

# 2022 INDEPENDENT ENVIRONMENTAL AUDIT

## Maxwell Underground Coal Mine Project



PR151797  
1  
04 July 2022

## REPORT

### Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
0	Draft for Client Review	Sam Mitchell	Ian Richardson	Ian Richardson	27/06/2022
1	Final for Issue to DPE	Sam Mitchell	Ian Richardson	Ian Richardson	4/07/2022

### Approval for issue

Ian Richardson



4 July 2022

This report was prepared by RPS within the terms of RPS' engagement with its client and in direct response to a scope of services. This report is supplied for the sole and specific purpose for use by RPS' client. The report does not account for any changes relating the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report. RPS does not accept any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the report.

#### Prepared by:

#### RPS Australia East Pty Ltd

Sam Mitchell  
Senior Environmental Scientist

Unit 2A, 45 Fitzroy Street  
Carrington NSW 2294

T +61 2 4940 4200  
E sam.mitchell@rpsgroup.com.au

#### Prepared for:

#### Maxwell Ventures (Management) Pty Ltd

Donna McLaughlin  
Health, Safety, Environment and Community  
Manager

952 Thomas Mitchell Dr,  
Muswellbrook NSW 2333

T + 61 2 6542 0200  
E dmclaughlin@malabarresources.com.au

# Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>2</b>
<b>1 INTRODUCTION .....</b>	<b>7</b>
1.1 Overview of the project .....	7
1.2 Project approval history.....	7
1.3 Operation summary during the audit period.....	1
1.3.1 Production and Waste Summary .....	1
1.4 Approvals, Licences, and Leases .....	1
1.5 Audit Team .....	2
1.6 Audit Scope .....	2
1.6.1 SSD9526.....	3
1.6.2 PA06_0202 .....	3
1.6.3 DA106-04-00.....	4
<b>2 AUDIT METHODOLOGY .....</b>	<b>5</b>
2.1 Task 1 Pre-audit Activities.....	5
2.1.1 Pre-Audit Meeting and Documentation Requests .....	5
2.1.2 Approval and Regulator Consultation .....	5
2.2 Task 2 Site Inspection and Interviews .....	5
2.2.1 Opening Meeting.....	5
2.2.2 Site Inspection and Interviews .....	5
2.2.3 Close-out Meeting.....	5
2.3 Task 3 Draft IEA Report .....	6
2.4 Task 4 Finalise IEA Report .....	6
2.5 Audit Team Approval.....	6
2.6 Scope Development.....	6
2.8 Site Inspection.....	7
2.8.1 Opening and Closing Meetings.....	7
2.9 Compliance Status .....	7
2.10 Evidence Validation.....	8
2.11 Technical Specialists Input.....	8
<b>3 ENVIRONMENTAL MANAGEMENT .....</b>	<b>9</b>
<b>4 ENVIRONMENTAL PERFORMANCE.....</b>	<b>14</b>
4.1 Compliance Management .....	14
4.1.1 Compliance Monitoring .....	14
4.1.2 Internal Assurance.....	14
4.1.3 Monthly Inspections .....	14
4.1.4 Ground Disturbance Permit (GDP) Process .....	15
4.2 Incidents.....	15
4.2.1 2018 - 2019 Incidents .....	15
4.2.2 2020 Incidents.....	15
4.2.3 2021 Incidents.....	16
4.2.4 2022 Incidents.....	16
4.3 Complaints .....	16
<b>5 STATUS OF 2018 IEA RECOMMENDATIONS .....</b>	<b>18</b>
<b>6 AUDIT FINDINGS .....</b>	<b>1</b>
6.1 Identified Non-Compliances and Recommendations.....	1
6.1.1 Development Consent SSD9526.....	1
6.1.2 Project Approval PA06_0202.....	2
6.1.3 Project Approval DA106-04-00 .....	3
6.1.4 Environment Protection Licence 1323 .....	4

## Tables

Table 1	Summary of Audit Findings .....	2
Table 2	Coal Production and Waste Summary for the Audit Period .....	1
Table 3	Summary of Existing Major Approvals and Licences .....	2
Table 4	2021 IEA Audit Team .....	2
Table 5	Regulator Response Summary .....	7
Table 6	Compliance Status Descriptors .....	7
Table 7	Management Plan Adequacy Review .....	9
Table 8	Non-Compliances against SSD9526 .....	1
Table 9	Non-Compliances against PA06_0202 .....	2
Table 10	Non-Compliances against EPL 1323 .....	4
Table 11	Non-Compliances against Mining and Exploration Leases .....	6
Table 12	Summary of Opportunities for Improvement .....	10

## Plates

Plate 1 – Rail loop dam .....	12
Plate 2 – Rail loop dam level indicator .....	12
Plate 3 – Rail loop dam pump .....	13
Plate 4 – Rail loop dam .....	13
Plate 5 – Aboriginal heritage management area R15 .....	14
Plate 6 – Rail loop load out (not active) .....	14
Plate 7 – Rail loop .....	15
Plate 8 – Northern rehab area previously slashed .....	15
Plate 9 – Canopy consistency of northern rehab area .....	16
Plate 10 – Evidence of weeds and weed management programs in northern rehab areas .....	16
Plate 11 – Product stockpile area .....	17
Plate 12 – Workshop apron .....	17
Plate 13 – Unknown liquid in cut off IBCU .....	18
Plate 14 – Unbunded/labelled IBCU .....	18
Plate 15 – Wash bay .....	19
Plate 16 – Sewage treatment plant .....	19
Plate 17 – Evidence of overland erosion down embankment to oily water separator .....	20
Plate 18 – Concrete swale drains overgrown near workshop .....	20
Plate 19 – Under road pipe blocked leading from wash bay to oily water separator .....	21
Plate 20 – Oily water separator off workshop area .....	21
Plate 21 – Bund requiring clean out and with open containers present .....	22
Plate 22 – Bund requiring clean out and with open containers present .....	22
Plate 23 – Evidence of spill kits on site .....	23
Plate 24 – Leaking fuel pod outside of bunded area .....	23
Plate 25 – Workshop area .....	24
Plate 26 – Fuel and oil leaking from fuel cart during site inspection .....	24
Plate 27 – Fuel and oil leaking from fuel cart during site inspection .....	25
Plate 28 – Evidence of firefighting equipment on site .....	25
Plate 29 – Decommissioned equipment .....	26
Plate 30 – North Void .....	26
Plate 31 – Active rehabilitation area and drainage infrastructure .....	27
Plate 32 – Recently rehabbed spontaneous combustion location .....	27
Plate 33 – East Void .....	28
Plate 34 – Start of temporary access track for site establishment and sediment fence installation .....	28

## REPORT

---

Plate 35 – Sediment fence installed to temporary access track prior to permanent road construction .....	29
Plate 36 – Sediment fence installed to temporary access track prior to permanent road construction .....	29
Plate 37 – Evidence of slashing through Southern offset area .....	30
Plate 38 – Evidence of slashing through Southern offset area .....	30
Plate 39 – Wheel generated dust from mobile plant on haul road .....	31
Plate 40 – V notch dam .....	31
Plate 41 – Barn Owl in northern Offset Area .....	32
Plate 42 – TEOM 1 in Northern Offset Area .....	32
Plate 43 – Dust deposition gauge 2175 located in Northern Offset Area .....	33
Plate 44 – Evidence of knapweed noted in Drayton Wildlife Refuge .....	33
Plate 45 – Evidence of knapweed noted in Drayton Wildlife Refuge .....	34
Plate 46 – Signposted bioremediation area .....	34
Plate 47 – E-Sampler 3 .....	35
Plate 48 – Evidence of gully erosion through dirty water drainage channel to southern void .....	35
Plate 49 – Southern void .....	36
Plate 50 – Active spontaneous combustion area (286) in southern void .....	36
Plate 51 – APZ zone adjoining Mt Arthur .....	37
Plate 52 – Evidence of signposted rehabilitation area .....	37
Plate 53 – AHIMS site within SSD 9526 underground footprint .....	38
Plate 54 – Overview of MEA .....	38

## Figures

Figure 1	Regional Context .....	9
Figure 2	Maxwell UG Project boundaries .....	1

## Appendices

### Appendix A Planning Secretary Audit Team Approval

### Appendix B Audit Checklists

- B.1 SSD9526 Audit Checklist
- B.2 DA106-04-00 Audit Checklist
- B.3 PA 06\_0202 Audit Checklist
- B.4 EPL1323 Audit Checklist
- B.5 Exploration and Mining Lease Audit Checklists
- B.6 Response to 2018 IEA Audit Checklist

### Appendix C Stakeholder Consultation and Audit Checklist

### Appendix D Opening and Closing Meeting Records

### Appendix E Site Inspection Photographs

# INDEPENDENT AUDIT REPORT DECLARATION FORM

## Independent Audit Report Declaration Form

Project Name	Maxwell Underground Coal Mine Project
Consent Number	DA 106-04-00, PA06_0202, and SSD-9526
Description of Project	Completion of an Independent Environment Audit, required every 3 years Schedule 2, Condition 7.1 of DA 106-04-00, Schedule 2, Schedule 5, Condition 6 of PA06_0202, and Condition E13 of SSD-9526
Project Address	952 Thomas Mitchell Dr, Muswellbrook NSW 2333
Proponent	Maxwell Ventures (Management) Pty Ltd
Title of Audit	Independent Environmental Audit 2022 – Maxwell Underground Coal Mine Project
Date	4 July 2022

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	Ian Richardson
Signature	
Qualification	Bachelor of Environmental Science Exemplar Global Certified Lead Auditor – Environmental Management Systems (ISO 14001)
Company	RPS Australia East Pty Ltd
Company Address	RPS Newcastle – Unit 2A, 45 Fitzroy Street, Carrington NSW 2294

## EXECUTIVE SUMMARY

RPS Australia East Pty Ltd (RPS) was engaged by Maxwell Ventures (Management) Pty Ltd, a wholly owned subsidiary of Malabar Resources Limited (Malabar) to conduct an Independent Environmental Audit (IEA) of the Maxwell Underground Coal Mine Project (Maxwell UG Project).

The audit was a requirement of and conducted in accordance with Schedule 2, Condition 7.1 of DA 106-04-00, Schedule 2, Condition E13 of SSD-9526, and Schedule 5, Condition 6 of PA06\_0202 as issued by the Department of Planning and Environment (the Department) and RPS proposal dated 21 March 2022.

The previous IEA carried out at the site was conducted for the period of 6 November 2015 to 1 November 2018. The audit period to which this audit applies is inclusive of the period from 2 November 2018 to 12 May 2022 (as requested by the Department). This report presents the findings of the audit.

The IEA was undertaken in general accordance with:

- The Department's Post-approval requirements for State Significant Developments Independent Audit Guideline (Independent Audit Guideline, 2015).
- The Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- AS/NZS ISO 19011:2014 Guidelines for auditing management systems.
- RPS's proposal (dated 15 March 2022).

The RPS audit team was approved by the Department on 31 March 2022. A copy of the approval letter is located in **Appendix A**. A three (3) day site inspection was conducted at the Maxwell UG Project between 10 to 12 May 2022.

