of the lease area. d) The Director General shall issue no such report unless the matter has firstly been thoroughly discussed with and a report to the Director General has incorporated the views of the lease holder. e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act 1992. f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 2 (1)	MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP) MINING OPERATIONS PLAN (MOP) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for; (a) ongoing mining operations and environmental management; and (b) ongoing monitoring of the project		Compliant
ML1547	Condition 2 (2)	MREMP - MOP The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement		
ML1547	Condition 2 (3)	MREMP - MOP A Plan must be lodged with the Director-General;(a) prior to the commencement of operations;(b) subsequently as appropriate prior to the expiry of any current Plan; and(c) in accordance with any direction issued by the Director-General.	Bulga Coal had separate active MOPs for both open cut and underground operations. The MOPs had been approved by D-G previously. Mining operations are generally in line with the MOP as reported in Annual Reviews.	
ML1547	Condition 2 (4)	MREMP - MOP The Plan must present a schedule of proposed mine development for a period of up to seven years (7) years and contain diagrams and documentation which identify; (a) area(s) proposed to be disturbed under the Plan; (b) mining and rehabilitation method(s) to be used and their sequence; (c) areas to be used for disposal of tailings/waste; (d) existing and proposed surface infrastructure; (e) progressive rehabilitation schedules; (f) areas of particular environmental sensitivity (g) water management systems (including erosion and sediment controls); (h) proposed resource recovery; and (i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation.		
ML1547	Condition 2 (5)	MREMP - MOP The Plan when lodged will be reviewed by the Department of Mineral Resources.		
ML1547	Condition 2 (6)	MREMP - MOP The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.	This condition was not triggered during this term.	Not Triggered

ML1547	Condition 2 (7)	MREMP - MOP If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time.	This condition was not triggered during this term.	
ML1547	Condition 2 (8)	MREMP - MOP During the life of Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.	This condition was not triggered during this term.	
ML1547	Condition 3 (1)	AEMR Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.		Compliant
ML1547	Condition 3 (2)	AEMR 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 preceding and ensuing twelve months in terms of; (a) the accepted Mining Operations Plan; (b) development consent requirements and conditions; (c) Environment Protection Authority and Department of Infrastructure, Planning and Natural Resources licences and approvals; (d) any other statutory environmental requirements;(e) details of any variations to environmental approvals applicable to the lease area; and (f) where relevant, progress towards final rehabilitation objectives.	Annual Review reports are prepared and submitted to / approved by DPIE/DPHI. These reports serve the purpose of EMR.	
ML1547	Condition 3 (3)	AEMR After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 3 (4)	AEMR The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Note	Note
ML1547	Condition 15	Dumps The lease holder shall comply with any direction, given or which may be given by the Inspector regarding dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 16	Dumps The lease holder shall comply with any direction or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 17	Dust The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Dust management is undertaken as per Air Quality Management Plan and reported via Annual Reviews, quarterly air quality monitoring reports and EPL returns.	Compliant
ML1547	Condition 18	Management and Rehabilitation of Lands (General) The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	No interferences noted during this term.	Not Triggered
ML1547	Condition 19	Management and Rehabilitation of Lands (General) The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 20	Management and Rehabilitation of Lands (General). If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Survey reports were sighted in this audit with regard to structural assessment of various properties/buildings as required under SSD4960 and noted as compliant.	Compliant

ML1547	Condition 21	Management and Rehabilitation of Lands (General) If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 22	Management and Rehabilitation of Lands (General) Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 23	Management and Rehabilitation of Lands (General) If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 24	Management and Rehabilitation of Lands (General) The lease holder shall take all precautions against causing outbreak of fire on the subject area.	No fires reported during this term. Fires are prevented as per measures prescribed in the Bushfire Management Plan.	Compliant
ML1547	Condition 25	Management and Rehabilitation of Lands (General) The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	There were unlicensed discharges of mine water to clean water catchment during this term (March 2022) contributed by heavy rainfall and local floods, which were reported on time whereupon a warning letter had been received from DPE.	Compliant
ML1547	Condition 26	Blasting The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZECC Guidelines. (a) The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting. (b) The lease holder shall design all blasts on the basis that the blast overpressure noise level generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.	Blasting is managed as per the approved Blasting Management Plan and reported in the Annual Reviews.	Compliant
ML1547	Condition 27	Trees (Planting and Protection of) Flora and Fauna & Arboreal Screens If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Flora and fauna management is undertaken as per biodiversity management plan. No specific directions were noted during this term.	Compliant
ML1547	Condition 29	Trees (Planting and Protection of) Flora and Fauna & Arboreal Screens The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Screening is implemented as per the Visual Impact Management Plan, as sighted during site visit.	Compliant
ML1547	Condition 30	Soil Erosion The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Soil erosion is controlled as per Erosion and Sediment Control Plan. No major erosion or scouring was observed during site visit.	Compliant
ML1547	Condition 33a	Catchment Areas Operations shall be carried out in such a way as not to cause any pollution of the Hunter River Catchment Area.	No water pollution was identified during this term.	Compliant

ML1547	Condition 33b	Catchment Areas If the lease holder is using or about to use any process which in the opinion of the Minister is likely to cause contamination of the waters of the said Catchment Area the lease holder shall refrain from using or cease using as the case may require such process within twenty four (24) hours of the receipt by the lease holder of a notice in writing under the hand of the Minister requiring the lease holder to do so.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 33c	Catchment Areas The lease holder shall comply with any regulations now in force or hereafter to be in force for the protection from pollution of the said Catchment Area.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 43	Cultural Heritage The lease holder shall not knowingly destroy, deface or damage any Aboriginal object or Aboriginal place within the subject area except in accordance with an authority issued under the National Parks and Wildlife Act, 1974, and shall take every precaution in drilling, excavating or disturbing the land against any destruction, defacement or damage.	No reports or incidents were noted during this term that would be non-compliant to this requirement.	Compliant
ML1547	Condition 56a	Subsidence Management The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.		Not Triggered
ML1547	Schedule 00 Condition 056b	Subsidence Management Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Guideline for Applications for Subsidence Management Approvals.		
ML1547	Condition 56c	Subsidence Management The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director General, an approval under the Coal Mines Regulation Act 1982, or the document New Subsidence Management Plan Approval Process - Transitional Provisions.	Underground mining operations ceased prior to this audit period.	
ML1547	Condition 56d	Subsidence Management Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.		
ML1547	Condition 56e	Subsidence Management Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under condition 2 and will be subject to the Annual Environmental Management Report process as set out under condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence Policy.		
ML1547	Condition 59	General Condition The lease holder shall plant quick growing trees and shrubs adjacent to the washing plant and haulage roads within the subject area to reduce noise levels particularly in the vicinity of the Range Warden's cottage and shall comply with any other direction in this regard which may be issued by the Minister.	This condition was not triggered during this term.	Not Triggered
ML1547	Condition 61	General Condition The leaseholder shall, prior to any proposed activity in regard to methane drainage and capture, notify the Chief Inspector of Coal Mines (Mine Safety Operations and Environment Unit). The Chief Inspector of Coal Mines may impose conditions on such activities relative to each site specific case.	This condition was not triggered during this term.	Not Triggered