The IEA identified a total of 13 non-compliances against Project Approval PA08\_0184 and EPL 394 and reviewed coal/mining leases. These included:

**Table 1 Summary of Audit Findings**

Approval	Total No. of Conditions	Compliant	Non-Compliant	Not Triggered
SSD 9526	168	92	2	74
PA 06_0202	89	42	3	44
DA 106-04-00	28	20	0	8
CL229	33	17	1	15
CL395	24	17	1	6
ML1531	34	15	1	18
ML1820	3	2	0	1
ML1822	4	3	0	1
A173	56	7	0	49
EPL 1323	92	58	5	29

## GLOSSARY OF TERMS

Abbreviation	Description
<b>Aboriginal Affairs NSW</b>	Aboriginal Affairs Branch of the Department of Premier and Cabinet
<b>Aboriginal object / Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the NP&W Act
<b>AEP</b>	Annual Event Probability
<b>Annual Review</b>	The review required by condition <a href="#">E11</a>
<b>Applicant</b>	Maxwell Ventures (Management) Pty Ltd, or any person carrying out any development under this consent
<b>Approved mine plan</b>	The indicative underground mine plan in <a href="#">Figure 5</a> in <a href="#">Appendix 2</a>
<b>ARI</b>	Average Recurrence Interval
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCA</b>	Building Code of Australia
<b>BCD</b>	Biodiversity & Conservation Division within the Department
<b>BCT</b>	Biodiversity Conservation Trust
<b>BAM</b>	<i>Biodiversity Assessment Method</i>
<b>Built features</b>	Includes any building or work erected or constructed on land, and includes dwellings and infrastructure such as any formed road, street, path, walk, or driveway; any pipeline, water, sewer, telephone, gas or other service main
<b>Calendar year</b>	A period of 12 months from 1 January to 31 December
<b>CCC</b>	Community consultative committee required by condition <a href="#">A20</a>
<b>CEEC</b>	Critically endangered ecological community, as defined under the BC Act
<b>CHPP</b>	Coal Handling and Preparation Plant
<b>Conditions of this consent</b>	Conditions contained in Schedule 2
<b>Construction</b>	All physical works to enable mining operations to be carried out, including demolition and removal of buildings or works, and erection of buildings and other infrastructure permitted by this consent. This includes the establishment of the MEA, construction of the access road and overland conveyor between the MEA and CHPP, upgrading of plant and infrastructure at the Maxwell Infrastructure site, and the realignment of Edderton Road, but does not include preparatory works described in Section 3.4.2 of the EIS
<b>Council</b>	Muswellbrook Shire Council
<b>CPI</b>	Consumer Price Index
<b>Date of commencement</b>	The date notified to the Department by the Applicant under condition <a href="#">A13</a>
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Decommissioning</b>	The deconstruction or demolition and removal of works installed as part of the development
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the document/s listed in condition <a href="#">A2(c)</a> , as modified by the conditions of this consent
<b>Development Application Area</b>	The area shown as such in <a href="#">Figure 1</a> in <a href="#">Appendix 1</a>
<b>Development Layout</b>	The indicative development layout depicted in the figures in <a href="#">Appendix 2</a>
<b>DPIE Crown Lands</b>	Crown Lands Group within the Department
<b>DPIE Water</b>	Water Group within the Department
<b>EAs</b>	The Environmental Assessments titled: <ul style="list-style-type: none"> <li>• Drayton Mine Extension Environmental Assessment, Volumes 1 and 2, dated August 2007, including the response to submissions, dated November 2007;</li> </ul>

Abbreviation	Description
	<ul style="list-style-type: none"> <li>Project Approval Modification Environmental Assessment (including its Statement of Commitments), dated July 2009, and the response to submissions dated September 2009; and</li> <li>East pit tailings emplacement &amp; explosives storage facility environmental assessment dated July 2011, and Response to Submissions dated 3 November 2011, and Preliminary Hazard Analysis dated November 2011</li> </ul>
EEC	Endangered ecological community, as defined under the BC Act
EIS	The Environmental Impact Statement titled <i>Maxwell Project – Environmental Impact Statement</i> prepared by Resource Strategies Pty Ltd, submitted with the development application, including the Applicant's Submissions Report and additional information dated 10 December 2019, 11 December 2019, 20 January 2020, 30 January 2020, 28 February 2020, 30 April 2020, 30 April 2020, 1 June 2020, 9 June 2020 and 15 June 2020 provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
Environmental consequences	The environmental consequences of subsidence impacts, including: damage to built features; loss of surface water flows to the subsurface; loss of standing pools; slope changes to streams; adverse water quality impacts; development of iron bacterial mats; cliff falls; rock falls; landslides; damage to Aboriginal heritage sites; impacts on aquatic ecology and ponding
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Means what is possible and practical in the circumstances
First workings	Development of main headings, longwall gate roads, related cut throughs and other workings for mine access and ventilation
GDE	Groundwater Dependent Ecosystem
Heritage NSW	Heritage Branch of the Department of Premier and Cabinet
Heritage item	<p>An Aboriginal object, an Aboriginal place, or a place, building, work, relic, moveable object, tree or precinct of heritage significance, that is listed under any of the following:</p> <ul style="list-style-type: none"> <li>the NP&amp;W Act</li> <li>the State Heritage Register under the Heritage Act 1977;</li> <li>a state agency heritage and conservation register under section 170 of the Heritage Act 1977;</li> <li>a Local Environmental Plan under the EP&amp;A Act;</li> <li>the World Heritage List;</li> <li>the National Heritage List or Commonwealth Heritage List under the EPBC Act; or anything identified as a heritage item under the conditions of this consent</li> </ul>
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 the EP&A Act, except for where the term is used in the noise and air quality conditions in PART B of this consent where it is defined to mean the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
Livestock	Any animal kept or traded as a source of income, including horses and cattle
Material harm	<p>Is harm to the environment that:</p> <ul style="list-style-type: none"> <li>involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> </ul>

Abbreviation	Description
	<ul style="list-style-type: none"> <li>results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such 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)</li> </ul> <p>This definition excludes “harm” that is authorised under either this consent or any other statutory approval</p>
<b>Maxwell Infrastructure</b>	The area shown in <a href="#">Figure 4</a> in <a href="#">Appendix 2</a>
<b>MEG</b>	Mining, Exploration and Geoscience within Regional NSW
<b>MEA</b>	Mine Entry Area as shown conceptually in <a href="#">Figure 3</a> in <a href="#">Appendix 2</a>
<b>Mine Owned Land</b>	Land owned by a mining, petroleum or extractive industry company (or its subsidiary or related party)
<b>Mine water</b>	Water that accumulates within, or drains from, active mining and infrastructure areas and any other areas where runoff may have come into contact with carbonaceous material
<b>Minimise</b>	Implement all reasonable and feasible mitigation measures to reduce the impacts of the development
<b>Mining operations</b>	The carrying out of mining, including the extraction, processing, stockpiling and transportation of coal on the site and the associated removal, storage and/or emplacement of vegetation, topsoil, overburden, tailings and reject material
<b>Minister</b>	NSW Minister for Planning and Public Spaces, or delegate
<b>Minor</b>	Not very large, important or serious
<b>Mitigation</b>	Activities associated with reducing the impacts of the development
<b>Mod 1</b>	The modification to the development as described in Modification Report (Mod 1)
<b>Modification Report (Mod 1)</b>	Modification Report titled <i>Maxwell Underground Mine Project Mine Entry Area Modification: Modification Report</i> prepared by Malabar Resources Ltd
<b>Negligible</b>	Small and unimportant, such as to be not worth considering
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>'Non-road' mobile diesel equipment</b>	Has the same meaning as in any EPL for the carrying out of the development on the site
<b>NP&amp;W Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>OFI</b>	Opportunity for Improvement
<b>Over-dimensional</b>	Over-mass, over-size or over-length vehicles
<b>PA</b>	Planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Privately-owned land</b>	Land that is not owned by a public agency or a mining, petroleum or extractive industry company (or its subsidiary)
<b>Public infrastructure</b>	Linear and related infrastructure that provides services to the general public, such as roads, railways, water supply, drainage, sewerage, gas supply, electricity, telephone, telecommunications, etc.
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
<b>Registered Aboriginal Parties</b>	As described in the <i>National Parks and Wildlife Regulation 2009</i>
<b>Rehabilitation</b>	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
<b>Remediation</b>	Activities associated with partially or fully repairing or rehabilitating the impacts of the development or controlling the environmental consequences of this impact

## REPORT

Abbreviation	Description
<b>Residence</b>	Existing or approved dwelling at the date of grant of this consent, including dwellings offering overnight accommodation within the Coolmore and Woodlands Thoroughbred Studs and the Hollydene Estate
<b>Resources Regulator</b>	NSW Resources Regulator within Regional NSW
<b>RFS</b>	NSW Rural Fire Service
<b>ROM</b>	Run-of-mine
<b>SA NSW</b>	Subsidence Advisory NSW
<b>Second Workings</b>	Extraction of coal from longwall panels, mini-wall panels or pillar extraction
<b>Site</b>	The land defined in <a href="#">Appendix 1</a>
<b>Steep slope</b>	An area of land having a gradient between 1 in 3 (33% or 18.3°) and 2 in 1 (200% or 63.4°)
<b>Subsidence</b>	The totality of subsidence effects, subsidence impacts and environmental consequences of subsidence impacts
<b>Subsidence Area</b>	The land area within the predicted extent of conventional subsidence, as shown in <a href="#">Figure 2</a> in <a href="#">Appendix 2</a>
<b>Subsidence effects</b>	Deformation of the ground mass due to mining, including all mining-induced ground movements, such as vertical and horizontal displacement, tilt, strain and curvature
<b>Subsidence impacts</b>	Physical changes to the ground and its surface caused by subsidence effects, including tensile and shear cracking of the rock mass, localised buckling of strata caused by valley closure and subsidence and surface depressions or troughs
<b>Thomas Mitchell Drive Contributions Study</b>	The Contributions Study prepared by GHD titled, “ <i>Thomas Mitchell Drive Contributions Study, May 2015</i> ” as amended by the supplementary report dated August 2018 (or its latest version as amended from time to time)
<b>TfNSW</b>	Transport for New South Wales
<b>Underground mining operations</b>	The carrying out of underground mining, including the extraction, processing, stockpiling and transportation of coal on the site and the emplacement of coarse/fine reject material resulting from underground mining

# 1 INTRODUCTION

RPS Australia East Pty Ltd (RPS) was engaged by Maxwell Ventures (Management) Pty Ltd, a wholly owned subsidiary of Malabar Resources Limited (Malabar) to conduct an Independent Environmental Audit (IEA) of the Maxwell Underground Coal Mine Project (Maxwell UG Project).

The audit was a requirement of and conducted in accordance with Schedule 2, Condition 7.1 of DA 106-04-00, Schedule 2, Condition E13 of SSD-9526, and Schedule 5, Condition 6 of PA06\_0202 as issued by the Department of Planning and Environment (the Department) and RPS proposal dated 21 March 2022.

The previous IEA carried out at the site was conducted for the period of 6 November 2015 to 1 November 2018. The audit period to which this audit applies is inclusive of the period from 2 November 2018 to 12 May 2022 (as requested by the Department). This report presents the findings of the audit.

## 1.1 Overview of the project

The Maxwell UG Project is located in the Upper Hunter Valley of New South Wales (NSW), east-southeast of Denman and south-southwest of Muswellbrook. The site is approved to extract a maximum of 8 million tonnes of run-of-mine (ROM) coal per year over a period of 26 years with construction expected to commence during the next reporting period.

The site consists of the following areas:

- Underground area comprising the proposed area of underground mining operations and the mine entry area (MEA) to support underground mining and coal handling activities and provide for personnel and materials access;
- Maxwell Infrastructure (formerly Drayton mine) comprising previous open cut mining areas, existing coal handling and preparation plant (CHPP), train load-out facilities and rail loop, Antiene rail spur and other infrastructure and services; and
- Transport and services corridor between the underground area and Maxwell Infrastructure comprising the proposed site access road, covered overland conveyor, power supply and other ancillary infrastructure and services.

The area within and surrounding the site, which has previously been known as Mt Arthur South, Saddlers Creek and Drayton South, has long been identified as having a significant in-situ coal resource. The regional context of the site is shown in **Figure 1**. Prospecting for coal commenced in the late 1940s, with exploration intensifying during the 1960s and 1970s. Open cut coal extraction and mining activities commenced at Maxwell Infrastructure in 1983 and ceased in October 2016. The previous open cut mining area is currently in the rehabilitation phase of the mine operations.

The site is bordered by Mt Arthur Coal to the west and AGL Macquarie's Bayswater and Liddell Power Stations adjoining the eastern and southern boundaries. The Antiene rural residential area exists to the north of the site.

## 1.2 Project approval history

The development consent for State Significant Development 9526 (SSD 9526) was granted on 22 December 2020 under clause 8A of the State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the Environmental Planning and Assessment Act 1979 (EP&A Act). Approval was granted under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 10 March 2021 (EPBC 2018/8287). The development consent was modified (MOD1) on 19 November 2021 to allow for the following:

- Repositioning of the underground portal;
- Realignment of a small section of the proposed access road at the Maxwell Infrastructure site to utilise an existing haul road and minimise impacts to established mine rehabilitation;
- Repositioning of an approved clean water diversion for the MEA;
- Repositioning of the water treatment facility from the MEA to the Maxwell Infrastructure site; and

## REPORT

---

- Other minor works and ancillary infrastructure components within the existing approved surface development areas (e.g., works associated with the reconfiguration of the MEA and pumps/pipelines associated with the water treatment facility).

The site also incorporates the development formerly authorised under the Maxwell Infrastructure Project Approval (PA) 06\_0202. Development Consent DA 106-04-00 for the existing rail loop and Antiene Rail Spur was granted on 2 November 2000 under Section 76(A)9 and 80 of the EP&A Act and is still current within the audit period.