ML1674	Condition 2	Environmental Harm a)The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease. b) For the purposes of this condition: i) environment means components of the earth, including: A)land, air and water, and B)any layer of the atmosphere, and C)any organic or inorganic matter and any living organism, and D)human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C). ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.	There is general compliance to this requirement as evidenced in this audit with regard to operation and rehabilitation of the development.	Compliant
ML1674	Condition 3	Mining Operations Plan a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General. The MOP must: i) identify areas that will be disturbed by mining operations; ii) detail the staging of specific mining operations; iii) identify how the mine will be managed to allow mine closure; iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment; v) reflect the conditions of approval under: * the Environmental Planning and Assessment Act 1979 *the Protection of the Environment Operations Act 1997 * and any other approvals relevant to the development including the conditions of this tease; and * have regard to any relevant guidelines adopted by the Director-General. c) The leaseholder ,may apply to the Director-General to amend an approved MOP at any time. d) It is not a breach of this condition if: (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997,Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and ii)the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. e)A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General.	Bulga Coal had separate active MOPs for both open cut and underground operations. Underground mine ceased operations in 2018. The MOPs had been approved by D_G previously. Mining operations are generally in line with the MOP as reported in Annual Reviews.	Compliant
ML1674	Condition 4	Environment Management Report a)The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General. b) The EMR must: i)report against compliance with the MOP; ii)report on progress in respect of rehabilitation completion criteria; iii)report on the extent of compliance with regulatory requirements; and iv)have regard to any relevant guidelines adopted by the Director-General;		Compliant

ML1674	Condition 5	Environmental Incident Report a)The lease holder must report any environmental incidents. The report must: (i) be prepared according to any relevant Departmental guidelines; ii) be submitted within 24 hours of the environmental incident occurring: b)For the purposes of this condition, environmental incident includes: (i) any incident causing or threatening material harm to the environment ii) any breach of Conditions 1 to 9 and 12 to 14; iii) any breach of environment protection legislation; or, iv) a serious complaint from landholders or the public. c)For the purposes of this condition, harm to the environment is material if: (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.	Annual Review reports are prepared and submitted to / approved by DPIE/DPHI. These reports serve the purpose of EMR as required by this condition.	Compliant
ML1674	Condition 6	Additional Environmental Reports Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.		Compliant
ML1674	Condition 7	Rehabilitation Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Rehabilitation at the Bulga Coal Complex is in progress.	Compliant
ML1674	Condition 8	Extraction Plan	Underground mining operations ceased prior to this audit period, this condition has not been triggered.	Not Triggered
ML1674	Condition 12	Prevention of soil erosion and pollution Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	No prospecting operations undertaken during this term.	Not Triggered
ML1717	Condition 2	Rehabilitation Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Rehabilitation is in progress at various sections within the Bulga Coal complex.	Compliant

ML1717	Condition 3			Compliant
		Mining Operations Plan (a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. (b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: (i) identifies areas that will be disturbed; (ii) details the staging of specific mining operations, mining purposes and prospecting; (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; (iv) identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and (v) reflects the conditions of approval under: - the Environmental Planning and Assessment Act 1979; - the Protection of the Environment Operations Act 1997; and - any other approvals relevant to the development including the conditions of this mining lease. (c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment (d) The lease holder may apply to the Minister to amend an approved MOP at any time. (e) It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.	Bulga Coal had separate active MOPs for both open cut and underground operations. Underground mine ceased operations in 2018. The MOPs had been approved by D_G previously. Mining operations are generally in line with the MOP as reported in Annual Reviews.	
ML1717	Condition 3f			Compliant
		(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment. Note: The Rehabilitation Report replaces the Annual Environmental Management Report.	Rehabilitation reports had been prepared. Rehabilitation reporting is also included in Annual Review reports approved by DPIE.	
ML1717	Condition 6	Extraction Plan	Underground mine operations ceased in 2018; therefore an Extraction Plan was not required.	Not Triggered
ML1788	Condition 2	Rehabilitation		Compliant
		Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.		
ML1788	Condition 3a	Mining Operations Plan and Annual Rehabilitation Reports	Rehabilitation works are in progress. Bulga Coal had separate active MOPs for both open cut and underground operations. Underground mine ceased operations in 2018. The MOPs had been approved by D_G previously. Mining operations are generally in line with the MOP as reported in Annual Reviews. Annual rehabilitation report had been prepared for 2022.	Compliant