The site currently operates under SSD 9526, PA 06\_0202 and DA 106-04-00. SSD 9526 requires the surrendering of PA 06\_0202 within 12 months of the commencement of development under SSD 9526. It is anticipated that PA 06\_0202 will be surrendered during the next audit period.

Environment Protection Licence (EPL) 1323 was varied during the audit period to update the premises boundary and monitoring locations for the Maxwell UG Project. The variation was approved by the NSW Environment Protection Authority (EPA) on 30 July 2021.

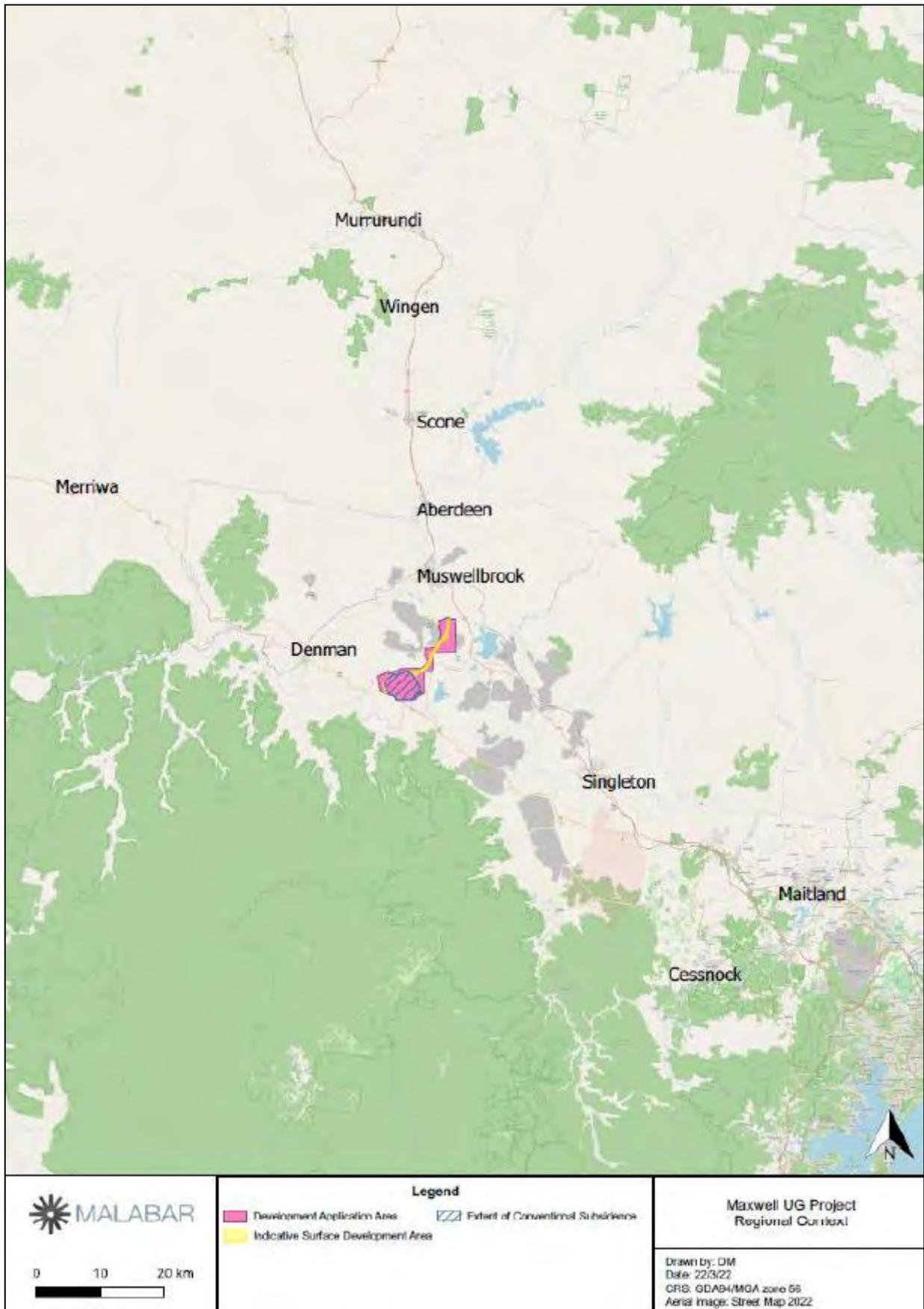


Figure 1 Regional Context

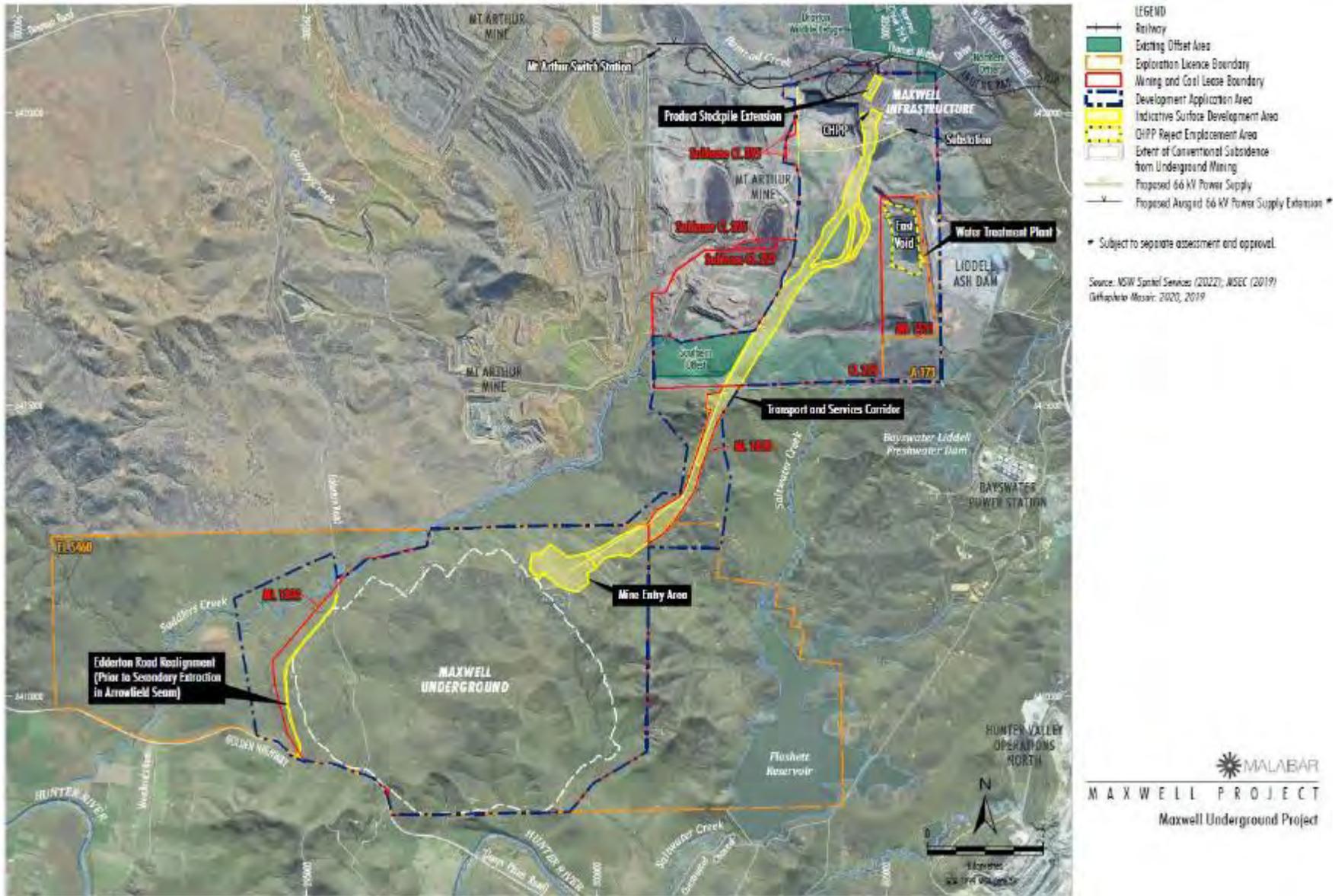


Figure 2 Maxwell UG Project boundaries

## 1.3 Operation summary during the audit period

Under Schedule 2, Condition 5 of development consent PA 06\_0202, no mining operations can take place at the Maxwell Infrastructure site after 31 December 2017. Mining operations includes coal extraction, processing and transportation activities. During the audit period, site activities occurred during daylight hours, typically on a five days per week basis and occasionally up to seven days. There were no coal processing or coal transport activities during the audit period.

The Maxwell rail loop was used on occasion for the temporary stowage of empty rolling stock by Aurizon Operations Ltd. Fixed site infrastructure continued to be preserved under a care and maintenance program. Although open cut mining operations have ceased at the Maxwell Infrastructure site, rehabilitation of the completed mining areas along with ancillary activities, including upkeep of roads and maintenance of equipment continued during the audit period. These works were focused on final landform development and rehabilitation.

No exploration activities were undertaken during 2019. A geotechnical drilling program was undertaken in 2020 for the Maxwell UG Project. The program consisted of a combination of drill holes and test pits for geotechnical investigations. All of the drill holes and the majority of test pits were undertaken on Exploration Licence (EL) 5460. Five test pits were undertaken within the proposed transport corridor inside CL229. All holes and test pits were rehabilitated in accordance with the Rehabilitation Management Plan that was prepared for the program.

Pursuant to Condition A13(a), Maxwell provided notice of its intention to commence permitted development, in the form of salvage of Aboriginal artefacts, on 5 July 2021 in accordance with the SSD 9526. Pursuant to Condition A13(b), Maxwell provided notice of its intention to commence permitted construction, on 20 April 2022 in accordance with the SSD 9526.

### 1.3.1 Production and Waste Summary

During the audit period the following production and waste summary was recorded as detailed in **Table 2** below.

**Table 2 Coal Production and Waste Summary for the Audit Period**

Material	Approved limit	2018*	2019	2020	2021	2022*
Waste rock / overburden (bcm)	0	0	0	0	0	0
ROM coal / ore (t)	0	0	0	0	0	0
Coarse reject (t)	0	0	0	0	0	0
Fine reject (tailings) (t)	0	0	0	0	0	0
Saleable product (t)	0	0	0	0	0	0

\*Portion of year within the audit period (2 November 2018 to 12 May 2022)

## 1.4 Approvals, Licences, and Leases

The current approvals, licences and leases held by Maxwell, that were reviewed as part of this IEA, are summarised in **Table 3** below.

**Table 3 Summary of Existing Major Approvals and Licences**

Title	Agency	Description	Expiry
SSD 9526	DPE	Development Consent issued under Section 4.36 of the Environmental Planning and Assessment Act 1979 for the Maxwell UG Project	30 June 2024
PA 06_0202	DPE	Project Approval issued under Section 75J of the (now repealed) Part 3A of the Environmental Planning and Assessment Act 1979 for the Drayton Mine Extension Project.	Relinquish by 5 July 2022
DA 106-04-00	DPE	Development Consent issued under Section 76 (A), 9 and 80 of Part 4 of the Environmental Planning and Assessment Act 1979 for use of the existing Drayton Rail Loop and Antiene Rail Spur.	2 November 2025
CL229	Resource Regulator	Coal Lease issued under the Mining Act 1973.	2 February 2024
CL395	Resource Regulator	Coal Lease issued under the Mining Act 1973.	21 January 2029
ML1531	Resource Regulator	Mining Lease issued under the Mining Act 1992.	26 February 2024
ML1820	Resource Regulator	Mining Lease issued under the Mining Act 1992 for ancillary mining activities.	10 November 2042
ML1822	Resource Regulator	Mining Lease issued under the Mining Act 1992 for underground coal mining.	18 November 2042
A173	Resource Regulator	Authorisation issued under the Mining Act 1992.	31 August 2018 (renewal sought currently sitting with MEG)
EPL 1323	NSW EPA	Environment Protection Licence (EPL) issued under Section 55 of the Protection of the Environment Operations Act 1997 (POEO Act) for mining for coal and coal works.	Annual renewal 30 July each year

Note: \*currently being sought for relinquishment    ^renewal sought

## 1.5 Audit Team

The RPS 2022 IEA team, inclusive of the required technical specialists, included personnel outlined in **Table 4** below. The audit team, inclusive of specialists, was approved by the Department to conduct the audit. Refer to the letter from the Department provided in **Appendix A**.

**Table 4 2021 IEA Audit Team**

Personnel	Audit Team Role
Ian Richardson	Lead Auditor – RPS Group
Sam Mitchell	Auditors Assistant – RPS Group
Clayton Richards	Rehabilitation Specialist – Mineseils

## 1.6 Audit Scope

The requirement for the IEA is set out in Schedule 2, Condition E13 of SSD9526, Schedule 2, Condition 6 Project Approval 06\_0202, and Condition 7.1 of DA106-04-00 which requires the following scope of works be carried out as detailed below.

## 1.6.1 SSD9526

### Independent Environmental Audit

- E13. Within one year of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:
- be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
  - be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
  - be carried out in consultation with the relevant agencies and the CCC;
  - assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
  - review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
  - recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
  - be conducted and reported to the satisfaction of the Planning Secretary.
- E14. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

## 1.6.2 PA06\_0202

### INDEPENDENT ENVIRONMENTAL AUDIT

6. Within 2 years of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
  - assess the environmental performance of the project, and its effects on the surrounding environment;
  - assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
  - review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
  - recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.

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

7. Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.
8. Within 3 months of submitting the audit report to the Director-General, the Proponent shall review and if necessary revise the:
- strategies/plans/programs required under this consent; and
  - Conservation and Biodiversity Conservation Bond, to the satisfaction of the Director-General.

### 1.6.3 DA106-04-00

#### 7.1 *Third Party Monitoring/Auditing*

##### Independent Environmental Audit

- (a) Every three years from the date of this consent until completion of coal transportation in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the Drayton Rail loop operation and Antiene rail spur operation in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. The audit shall be co-ordinated as far as possible with the audit for the Bayswater rail loading facility and rail loop as directed by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, MSC, EPA, DMR, and CCC within two weeks of the report's completion for comment.
- (b) The audit shall:
  - (i) assess compliance with the requirements of this consent, licences and approvals;
  - (ii) assess the development against the predictions made in the EIS;
  - (iii) review the effectiveness of the environmental management of the coal transportation operations, including any mitigation works;
  - (iv) be carried out at the Applicant's expense; and
  - (v) be conducted by a duly qualified independent person or team approved by the Director-General in consultation with MSC.
- (c) The Director-General may, after considering any submission made by the relevant government agencies, MSC and CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable requirements within such time as the Director-General may require.

## 2 AUDIT METHODOLOGY

### 2.1 Task 1 Pre-audit Activities

#### 2.1.1 Pre-Audit Meeting and Documentation Requests

RPS undertook initial discussions with Maxwell to organise the audit, including the provision of documentation through requests for information (RFI) and provided an Audit Agenda for the site visit and timing.

Review of documentation provided by Maxwell and their representatives and preparation of compliance assessment checklists that included a list of conditions of key regulatory approvals to be assessed for compliance.

#### 2.1.2 Approval and Regulator Consultation

Following DPE approval of the RPS Audit Team, RPS consulted via email with relevant regulators with respect to the audit scope in accordance with the DPE *Independent Audit Post Approval Requirements, 2015 and 2020 Guidelines*.

Relevant comments and requests from these regulators were included in the Audit Report and investigated as part of the audit as required.

### 2.2 Task 2 Site Inspection and Interviews

The Audit Team conducted the audit site visit over a three (3) day period on 10 to 12 May 2022, comprising of:

- Document reviews.
- Interviews with relevant personnel.
- Site inspection.

Opening and closing meetings were held to ensure open communication with Maxwell and provide preliminary Audit findings. The audit was conducted as per the Audit Agenda, which was prepared and sent to Maxwell on 19 April 2022, prior to the site visit.

#### 2.2.1 Opening Meeting

An opening meeting was held upon commencement of the audit at the site. The purpose of this meeting was to confirm the objectives of the audit, the scope of the audit, the resources required and methodology to be applied.

#### 2.2.2 Site Inspection and Interviews

The Lead Auditor, Auditors Assistant, and required specialist undertook a site inspection, which involved physical validations and collection of a photographic record. The auditor's observations used to supplement information gathered during the review of documents and records.

During the site inspection, interviews were conducted with Maxwell staff to verify compliance with the consents and associated documents.

#### 2.2.3 Close-out Meeting

At the completion of the audit site visit, a brief close-out meeting was held with relevant Maxwell personnel. The purpose of the close-out meeting was to provide and receive feedback on the audit process and present the summary of preliminary findings, recommendations, and any post-audit actions. It should be noted that additional findings based on a detailed document reviews as part of the audit

process were required following the completion of the site inspection. As such, the summary of preliminary findings detailed in the closeout meeting did not cover all findings associated with the audit.

### 2.3 Task 3 Draft IEA Report

During the site visit, and as required following the site visit, the audit team conducted a review of the key documentation provided. Each requirement within the audit compliance tables were reviewed and evidence gathered to support an assessment of compliance. Whilst personal communication does provide valuable input into this process it was not be relied upon as verification of compliance.

An assessment of environmental performance was undertaken and reported in the audit report where issues were identified. A review of the Environmental Management Strategy and Environmental Monitoring Program were undertaken, and a summary provided in the audit report.

A single consolidated report was prepared (this report), with separate audit tables appended to address each of the approval instruments.

### 2.4 Task 4 Finalise IEA Report

Following receipt of consolidated comments from Maxwell, RPS updated and finalised the IEA Report and reissued for Maxwell to submit to the Department via the Major Project website.

### 2.5 Audit Team Approval

The Department reviewed the nominations and information provided in accordance with the requirements of the consents and the Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, October 2015 (IEA Guideline 2015) and was satisfied that the RPS audit team was suitably qualified and experienced.

RPS was directed by Department to undertake the audit in accordance with the IEA Guideline 2015 utilising the compliance indicators noted in the Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).

The audit team was approved by the Department on 31 March 2022. A copy of the approval letter is located in **Appendix A**.

The Department requests that a copy of the IEA report be submitted to the Major Projects Portal, together with a response to any auditor recommendations (RAR), within three (3) months of completing the audit, or as otherwise agreed by the Secretary.

### 2.6 Scope Development

The IEA was undertaken in general accordance with:

- The Department's Post-approval requirements for State Significant Developments Independent Audit Guideline (Independent Audit Guideline, 2015).
- The Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, May 2020 (Independent Audit Guideline, 2020).
- AS/NZS ISO 19011:2014 Guidelines for auditing management systems.
- RPS's proposal (dated 15 March 2022).

### 2.7 Consultation

Schedule 2, Condition E13(c) of SSD-9526 requires the IEA to include consultation with relevant agencies and the Community Consultative Committee (CCC). A summary is provided in **Table 5** of the regulatory agencies which were sent requests for comment by Maxwell on 17 March 2022 as well as the status of any responses received.

**Table 5 Regulator Response Summary**

Regulatory Agency	Response Received	Date Received
NSW Department of Planning and Environment	Yes	28 February 2022
NSW Department of Regional NSW, Mining, Exploration and Geoscience	Yes – no comment	24 March 2022
NSW Department of Planning, Industry and Environment, Biodiversity Conservation Division	Yes	31 March 2022
NSW Department of Planning, Industry and Environment, Water Division	Yes – no comment	30 March 2022
NSW Environment Protection Authority	Yes – no comment	25 March 2022
NSW Resources Regulator	Yes	20 June 2022
NSW Heritage	Yes	21 March 2022
Muswellbrook Shire Council	Yes	31 March 2022
Community Consultative Committee	No	-

A summary of comments received from the regulatory agencies as well as responses to regulator consultation is provided in **Appendix B**.

## 2.8 Site Inspection

A three (3) day site inspection was conducted of the Maxwell UG Project on 10 to 12 May 2022. During the site inspection the weather conditions were generally fine, partially cloudy with the daytime temperature ranging from approx. 13.5 to 21.9°C over the three (3) days. Minimal rain events occurred prior to the site inspection with minimal wind conditions experienced during the inspection days. Minimal dust production was noted due to limited plant movements on site.

Photographs from the audit site inspection supporting audit findings are provided in **Appendix E**.

### 2.8.1 Opening and Closing Meetings

In accordance with ISO 19011:2014 Guidelines for auditing management systems an opening and closing meeting was held during the Site inspection. Details of attendees at both meetings are included in the sign on sheets included in **Appendix D**.

## 2.9 Compliance Status

The compliance status was determined using the relevant descriptors in accordance with the Independent Audit Post Approval Requirements (the Department, May 2020) provided in **Table 6** below.

**Table 6 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.

Previous audit descriptors of partial compliance, partial non-compliance, not verified or administrative non-compliance or other similar terms must not be used in accordance with the above requirements.

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 6**.

### 2.10 Evidence Validation

The audit team undertook verification activities to confirm the reliability of audit evidence. This included interviews, data checking, the examination of records, and site inspections. Records were provided in electronic and/or hard copy by site personnel and additional documents were reviewed whilst on site.

Some aspects of the audit process may have relied on information such as judgements and assumptions where external supporting evidence was unavailable or limited. Where this information was considered, its validity was confirmed to the extent possible prior to use by the auditors and is noted in appropriate areas of the audit checklists.

The majority of information was assessed off-site prior to the site inspection. The site inspections concentrated on assessment of the effectiveness of environmental management and adequacy of performance. The extent of audit activities was limited to the time available for the audit site inspections and interviews over three (3) days.

### 2.11 Technical Specialists Input

The Department requested on 28 February 2022 that the IEA scope should include a focus on the following matters:

- An assessment of the implementation of all approved strategies, plans and programs required by the consent
- Review and assessment of:
  - Aboriginal Heritage
  - Air quality
  - Biodiversity
  - Rehabilitation
  - Social Impacts

A copy of the DPE request is attached in **Appendix A** and contains further specific details for each environmental management aspects. Following an initial desktop review of the Maxwell UG Project, RPS proposed the inclusion of a rehabilitation specialist based on the current phase of the project and activities undertaken during the audit period. The inclusion of Clayton Richards from Minesoils as the rehabilitation specialist was approved by DPE on 31 March 2022.

The rehabilitation specialist provided technical advice to the IEA Lead Auditor during the audit site inspection and reporting periods. Specific findings from the technical specialists have been incorporated into the Audit Checklists and recommendations where applicable.

### 3 ENVIRONMENTAL MANAGEMENT

A detailed implementation review was conducted against each required management plan condition in and can be found in the Project Approval audit checklists in **Appendix B**. The approved strategies, plans or programs required under SSD-9526, PA06\_0202, and DA 106-04-00 including a brief summary of the implementation review conducted against each plan are summarised **Table 7** below. This section satisfies the IEA requirement to review the adequacy of any approved strategies, plans or programs required under Schedule 2, Condition 8(d) of PA08\_0184.

**Table 7 Management Plan Adequacy Review**

Document	Findings from Review
Aboriginal Cultural Heritage Management Plan	<p>Document Number: MXC_MP_EC_03 Version: 2 Effective: 9/02/2022 Approved by Stephen O'Donoghue as Nominee of the Planning Secretary on 10 February 2022.</p> <p>Approval granted the appointment of suitably qualified persons Geordie Oakes to prepare the ACHMP for SSD-9526-PA-3. A copy of this endorsement is contained in Appendix 4 of the ACHMP.</p> <p>Appendix 5 outlines provides evidence of the consultation undertaken with RAP's, Aboriginal Affairs NSW, and Heritage NSW.</p> <p>In accordance with Schedule 2 condition B57 of SSD 9526 a ACHMP has been prepared that describes the measures to be implemented on the site or within any offset area to ensure Aboriginal objects and Aboriginal places are protected, managed, maintained.</p> <p>Section 3.2.3.5 outlines the strategy for care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.</p> <p>It was noted 47 sites were salvaged at the Maxwell Infrastructure site prior to the audit period. All salvaged artefacts remain stored on the premises in a secure location. Thirteen known sites remain fenced and conserved in-situ. Evidence of these in-situ fenced sites were observed during the site inspection (R15, 37-2-2333).</p> <p>The Aboriginal Cultural Heritage Assessment (ACHA) for the Maxwell UG Project EIS identified 39 open artefact sites that would be wholly or partially impacted within the surface development area. A surface collection of the 39 open artefact sites was undertaken by archaeologists and registered Aboriginal parties during the audit period and was generally observed to have been in accordance with the approved ACHMP. Following the site inspection and review of available data it was noted that Maxwell is satisfactorily implementing the ACHMP</p>
Air Quality and Greenhouse Gas Management Plan	<p>Document Number: MXC_MP_EC_02 Version: 2 Effective: 3/02/2022 Approved by Wayne Jones as Nominee of the Planning Secretary on 04/02/2022.</p> <p>In accordance with Schedule 2, Part A, Condition A24(a) of SSD 9526, the AQGGMP was prepared for stage 1 activities only. Stage 1 activities include early preparatory works, construction and first workings (as defined in SSD 9526).</p> <p>Approval granted by Matthew Sprout on 22/02/21 as nominee to the Secretary for the AQGGMP and Water Management Plan to be stage.</p> <p>Section 2.3 outlines that Philip Henschke and Aleks Todoroski assisted with the preparation of the plan. A copy of the endorsement by the Planning Secretary is included in Appendix 4 of the plan.</p> <p>Section 3.2 and 3.3 describe the measures to be implemented to ensure compliances, minimise air quality impacts, and best practise management.</p> <p>During the audit period the site was predominately in care and maintenance under PA 06_0202 with minimal development/construction works occurring with SSD9526 thus resulting in limited opportunities for air quality impacts. It is expected that air quality impacts may increase during the next audit period as the site progresses through construction and first workings under SSD9526.</p>