ML1788	Condition 5	Environmental Incident Report The lease holder must provide environmental incident notifications and reports to the Secretary no later than seven (7) days after those environmental incident notifications and reports are provided to the relevant authorities under the Protection of the Environment Operations Act 1997.	Incidents are reported as soon as they occur as relevant. Evidence of this process in place was sighted with regard to dam spilling due to rain event. All incidents are summarised in Annual Review reports.	Compliant
CL224	Condition 2	OPERATIONS PLAN (MOP) 2.1 Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:- a) ongoing mining operations and environmental management; and b) ongoing monitoring of the project. 2.2 The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. 2.3 A Plan must be lodged with the Director-General a) prior to the commencement of operations; b) subsequently as appropriate prior to the expiry of any current Plan; and c) in accordance with any direction issued by the Director-General. 2.4 The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:- a) area(s) proposed to be disturbed under the Plan; b) mining and rehabilitation method(s) to be used and their sequence; c) areas to be used for disposal of tailings/waste; d) existing and proposed surface infrastructure; e) progressive rehabilitation schedules; f) areas of particular environmental sensitivity; g) water management systems (including erosion and sediment controls); h) proposed resource recovery; and i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation 2.5 The Plan when lodged will be reviewed by the Department of Mineral Resources. 2.6 The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement. 2.7 If a requirement in accordance with clause (6) is not issued within two months of the lodgement of a Plan, lease holder may proceed with implementation of the Plan submitted subject to the lodgement of the required security deposit within the specified time. 2.8 During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses(5) and (7) above.	Bulga Coal had separate active MOPs for both open cut and underground operations. Underground mine ceased operations in 2018. The MOPs had been approved by D_G previously. Mining operations are generally in line with the MOP as reported in Annual Reviews. Annual rehabilitation report had been prepared for 2022.	Compliant

CL224	Condition 3	ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR) 3.1 Within 12 months of the commencement of mining operations and thereafter annually or at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General. 3.2 The AEMR must be prepared in accordance with the Director-General's guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of: a) the accepted Mining Operations Plan; b) development consent requirements and conditions; c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals; d) any other statutory environmental requirements; e) details of any variations to environmental approvals applicable to the lease area. and f) where relevant, progress towards final rehabilitation objectives. 3.3 After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial, actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice. 3.4 The lease holder shall, as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies.	Annual Review reports are prepared and submitted to / approved by DPIE/DPHI. These reports serve the purpose of EMR as required by this condition.	Compliant	
CL224	Condition 15	DUMPS 15. The lease holder shall comply with any direction, given or which may be given by the inspector regarding the dumping, depositing or removal of material extracted as well as the stabilisation and revegetation of any dumps of coal, minerals, mine residues, tailings or overburden situated on the subject area or the associated colliery holding.	This condition was not triggered during this term.	Not Triggered	
CL224	Condition 16	16. The lease holder shall comply with any direction given or which may be given by the Minister regarding the spraying of coal dumps on the subject area.	This condition was not triggered during this term.	Not Triggered	
CL224	Condition 17	DUST 17 The lease holder shall take such precautions as are necessary to abate any dust nuisance.	Dust management is undertaken as per Air Quality and Greenhouse Gas Management Plan and reported within Annual Review and quarterly air quality monitoring reports and EPL returns. At the time of site inspection on this audit, a visible plume of dust being carried by wind from the visual and noise barrier work area was sighted and raised, and included in this audit report.	Compliant	Observation O-4
CL224	Condition 18	Management and Rehabilitation of Lands (General) The lease holder shall not interfere in any way with any fences on or adjacent to the subject area unless with the prior written approval of the owner thereof or the Minister and subject to such conditions as the Minister may stipulate.	No interferences noted during this term.	Not Triggered	
CL224	Condition 19	Management and Rehabilitation of Lands (General) The lease holder shall observe any instruction given or which may be given by the Minister with a view to minimising or preventing public inconvenience or damage to public or private property.	This condition was not triggered during this term.	Not Triggered	
CL224	Condition 20	Management and Rehabilitation of Lands (General). If required to do so by the Minister and within such time as may be stipulated by the Minister the lease holder shall carry out to the satisfaction of the Minister surveys of structures, buildings and pipelines on adjacent landholdings to determine the effect of operations on any such structures, buildings and pipelines.	Survey reports were sighted in this audit with regard to structural assessment of various properties/buildings as required under SSD4960 and noted as compliant.	Compliant	
CL224	Condition 21	Management and Rehabilitation of Lands (General) If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister any lands within the subject area which may have been disturbed by the lease holder.	This condition was not triggered during this term.	Not Triggered	