Document	Findings from Review
Biodiversity Management Plan	<p>During the site inspection and following review of the quarterly air monitoring reports and other available data requested, it was noted that Maxwell are satisfactorily implementing the AQGGMP.</p> <p>Document Number: MXC_MP_EC_09 Version: 1 Effective: 24/09/2021</p> <p>Approved by Jessie Evans as Nominee of the Planning Secretary on 27/09/2021. Approval granted the appointment of suitably qualified persons Colin Driscoll to prepare the BMP for SSD 9526. A copy of this endorsement is contained in Appendix 3 of the BMP.</p> <p>Evidence of routine ecological monitoring was observed to have been conducted across the Maxwell UG Project including the Maxwell Infrastructure offset areas and rehabilitated lands during the audit period in accordance with the BMP. It is noted that the current BMP supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site with monitoring undertaken in accordance with these documents prior to approval of the BMP on 27/09/2021.</p> <p>Significant weed management efforts were noted during the site inspection in Drayton Wildlife Refuge and Southern Offset Area</p> <p>During the site inspection and following review of the biodiversity monitoring reports it was noted that Maxwell is satisfactorily implementing the BMP. It is noted that further targeted weed programs are required for the Drayton Wildlife Refuge and Southern Offset Area.</p>
Noise and Blast Management Plan	<p>Document Number: MXC_MP_EC_04 Version: 2 Effective: 7/02/2022</p> <p>Approved by Stephen O'Donoghue as nominee of the Secretary on 10/02/2022. Approval granted the appointment of suitably qualified persons Neil Gross – Senior Technical Director/Associate Principal at RDWI and John Wasserman (Director at RDWI)) to prepare NBMP for SSD 9526. A copy of this endorsement is contained in Appendix 3 of the NBMP.</p> <p>There has been no blasting during the audit period. Operations at the site were restricted to daylight hours during the audit period and typically on a five days per week basis. This limited potential noise impacts to the less sensitive times (i.e., daytime only) for potential receptor with no noise related complaints or criteria exceedances. Review of requested monitoring data and following the site inspection it was determined that Maxwell is satisfactorily implementing the Noise and Blast Management Plan.</p>
Mining Operations Plan 1 July 2021 – 30 June 2023	<p>Document Number: MXC_MP_EC_10 Version: 2 Effective: 13/012/21</p> <p>Rehabilitation is trending to compliance, see Section 9 2021 AR. Previously compliant during open cut operations.</p> <p>Several activities undertaken on site also display evidence of progressive rehabilitation (including temporary works to minimise impacts), such as the installation of sediment fence along proposed haul road to protect existing rehabilitated areas, Enhancement of existing rehabilitation areas including supplemental planting, nest box installations, weed management including spraying and thinning of non-desirable species.</p> <p>In September 2020, the Resources Regulator granted a further extension to extend the MOP term until 30 June 2021. This was done to allow a determination to be made on the Maxwell UG Project which would provide clarity on the remaining rehabilitation schedule and final landform. A revised MOP was submitted to the Resources Regulator on 14 April 2021 following the approval of the development application for the Maxwell UG Project. The MOP was approved by the Resources Regulator on 25 June 2021.</p> <p>A revised MOP was submitted to the Resources Regulator on 13 December 2021 following the grant of ML 1820 and ML 1822 and approval of MOD1. Noted that the MOP will move to a Rehabilitation Management Plan in the next audit period.</p>

Document	Findings from Review
Bushfire Management Plan	<p>Review of requested monitoring data and following the site inspection it was determined that Maxwell is satisfactorily implementing the MOP.</p> <p>Document Number: MXC_MP_EC_05 Version: 2 Effective: 10/02/2022</p> <p>The Bushfire Management Plan in accordance with Schedule 2, Condition B71 of Development Consent SSD 9526, was prepared in consultation with RFS. There were no bushfires recorded at the Maxwell UG Project during the audit period.</p> <p>Vegetation was observed to be relatively maintained with a minimum 10 m Asset Protection Zone (APZ) typically observed around all key infrastructure and along boundary fences (within approved disturbance areas) during the site inspection.</p> <p>All equipment was noted to be serviced and maintained in accordance with the relevant Australian Standards. Inspection and testing were performed by on-site personnel and appropriate service providers according to the electrical and mechanical maintenance management plans. Hand-held fire extinguishers were noted on-site with trained personnel available and fire equipment maintained by an external fire service provider.</p> <p>Fire-fighting equipment is available on site and is available for use in the event of a bushfire. The equipment includes a fire trailer fire hose reels and pumps, fire extinguishers on a mobile plant and light vehicles. It was noted during the site inspection that there was no mine site water cart available on site.</p> <p>Following the site inspection, review of training records, and maintenance schedules it was determined that Maxwell is satisfactorily implementing the Bushfire Management Plan.</p>
Spontaneous Combustion Management Plan	<p>Document Number: MXC_MP_EC_01 Version: 2 Effective: 10/02/2022</p> <p>Approved by Matthew Sprott as Nominee of the Planning Secretary on 22/02/2022.</p> <p>The management of spontaneous combustion primarily involves the monitoring of previously capped areas along with the capping of any new outbreaks.</p> <p>Along with regular inspections conducted as part of the general site activities, evidence of formal monthly inspections, post rainfall event, and annual thermal surveys were noted to have occurred during the audit period in accordance with the SPMP. RPS inspected remediated spontaneous combustion sites (307) along with an active site located in the southern void (286). Smoke and odour were observed from the active site (286), no odour was noted to be leaving site and no odour complaints were received during the audit period.</p> <p>Review of spontaneous combustion outbreaks across the site during the audit period indicated there has been a decline since 2018. This reflects the extensive preventative and remedial works undertaken over the audit period.</p> <p>Following the site inspection and review of monitoring data it was determined that Maxwell is satisfactorily implementing the Spontaneous Combustion Management Plan.</p>
Traffic Management Plan	<p>Document Number: MXC_MP_EC_05 Version: 2 Effective: 11/02/2022</p> <p>Approved by Matthew Sprott as Nominee of the Planning Secretary on 22/02/2022.</p> <p>Coal transportation activities were not undertaken during the reporting period. First and second workings have not commenced under SSD 9526 and coal transportation activities are not permissible under development consent PA 06_0202. The rail loop remains under care and maintenance and relevant conditions of approval remain in place. The Maxwell site rail loop was used for the temporary stowage of empty rolling stock by Aurizon Operations Ltd.</p> <p>There have been no traffic complaints received during the audit period with site-generated vehicles observed to be entering and exiting the site via the existing Site Access Road from Thomas Mitchell Drive. There has been a small workforce based on site and minimal requirements for heavy vehicles to access the site during the audit period due to the current phase of the project. Following the site inspection</p>

Document	Findings from Review
Pollution Incident Response Management Plan	<p>and review of available data, Maxwell is satisfactorily implementing the Traffic Management Plan.</p> <p>Document Number: DRA-11-078-MP Version: 6 Effective: 19/05/2020</p> <p>The Pollution Incident Response Management Plan (PIRMP) clarifies what the notification and reporting obligations are in response to a pollution incident. The PIRMP was prepared and implemented in accordance with Section 153A of the Protection of the Environment Operations Act 1997 (POEO Act).</p> <p>During the site inspection and following review of incident reports during the audit period it was noted that Maxwell is satisfactorily implementing the PIRMP.</p>
Visual Impact Management Plan	<p>Document Number: MXC_MP_EC_07 Version: 2 Effective: 10/02/2022</p> <p>Approved by Stephen O'Donoghue as Nominee of the Planning Secretary on 15/02/2022.</p> <p>There has been minimal new infrastructure or construction works during the audit period that has required implementation of the VMP. Operations at the site were restricted to daylight hours during the audit period and typically on a five days per week basis with minimal night time lighting required.</p> <p>The MEA tree screen (planted in 2019 along ridge lines and contours to the west of the MEA) was observed during the audit period with the progress generally consistent with the updated provided in the 2021 Annual Review. It was noted that significant infill planting occurred during the audit period with favourable weather conditions expected to continue to improve vegetation growth and coverage. It was also noted that Maxwell has committed to additional infill planting at the MEA tree planting area with tube stock during the optimal planting periods and an ongoing reduction of pest animals within the area prior to planting.</p> <p>There has been no request by the landowner and/or tenant of the Edderton Homestead to undertake landscaping works along the eastern and southern boundary fence line of Edderton Homestead to supplement existing vegetation and further screen views of the Maxwell UG Project.</p> <p>The VIMP has been found to address the relevant conditions detailed in the consents and has been implemented accordingly, as reported in the Annual Reviews and monitoring reports available for the audit period.</p>
Water Management Plan	<p>Document Number: MXC_MP_EC_08 Version: 1 Effective: 25/11/2021</p> <p>Approved by Jessie Evans as Nominee of the Planning Secretary on 29/11/2021. Approval granted the appointment of suitably qualified persons Noel Merrick to prepare the WMP for SSD-9526-PA-9. A copy of this endorsement is contained in Appendix 8 of the WMP.</p> <p>The Maxwell UG Project is not actively drawing water from any ground or surface water sources. Maxwell holds Water Access Licence (WAL) 41559 and WAL41491 for the passive intake of aquifer water associated with the mine excavation at the Maxwell Infrastructure site. The calculated passive water take has been in accordance with the conditions of WAL41559 and WAL41491 during the audit period.</p> <p>Surface water quality results have been typically lower over each year likely due to increased rainfall during the audit period diluting water storages and monitored variables. It was noted that some downstream surface water monitoring results exceeded the trigger values, which have been set using preliminary guideline values, however, in accordance with the Surface Water Quality Trigger Action Response Plan monitoring will continue to enable the development of site-specific trigger values.</p> <p>Groundwater levels in the Maxwell Infrastructure bores have remained relatively stable over the audit period. Monitoring for both surface water and groundwater were observed to be undertaken in accordance with the WMP.</p> <p>The WMP has been found to address the relevant surface water and groundwater conditions detailed in the consents and has been implemented accordingly, as</p>

**Document**

**Findings from Review**

reported in the Annual Reviews and quarterly monitoring reports available for the audit period.

---

## 4 ENVIRONMENTAL PERFORMANCE

This section assesses the requirement of Schedule 2, Condition E13(d) of SSD-9526, and Schedule 5, Condition 6(b) of PA06\_0202 to assess the environmental performance of the project and whether it is complying with the relevant requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals). RPS based the assessment of the environmental performance of the site on the following:

- Section 3 provides an assessment of the effectiveness and adequacy of the environmental management plans and programs required under the approvals.
- An assessment of compliance with the conditions of SSD-9526, PA06\_0202, DA 106-04-00 and EPL1323, and relevant leases. The findings of this assessment are provided in the compliance checklists presented in **Appendix B** with the identified non-compliances and associated recommendations summarised in the Audit Findings in Section 6.
- Section 4.1 provides a review of compliance management practices in place at the site.
- Section 4.2 provides a review of incidents reported during the audit period.
- Section 4.3 provides a review of complaints received during the audit period.

### 4.1 Compliance Management

#### 4.1.1 Compliance Monitoring

Maxwell does not have a consolidated compliance management systems currently in place due to the minor nature of works and limited staff present on site during the audit period. Multiple spreadsheets and internal folders are utilised to store and track compliance with development consents, leases, licences, and other approvals and their associated conditions. The same methodology is utilised to assign and complete inspections and to track complaints, actions arising from internal or external consultation practices or actions following an audit/inspection.

RPS was informed that Maxwell is currently sourcing a compliance management system that will be utilised during the next audit period as the site moves into construction and first workings associated with the Maxwell UG Project. Maxwell will also be relinquishing PA06\_0202 during the next audit period.

#### 4.1.2 Internal Assurance

Malabar implements an internal Audit program which is conducted in accordance with their corporate procedures for internal and external Auditing. The Audit program involves internal compliance Audits conducted at scheduled intervals. The internal compliance Audit assesses compliance against the site's Project Approval conditions and associated approval conditions.

#### 4.1.3 Monthly Inspections

The Malabar E&C department conducts monthly environmental inspections of the site. The monthly inspections are conducted to:

- Identify any potential non-conformances or environmental incidents that have not been previously identified/reported;
- Maintain a visual presence around the site to promote environmental awareness to mine personnel and contractors; and
- Maintain site familiarity by ensuring E&C personnel are aware of any physical changes to operations or processes at the site.

The monthly environmental inspections include a description of general environmental conditions as well as checks of specific areas. The inspections include identified actions, an action category, due date and status and include photos and attachments where relevant.

Inspections of high-risk water storages are undertaken following storm events of more than 25 mm in a 24-hour period (25 mm within 24 hours, midnight to midnight, with a new rainfall event considered to have commenced if there has not been a rainfall event in the previous 48 hours) to confirm that no uncontrolled overflows of mine-affected water off-site have occurred. The E&C team undertake these inspections during daytime operations with trained security guards undertaking the inspections during night discharge events.

### 4.1.4 Ground Disturbance Permit (GDP) Process

Maxwell defines ground disturbance as any activity that will result in disturbance to land, including but not limited to vegetation removal, topsoil stripping, fencing relocation, change to drainage, impact to cultural heritage sites and disturbance to previously rehabilitated areas.

Prior to ground disturbance occurring within the approved development application area (including within the surface development area, outside the approved disturbance area and within any offset area), an approved Ground Disturbance Permit (GDP) is obtained.

The GDP is a risk management tool designed to ensure the proposed works have the required environmental approval and that the person undertaking the works has appropriately managed risks to minimise impacts on the environment and community. The GDP provides a checklist of environmental aspects that must be completed by the employee / contractor initiating the work and internally approved by the Maxwell E&C department prior to the commencement of any work.

## 4.2 Incidents

An incident is defined by the project approval SSD-9526, and EPL as an occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance

The auditors reviewed the site's incident database, external consultant's investigation reports (where available) as well as results presented in the Annual Reviews during the audit period. A number of reportable incidents occurred during the audit period which required reporting in accordance with Schedule 2, Condition E9 of SSD9526 and Schedule 5, Condition E3 of PA06\_0202.

Maxwell was observed to have reported all known incidents and non-compliances to the Department in writing via the Department's Major Projects Website and identify the development during the audit period. Environmental incidents when identified are recorded and managed through Maxwell's internal systems where appropriate corrective or preventative action are assigned. It was noted that Maxwell does not currently have a consolidated incident and compliance management system implemented for the project due to the stage of the development during the audit period.

### 4.2.1 2018 - 2019 Incidents

No incidents recorded.

### 4.2.2 2020 Incidents

On 17 April 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to comply with the progressive rehabilitation schedule for years 2017 and 2018 as contained within the approved MOP. Maxwell requested a review of the Official Caution noting that Maxwell did not acquire the Maxwell Infrastructure site until 26 February 2018 and had commenced rehabilitation activities within one week of taking control of the site. A review was undertaken by the Resources Regulator and the Official Caution was amended in August 2020 to apply only to 2018.

On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to submit a RCE by the due date required by notice NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.

The omission to lodge the RCE by the required deadline was due to a human error. When brought to the attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator. Maxwell has reviewed how this contravention occurred and committed to internally implementing a robust action tracking system to assign, track and complete compliance requirements by their due date.

In accordance with the approved MOP dated December 2016, the original rehabilitation target for 2019 was 218 hectares however, this assumed that the Maxwell Infrastructure site would go into a closure phase and key infrastructure would be demolished. As reported in the 2018 AEMR, the rehabilitation target for 2019 was revised down to 86 hectares as Maxwell did not want to demolish substantial surface facilities or rehabilitate areas that could be used by the Maxwell UG Project, should the SSD consent be granted. A total of 86 hectares of rehabilitation was completed in 2019. Now that SSD 9526 for the Maxwell UG Project has been approved, a new MOP will be prepared during the next reporting period to provide clarity on the rehabilitation schedule.

### 4.2.3 2021 Incidents

Maxwell received an advisory letter from the EPA in July 2021 following submission of the 2020 Annual Return that showed EPA Identification Point No.11 (ES-04) had a data capture rate of 84 per cent. This occurred due to monitoring equipment failure from 30 June to 27 August 2020 which required the unit to be sent to the equipment manufacturer in the US for repairs. At the time, Maxwell was unable to source a replacement monitor. The monitor has since been repaired and is operational.

### 4.2.4 2022 Incidents

Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 not in accordance with EPL.

## 4.3 Complaints

Complaints are managed in accordance with Maxwell's Community Complaints and Enquiries Procedure and is outlined in Section 4.3 of the EMS. This protocol provides a process to ensure that complaints received by Maxwell and its operations are properly documented and handled in accordance with the requirements of Schedule 2, Condition B12(e)(iv) and Condition E5(h)(ii) of SSD9526 and relevant company policy. In accordance with Schedule 2, Condition E17(a)(x) of SSD9526 A complaints register, updated monthly IS publicly available on Malabar's website at <https://malabarresources.com.au/sustainability/documentation>.

Maxwell operates a free Environment and Community Enquiry Hotline which operates 24 hours per day, 7 days per week. The number is 1800 653 960. In addition to the community hotline, the site can also be contacted by emailing [info@malabarresources.com.au](mailto:info@malabarresources.com.au).

There has been only one (1) complaint received during the audit period. On 20 February 2019, Maxwell Infrastructure received a request from DPE – Planning and Assessment to investigate a complaint regarding dust in the general Muswellbrook area during the afternoon of 18 February 2019. An investigation showed no elevated PM10 results at the time of the complaint and air quality monitoring results for this day below regulatory criteria.

The low number of complaints is expected due to the site being in care and maintenance with construction activities associated with the Maxwell UG Project beginning after 20 April 2022. It is anticipated that complaints may increase during the next audit period as the site progresses through construction to first workings.

## Community Consultation Committee

Maxwell has a range of communication methods in place which enables it to share information with the local community. These methods include:

- The Community Consultative Committee (CCC).
- Direct engagement with nearby landholders.
- The Malabar Resources Website (<https://malabarresources.com.au/>) that contains information on Malabar Resources assets including:
  - Maxwell Underground Mine
  - Maxwell Infrastructure
  - Spur Hill Underground Project

– Maxwell Solar Farm

Maxwell utilised the established Maxwell Infrastructure CCC and Antiene Rail Spur, Joint CCC which met at the frequencies required under Schedule 5, Condition 9 of PA08\_0184 and Schedule 2, Condition 9.1 of DA106-04-00 during the audit period.

An Extraordinary CCC meeting was held on 9 June 2021 with the Maxwell Infrastructure and Spur Hill (Exploration Licence 7429) CCC members to discuss the merging of these CCC's to form the Maxwell CCC. The merging of the CCC provides for a streamlined and consistent approach to providing information to our members and the local community. Maxwell sought approval from DPE to combine the Maxwell Infrastructure and Spur Hill CCC's to form the Maxwell CCC as required under Development Consent SSD 9526.

On 2 August 2021, The DPE approved for the Maxwell Infrastructure CCC to be combined with the Maxwell CCC and had no objections to amalgamate the Spur Hill CCC into the Maxwell CCC. An approved Independent Chairperson has been appointed to Chair the Maxwell CCC.

## 5 STATUS OF 2018 IEA RECOMMENDATIONS

The IEA conducted a reviewed against the recommendations made in the 2018 IEA conducted by SLR Consulting Pty Limited (SLR). The findings from this review have been provided in **Appendix B6**.

## 6 AUDIT FINDINGS

### 6.1 Identified Non-Compliances and Recommendations

#### 6.1.1 Development Consent SSD9526

Non-Compliances identified against SSD9526 have been summarised in Table 8 below. Further audit commentary and evidence is provided against each condition in the SSD9526 Audit Checklist provided in **Appendix B1**.

**Table 8 Non-Compliances against SSD9526**

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
SSD2	S2 A2	The development may only be carried out: <ul style="list-style-type: none"> <li>a. in compliance with the conditions of this consent;</li> <li>b. in accordance with all written directions of the Planning Secretary;</li> <li>c. generally in accordance with the EIS, <a href="#">EAs and Modification Report (Mod 1)</a>; and</li> </ul> generally in accordance with the Development Layout in Appendix 2.	The development has generally been carried out in compliance with the conditions of this consent, with all written directions of the Planning Secretary, EIS (Mod 1), and the approved Development Layout. There has been one (1) non-compliance identified during the audit period: <ul style="list-style-type: none"> <li>• S2 B35 Off-site Water Discharges</li> </ul>	No further action is required.
SSD69	S2 B35	<b>Off-site Water Discharges and Transfers</b> The Applicant must ensure that all water discharges from the site comply with: <ul style="list-style-type: none"> <li>a. discharge limits (both volume and quality) set for the development in any EPL; and</li> </ul> the relevant provisions of the POEO Act.	At approximately 6.36am and 8.35am respectively on Tuesday 8 March 2022, Maxwell was notified that the DC2 Dam and the Rail Loop Dam started to overflow via their designated spillways, discharging water from the premises to Ramrod Creek following excessive rainfall on the day of and in the days preceding the incident. Both dams ceased discharging water at approximately 10.00 pm on Tuesday 8 March 2022.	OFI – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges

## REPORT

### 6.1.2 Project Approval PA06\_0202

Non-Compliances identified against PA06\_0202 have been summarised in Table 9 below. Further audit commentary and evidence is provided against each condition in the PA06\_0202 Audit Checklist provided in **Appendix B3**.

**Table 9 Non-Compliances against PA06\_0202**

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
PA2	S2 C2	<p>The Proponent shall carry out the project generally in accordance with the:</p> <ul style="list-style-type: none"><li>a. EA;</li><li>b. statement of commitments;</li><li>c. EA (Mod 1);</li><li>d. EA (Mod 2); and</li><li>e. conditions of this approval.</li></ul> <p>Note: The general layout of the project is shown in Appendix 2.</p>	<p>Maxwell was observed to be carrying out the development in general accordance with the EA, EIS, and conditions of consent. It is noted that the conditions of SSD9526 and directions of the Planning Secretary prevail over PA 06_0202.</p> <p>Non-compliance with Schedule 3, Condition 21.</p> <p>Multiple exceedances of the 24hr PM10 criteria in 2018 (November), 2019, and 2020 due to regional dust events. A number of bushfires were noted to have occurred throughout NSW during these exceedances.</p>	<p>It is noted that PA 06_0202 will be relinquished on 5 July 2022. No further action is required.</p>
PA37	S3 C21	<p><b>Impact Assessment Criteria</b></p> <p>The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality impact assessment criteria listed in Tables 6, 7 and 8 at any residence, on privately-owned land, or on more than 25 percent of any privately-owned land.</p>	<p>Multiple exceedances of the 24hr PM10 criteria in 2018 (November), 2019, and 2020 due to regional dust events. A number of bushfires were noted to have occurred throughout NSW during these exceedances.</p>	<p>It is noted that PA 06_0202 will be relinquished on 5 July 2022. No further action is required.</p>

## REPORT

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
---------	---------------	-------------	---------------------------	----------------

Table 6: Long term impact assessment criteria for particulate matter

Pollutant	Averaging period	Criterion
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>

Table 7: Short term impact assessment criterion for particulate matter

Pollutant	Averaging period	Criterion
Particulate matter < 10 µm (PM <sub>10</sub> )	24 <u>hour</u>	50 µg/m <sup>3</sup>

Table 8: 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/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month

Note: Deposited dust is 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.

PA44	S3 C27	<p><b>Surface Water Discharges</b></p> <p>The Proponent shall only discharge water from the site in accordance with the provisions of an EPL or the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.</p>	<p>Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 not in accordance with EPL.</p>	<p>OFl – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges.</p>
------	--------	--	--	---

### 6.1.3 Project Approval DA106-04-00

There were no non-compliances identified against DA106-04-00 during the audit period. Further audit commentary and evidence is provided against each condition in the DA106-04-00 Audit Checklist provided in **Appendix B1**.

REPORT

6.1.4 Environment Protection Licence 1323

Non-Compliances identified against EPL 1323 have been summarised in Table 10 below. Further audit commentary and evidence is provided against each condition in the EPL 1323 Audit Checklist provided in **Appendix B4**.