CL224	Condition 22	Management and Rehabilitation of Lands (General) Upon completion of operations on the surface of the subject area or upon the expiry or sooner determination of this authority or any renewal thereof, the lease holder shall remove from such surface such buildings, machinery, plant, equipment, constructions and works as may be directed by the Minister and such surface shall be rehabilitated and left in a clean, tidy and safe condition to the satisfaction of the Minister.	This condition was not triggered during this term.	Not Triggered
CL224	Condition 23	Management and Rehabilitation of Lands (General) If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of the Minister and within such time as may be allowed by the Minister any lands within the subject area which may have been disturbed by mining or prospecting operations whether such operations were or were not carried out by the lease holder.	This condition was not triggered during this term.	Not Triggered
CL224	Condition 24	Management and Rehabilitation of Lands (General) The lease holder shall take all precautions against causing outbreak of fire on the subject area.	No fires reported during this term. Fires are prevented as per measures prescribed in the Bushfire Management Plan.	Compliant
CL224	Condition 25	Management and Rehabilitation of Lands (General) The lease holder shall provide and maintain to the satisfaction of the Minister efficient means to prevent contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment and shall observe any instruction given or which may be given by the Minister with a view to preventing or minimising the contamination, pollution, erosion or siltation of any river, stream, creek, tributary, lake, dam, reservoir, watercourse or catchment area or any undue interference to fish or their environment.	There were unlicensed discharges of mine water to clean water catchment during this term (March 2022) contributed by heavy rainfall and local floods, which were reported on time whereupon a warning letter had been received from DPE.	Compliant
CL224	Condition 26	Blasting The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZECC Guidelines. (a) The lease holder shall design all blasts on the basis that the ground vibration peak particle velocity generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting. (b) The lease holder shall design all blasts on the basis that the blast overpressure noise level generated by any blasting within the subject area, shall not exceed the levels in or conditions of the EPA Licence for the mine, at any dwelling or occupied premises not owned by the lease holder, the holder of an authority under the Mining Act, or not subject to a valid agreement with the lease holder, with respect to the effects of blasting.	Blasting is managed as per the approved Blasting Management Plan and reported in the Annual Reviews.	Compliant
CL224	Condition 27	Trees (Planting and Protection of) Flora and Fauna & Arboreal Screens If so directed by the Minister, the lease holder shall ensure that operations are carried out in such manner so as to minimise disturbance to flora and fauna within the subject area.	Flora and fauna management is undertaken as per biodiversity management plan. No specific directions were noted during this term.	Compliant
CL224	Condition 29	Trees (Planting and Protection of) Flora and Fauna & Arboreal Screens The lease holder shall maintain an arboreal screen to the satisfaction of the Minister within such parts of the subject area as may be specified by the Minister and shall plant such trees or shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	Screening is implemented as per the Visual Impact Management Plan, as sighted during site visit.	Compliant
CL224	Condition 30	Soil Erosion The lease holder shall conduct operations in such a manner as not to cause or aggravate soil erosion and the lease holder shall observe and perform any instructions given or which may be given by the Minister with a view to minimising or preventing soil erosion.	Soil erosion is controlled as per Erosion and Sediment Control Plan. No major erosion or scouring was observed during site visit.	Compliant



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