**Table 10 Non-Compliances against EPL 1323**

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation												
EPL7	P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <table border="1"> <thead> <tr> <th colspan="4">Water and land</th> </tr> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Discharge to utilisation area. Effluent volume monitoring.</td> <td>Discharge to utilisation area. Effluent volume monitoring.</td> <td>Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.</td> </tr> </tbody> </table>	Water and land				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Discharge to utilisation area. Effluent volume monitoring.	Discharge to utilisation area. Effluent volume monitoring.	Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 not in accordance with EPL.	OFI – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges.
Water and land																
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description													
3	Discharge to utilisation area. Effluent volume monitoring.	Discharge to utilisation area. Effluent volume monitoring.	Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.													
EPL10	L1.2	<p>The proponent must install works and operate them to ensure that the Access Road and Rail Loop Dams do not overflow or discharge saline water from the Premises; or that they only discharge saline water from the Premises in accordance with the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002). Note: Saline water is defined in the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002).</p>	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022.	OFI – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges.												
EPL38	O4.7	<p>In relation to condition O4.5, the Proponent must record details of each inspection undertaken (date and time), the actions required or recommended following each inspection, the date those actions were completed or detail the reasons if they were not completed and the results of any test performed on the wastewater management system by the technician.</p>	The Maxwell Infrastructure site. Sewage Treatment System. Maintenance and Compliance Reports do not contain a record of the time of each inspection undertaken.	OFI – Ensure Maxwell Infrastructure site Sewage Treatment System Maintenance and Compliance Reports contain the time of each inspection undertaken.												
EPL46	O4.15	<p>All above ground tanks and containers containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place. Bunds must:</p> <ol style="list-style-type: none"> <li>have wall and floors constructed of impervious materials;</li> <li>be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);</li> <li>have floors graded to a collection sump; and</li> <li>not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome.</li> </ol>	A number of IBCs and fuel pods were not located within appropriately bunded areas or on a hardstand surface graded to a collection sump.	<p>OFI – Ensure all containers containing material that is likely to cause environmental harm are contained in suitably bunded areas.</p> <p>OFI – Minimise the number of open containers located within bunds to reduce the generation of oily/contaminated water generated from rain events.</p>												

**REPORT**

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
EPL51	M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Maxwell received an advisory letter from the EPA in July 2021 following submission of the 2020 Annual Return that showed EPA Identification Point No.11 (ES-04) had a data capture rate of 84 per cent. This occurred due to monitoring equipment failure from 30 June to 27 August 2020 which required the unit to be sent to the equipment manufacturer in the US for repairs. At the time, Maxwell was unable to source a replacement monitor. The monitor has since been repaired and is operational.	OFI – Undertake a review of the reliability of the current E-samplers and if appropriate, request an EPL variation to allow more flexibility in the type of monitoring equipment that can be used.

## 6.1.5 Mining and Exploration Leases

Non-Compliances identified against Mining and Exploration Leases have been summarised in Table 11 below. Further audit commentary and evidence is provided against each condition in the Mining and Exploration Leases Audit Checklist provided in **Appendix B5**.

**Table 11 Non-Compliances against Mining and Exploration Leases**

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
CL2	CL229 C2	<p><b>MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)</b></p> <p><b>MINING OPERATIONS PLAN (MOP)</b></p> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) ongoing mining operations and environmental management; and</li> <li>(b) ongoing monitoring of the project.</li> </ul> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgment.</p> <p>(3) A Plan must be lodged with the Director-General:-</p> <ul style="list-style-type: none"> <li>(a) prior to the commencement of operations;</li> <li>(b) subsequently as appropriate prior to the expiry of any current Plan; and</li> <li>(c) in accordance with any direction issued by the Director-General.</li> </ul> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) area(s) proposed to be disturbed under the Plan;</li> <li>(b) mining and rehabilitation method(s) to be used and their sequence;</li> <li>(c) areas to be used for disposal of tailings/waste;</li> <li>(d) existing and proposed surface infrastructure;</li> <li>(e) progressive rehabilitation schedules;</li> <li>(f) areas of particular environmental sensitivity;</li> <li>(g) water management systems (including erosion and sediment controls);</li> <li>(h) proposed resource recovery; and</li> </ul>	<p>Rehabilitation at the Maxwell UG Project is managed in accordance with the BMP and MOP. The BMP was approved by DPE on 20 September 2021 and supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site. The MOP was approved by the Resources on the 25 June 2021.</p> <p>A site inspection conducted by the Resources Regulator on 26 August 2019 and subsequent investigation found that Maxwell Ventures (Management) Pty Ltd had failed to comply with the progressive rehabilitation schedule for 2017 and 2018 as contained within the approved MOP (Official Caution NCG0002358), a breach of condition 2. It is noted that this breach occurred prior to the audit period.</p> <p>On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to submit a RCE by the due date required by notice NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.</p> <p>The omission to lodge the RCE by the required deadline was due to a human error. When brought to the</p>	<p>OFI – Implement a consolidated compliance management systems to assign, track and complete compliance requirements by their due date.</p>

REPORT

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
		<p>(i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining land use/vegetation</p> <p>(5) The Plan when lodged will be reviewed by the Department of Mineral Resources.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.</p> <p>(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.</p> <p>(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) - (7) above.</p>	<p>attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator.</p>	
CL36	CL395 C2	<p><b>Mining, Rehabilitation, Environmental Management Process (MREMP)</b></p> <p><b>Mining Operations Plan (MOP)</b></p> <p>(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:-</p> <p>(a) ongoing mining operations and environmental management; and</p> <p>(b) ongoing monitoring of the project.</p> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>(3) A Plan must be lodged with the Director-General:-</p> <p>(a) prior to the commencement of mining operations (including mining purposes);</p> <p>(b) subsequently as appropriate prior to the expiry of any current Plan; and</p> <p>(c) in accordance with any direction issued by the Director-General.</p> <p>(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:-</p> <p>(a) area(s) proposed to be disturbed under the Plan;</p> <p>(b) mining and rehabilitation method(s) to be used and their sequence;</p>	<p>Rehabilitation at the Maxwell UG Project is managed in accordance with the BMP and MOP. The BMP was approved by DPE on 20 September 2021 and supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site. The MOP was approved by the Resources on the 25 June 2021.</p> <p>A site inspection conducted by the Resources Regulator on 26 August 2019 and subsequent investigation found that Maxwell Ventures (Management) Pty Ltd had failed to comply with the progressive rehabilitation schedule for 2017 and 2018 as contained within the approved MOP (Official Caution NCG0002358), a breach of condition 2. It is noted that this breach occurred prior to the audit period.</p> <p>On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to</p>	<p>OFI – Implement a consolidated compliance management systems to assign, track and complete compliance requirements by their due date.</p>

**REPORT**

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
		<ul style="list-style-type: none"> <li>(c) areas to be used for disposal of tailings/waste;</li> <li>(d) existing and proposed surface infrastructure;</li> <li>(e) existing flora and fauna on the site;</li> <li>(f) progressive rehabilitation schedules;</li> <li>(g) areas of particular environmental, ecological and cultural sensitivity and measures to protect these areas;</li> <li>(h) water management systems (including erosion and sediment controls);</li> <li>(i) proposed resource recovery; and</li> <li>(j) 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.</li> </ul> <p>(5) The Plan when lodged will be reviewed by the Department.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and re-lodgement.</p> <p>(7) If a requirement in accordance with clause (6) is not issued within two (2) months of the lodgement of a Plan, the lease holder may proceed with implementation of the Plan.</p> <p>(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) – (7) above.</p>	<p>submit a RCE by the due date required by notice NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.</p> <p>The omission to lodge the RCE by the required deadline was due to a human error. When brought to the attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator.</p>	
ML2	ML1531 C2	<p><b>MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)</b></p> <p><b>MINING OPERATIONS PLAN (MOP)</b></p> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) ongoing mining operations and environmental management; and</li> <li>(b) ongoing monitoring of the project.</li> </ul> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgment.</p> <p>(3) A Plan must be lodged with the Director-General:-</p> <ul style="list-style-type: none"> <li>(a) prior to the commencement of operations;</li> <li>(b) subsequently as appropriate prior to the expiry of any current Plan; and</li> <li>(c) in accordance with any direction issued by the Director-General.</li> </ul>	<p>Rehabilitation at the Maxwell UG Project is managed in accordance with the BMP and MOP. The BMP was approved by DPE on 20 September 2021 and supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site. The MOP was approved by the Resources on the 25 June 2021.</p> <p>A site inspection conducted by the Resources Regulator on 26 August 2019 and subsequent investigation found that Maxwell Ventures (Management) Pty Ltd had failed to comply with the progressive rehabilitation schedule for 2017 and 2018 as contained within the</p>	<p>OFI – Implement a consolidated compliance management systems to assign, track and complete compliance requirements by their due date.</p>

## REPORT

Ref No.	Condition Ref	Requirement	Independent Audit Finding	Recommendation
		<p>(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:-</p> <ul style="list-style-type: none"> <li>(a) area(s) proposed to be disturbed under the Plan;</li> <li>(b) mining and rehabilitation method(s) to be used and their sequence;</li> <li>(c) areas to be used for disposal of tailings/waste;</li> <li>(d) existing and proposed surface infrastructure;</li> <li>(e) progressive rehabilitation schedules;</li> <li>(f) areas of particular environmental sensitivity;</li> <li>(g) water management systems (including erosion and sediment controls);</li> <li>(h) proposed resource recovery; and</li> <li>(i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining land use/vegetation</li> </ul> <p>(5) The Plan when lodged will be reviewed by the Department of Mineral Resources.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.</p> <p>(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.</p> <p>(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) - (7) above.</p>	<p>approved MOP (Official Caution NCG0002358), a breach of condition 2. It is noted that this breach occurred prior to the audit period.</p> <p>On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to submit a RCE by the due date required by notice NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.</p> <p>The omission to lodge the RCE by the required deadline was due to a human error. When brought to the attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator.</p>	

## 6.2 Summary of Opportunities for Improvement

**Table 12** below outlines the opportunities for improvement (OFI) identified during the audit. The OFIs detailed below are based around continuous improvement opportunities identified during the audit and do not all represent immediate non-compliance issues.

**Table 12 Summary of Opportunities for Improvement**

<i>OFI Ref</i>	<i>Condition Ref</i>	<i>Context</i>	<i>Opportunities for Improvement</i>
<b>OFI 01</b>	SSD9526 S2 A30	During the site inspection it was noted that the Barn owl had a damaged bird deterrent cage and one (1) depositional dust gauge (2175) required nearby potential tree pruning to maintain a minimum clear sky angle above the sample outlet of 120° in accordance with AS3580.1.1:2016.  Maxwell was noted to have began resolving the damaged Barn owl had a damaged bird deterrent cage during the audit inspection.  It was also noted that ES04 had failed during audit period, with ES04 also noted to have failed in the previous audit period.	OFI – Undertake a review of noise and air quality monitoring equipment to ensure maintenance and reliability and that air quality monitoring units are installed and sited in accordance with AS3580.1.1:2016.
<b>OFI 02</b>	SSD9526 S2 A31	Maxwell has a General Induction training package for all employees and contractors that operate at the site.	OFI – Update general induction with specific reference to the project approval and applicable mining leases.
<b>OFI 03</b>	SSD9526 S2 B20	Implementation of the Spontaneous Combustion Management Plan	OFI – Ensure currently active spontaneous combustion sites such as the Southern Void site (286) are remediated/mitigated as soon as practicable and incorporated into mine site planning.
<b>OFI 04</b>	SSD9526 S2 B25	During the site inspection, wheel generated dust was noted as a result of grader movements along the existing haul road. At the time of the site inspection there were no water carts operating on the site to manage wheel generated dust in accordance with the Implementation of the Air Quality and Greenhouse Gas Management Plan. As construction increases, the implementation of water carts in accordance with the AQGGMP should be ensured to mitigate dust generation.	OFI – Ensure the use of water carts to mitigate wheel generated dust during construction activities and future operation.
<b>OFI 05</b>	SSD9526 S2 B35	Off-site Water Discharges and Transfers  At approximately 6.36am and 8.35am respectively on Tuesday 8 March 2022, Maxwell was notified that the DC2 Dam and the Rail Loop Dam started to overflow via their designated spillways, discharging water from the premises to Ramrod Creek following excessive rainfall on the day of and in the days preceding the incident. Both dams ceased discharging water at approximately 10.00 pm on Tuesday 8 March 2022.	OFI – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges.
<b>OFI 07</b>	SSD9526 S2 B40	Water Management Performance Measures	OFI – Consider the potential to reduce sediment laden water entering the oily water sump. Ensure oily water separator is active.
<b>OFI 08</b>	SSD9526 S2 B51	Implementation of the Biodiversity Management Plan	OFI – Further efforts should be employed to manage and control weeds and kangaroos on site. This will be particularly important as the access road is formed and

## REPORT

OFI Ref	Condition Ref	Context	Opportunities for Improvement
			management of the underground mine footprint is undertaken.
OFI 09	SSD9526 S2 B53	Invasive weeds remain moderate to high in the Southern Offset Area and the Northern rehabilitation areas, this was also noted during the site inspection. Significant weed control programs targeting Prickly Pear and Galenia were observed to be effective during the site inspection. The diversity of canopy and mid-storey species, particularly at the Southern Offset area and Northern rehabilitation area were noted in the 2021 AEMR to not be meeting the completion criteria targets mainly due to pest animals impacting on planting campaigns and weed infestations.	As per OFI08
OFI 10	SSD9526 S2 B71	Bushfire Management Plan (BFMP)	OFI – Suggested a figure be provided in the BFMP to clearly outline the location of managed and unmanaged vegetation within the site.
OFI 11	SSD9526 S2 B76	Rehabilitation Objectives - It is noted remedial measures are yet to be finalised for the LEM Report required by Section 240 notification relating to long term erosional stability of the final landforms and surface water management structures located in the rehabilitation landform.	OFI – Include a soil balance in the next Annual Review. The current AR states available volumes however required volumes for rehab are not stated. The Land and Soil Capability (LSC) for the post mining rehabilitation criteria should be reviewed to ensure it's consistent with MOP Plans. Consideration should also be given to including assessment of grazing success to similar unmined analogue sites.
OFI 12	PA 06_0202 S2 C2	Maxwell was observed to be carrying out the development in general accordance with the EA, EIS, and conditions of consent. It is noted that the conditions of SSD9526 and directions of the Planning Secretary prevail over PA 06_0202. Non-compliance with Schedule 3, Condition 21. Multiple exceedances of the 24hr PM10 criteria in 2018 (November), 2019, and 2020 due to regional dust events. A number of bushfires were noted to have occurred throughout NSW during these exceedances.	It is noted that PA 06_0202 will be relinquished on 5 July 2022. No further action is required.
OFI 13	PA 06_0202 S3 C21	Multiple exceedances of the 24hr PM10 criteria in 2018 (November), 2019, and 2020 due to regional dust events. A number of bushfires were noted to have occurred throughout NSW during these exceedances.	Refer to OFI12
OFI 14	PA 06_0202 S3 C27	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 not in accordance with EPL.	Refer to OFI05
OFI 15	PA 06_0202 S3 C35	Offset Strategy – weed management	Refer to OFI08
OFI 16	EPL P1.3	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 not in accordance with EPL.	Refer to OFI05

## REPORT

<b>OFI Ref</b>	<b>Condition Ref</b>	<b>Context</b>	<b>Opportunities for Improvement</b>
<b>OFI 17</b>	EPL L1.2	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 not in accordance with EPL.	Refer to OFI05
<b>OFI 18</b>	EPL L3.9	Noise measurements must not be undertaken during rain or where wind speed at microphone level will affect the acquisition of valid sound pressure level measurements.	OFI – Include equipment details, serial number, and wind speed levels on noise measurement reports.
<b>OFI 19</b>	EPL O2.1	Noted that fuel cart was leaking fuel within the workshop hardstand area during the site inspection.	OFI – Repair leak is repaired on fuel cart. Ensure fuel cart is regularly serviced and checked to ensure vales do not leak.
<b>OFI 20</b>	EPL O3.1	Review of the AQGGMP and Annual reviews indicates that the operation is carrying out activities in a manner that minimises the generation of dust. It is noted that there have been limited dust generating activities during the audit period.	OFI – Ensure water truck is available as construction activities increase in the next audit period.
<b>OFI 21</b>	EPL O3.3	No evidence of tracked sediment or oil was observed during the site inspection with light and heavy vehicle wash bays in place.	OFI – Update AQGGMP to directly reference management measures to ensure sediment or oil are not tracked from the premises. In particular mitigation measures for vehicles leaving from access points where wash bays are not available.
<b>OFI 22</b>	EPL O4.2	Evidence of offensive odour was noted from within the premises during the site inspection. However, the emission of offensive odour beyond the boundary of the Premises was not noted during the site inspection or as a result of a complaint during the audit period.	Refer to OFI3
<b>OFI 23</b>	EPL O4.7	The Maxwell Infrastructure site. Sewage Treatment System. Maintenance and Compliance Reports do not contain a record of details of each inspection undertaken (date and time).	OFI – Ensure Maxwell Infrastructure site Sewage Treatment System Maintenance and Compliance Reports contain the date and time of each inspection undertaken.
<b>OFI 24</b>	EPL O4.15	A number of IBCs and fuel pods were not located within appropriately bunded areas or on a hardstand surface graded to a collection sump.	OFI – Ensure all containers containing material that is likely to cause environmental harm are contained in suitably bunded areas. OFI – Minimise the number of open containers located within bunds to reduce the generation of oily/contaminated water generated from rain events.
<b>OFI 25</b>	EPL M1.3	Review of provided monitoring data and field sheets indicate that the required records are being collected for applicable monitoring.	OFI – Review consultant field sheets/ reports to ensure required information is being recorded.
<b>OFI 26</b>	EPL M2.1	Maxwell received an advisory letter from the EPA in July 2021 following submission of the 2020 Annual Return that showed EPA Identification Point No.11 (ES-04) had a data capture rate of 84 per cent. This occurred due to monitoring equipment failure from 30 June to 27 August 2020 which required the unit to be sent to the equipment manufacturer in the US for repairs. At the time, Maxwell was	OFI – Undertake a review of the reliability of the current E-samplers and if appropriate, request an EPL variation to allow more flexibility in the type of monitoring equipment that can be used.

## REPORT

<i>OFI Ref</i>	<i>Condition Ref</i>	<i>Context</i>	<i>Opportunities for Improvement</i>
		unable to source a replacement monitor. The monitor has since been repaired and is operational.	
<b>OFI 27</b>	CL229 / CL395 / ML1531 C2 (1)	<p>Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General.</p> <p>On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to submit a RCE by the due date required by notice NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.</p> <p>The omission to lodge the RCE by the required deadline was due to a human error. When brought to the attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator.</p>	OFI – Implement a consolidated compliance management systems to assign, track and complete compliance requirements by their due date.
<b>OFI 28</b>	Stakeholder Consultation - BCD C09	Check the Drayton Wildlife Reserve to see if further targeted weed programs are required for Galenia, Prickly Pear, Creeping Pear and Golden Wreath Wattle, and for Galenia and Prickly Pear in the Southern Offset area – as described in the Maxwell Infrastructure 2020 Annual Environmental Monitoring Report.	OFI – Further targeted weed programs are required in the Drayton Wildlife Reserve with consideration of ideal weed growing conditions predicted in spring.
<b>OFI 29</b>	Stakeholder Consultation - MSC C14	<p>Confirm an internal system for tracking commitments is in-place and up-to-date (for tracking approvals, licenses and management plan commitments).</p> <p>Systems are in place but are not currently consolidated with multiple registers in place.</p>	Refer to OFI23.



**Appendix A**  
**Planning Secretary Audit**  
**Team Approval**

Mr Alex Newton  
Environment and Approvals Coordinator  
Malabar Resources  
Maxwell Underground Coal Mine  
Wonnarua Country  
Thomas Mitchell Drive (PMB 9)  
MUSWELLBROOK New South Wales 2333

By email only: [anewton@malabarresources.com.au](mailto:anewton@malabarresources.com.au)

31/03/2022

Dear Mr Newton

**Maxwell Underground (SSD-9526)  
Independent Environmental Audit – Audit Team**

I refer to your request (SSD-9526-PA-56) for the Secretary's approval of suitably qualified persons to prepare the 2022 Independent Environmental Audit (2022 IEA) for the Maxwell Underground Project as per the requirements of condition E13 of SSD-9526, as modified (the consent).

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary endorses the following audit team to prepare 2022 IEA:

- Ian Richardson – Lead Auditor
- Sam Mitchell – Auditors Assistant
- Clayton Richards – Land & Rehabilitation Specialist

Please ensure this correspondence is appended to the 2022 IEA report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the department's *Independent Audit Post Approval Requirements*. Failure to meet these requirements will require revision and resubmission.

Finally, as per condition E14 of the consent, within three months of commencing the 2022 IEA (i.e. the date of the site inspection), or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations.

Should you wish to discuss the matter further, please contact Jennifer Sage on 0400 245 170 or [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely



Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary



## Appendix B Audit Checklists

## **B.1 SSD9526 Audit Checklist**

# SSD9526 AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022

<b>SSD9526 AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022 .....</b>	<b>1</b>
SCHEDULE 2 .....	3
PART A – ADMINISTRATIVE CONDITIONS .....	3
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT .....	3
TERMS OF CONSENT .....	3
LIMITS OF CONSENT .....	4
NOTIFICATION OF COMMENCEMENT .....	5
SURRENDER OF EXISTING CONSENTS OR APPROVALS .....	6
PLANNING AGREEMENT .....	6
COMMUNITY CONSULTATIVE COMMITTEE .....	7
EVIDENCE OF CONSULTATION.....	7
APPLICATION OF EXISTING MANAGEMENT PLANS.....	8
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS .....	8
PROTECTION OF PUBLIC INFRASTRUCTURE .....	9
DEMOLITION.....	9
STRUCTURAL ADEQUACY.....	9
OPERATION OF PLANT AND EQUIPMENT .....	10
COMPLIANCE.....	11
APPLICABILITY OF GUIDELINES .....	11
CROWN LAND.....	11
PART B SPECIFIC ENVIRONMENTAL CONDITIONS .....	12
NOISE AND BLASTING.....	12
AIR QUALITY AND GREENHOUSE .....	17
METEOROLOGICAL MONITORING .....	23
WATER <sup>24</sup>	
BIODIVERSITY .....	34
HERITAGE .....	44
VISUAL .....	46
WASTE .....	47
DANGEROUS GOODS.....	49
BUSHFIRE MANAGEMENT .....	49
EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE .....	51
REHABILITATION.....	52
TRANSPORT .....	58
PART C SPECIFIC ENVIRONMENTAL CONDITIONS-UNDERGROUND MINING .....	64
SUBSIDENCE .....	64
PART D ADDITIONAL PROCEDURES .....	75
MITIGATION UPON REQUEST .....	75
NOTIFICATION OF LANDOWNERS/TENANTS .....	76
NOTIFICATION OF EXCEEDANCES .....	77
INDEPENDENT REVIEW .....	77
PART E ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING .....	78
ENVIRONMENTAL MANAGEMENT .....	78
REVISION OF STRATEGIES, PLANS AND PROGRAMS .....	81

REPORTING AND AUDITING .....82  
ACCESS TO INFORMATION .....85

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>SCHEDULE 2</b>					
<b>PART A – ADMINISTRATIVE CONDITIONS</b>					
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>					
SSD1	S2 A1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Malabar was observed to be implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Compliant	
<b>TERMS OF CONSENT</b>					
SSD2	S2 A2	The development may only be carried out: <ul style="list-style-type: none"> <li>a. in compliance with the conditions of this consent;</li> <li>b. in accordance with all written directions of the Planning Secretary;</li> <li>c. generally in accordance with the EIS, <a href="#">EAs and Modification Report (Mod 1)</a>; and</li> <li>d. generally in accordance with the Development Layout in Appendix 2.</li> </ul>	The development has generally been carried out in compliance with the conditions of this consent, with all written directions of the Planning Secretary, EIS (Mod 1), and the approved Development Layout. There has been one (1) non-compliance identified during the audit period: <ul style="list-style-type: none"> <li>• S2 B35 Off-site Water Discharges</li> </ul>	Non-compliant	No further action is required.
SSD3	S2 A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: <ul style="list-style-type: none"> <li>a. the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</li> <li>b. the implementation of any actions or measures contained in any such document referred to in condition A3(a).</li> </ul>	Malabar was observed to have complied with any reasonable requirement/s of the Planning Secretary arising from the Department's assessments during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
SSD4	S2 A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the document/s listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Noted. The conditions of this consent and directions of the Planning Secretary have prevailed to the extent of any inconsistency, ambiguity or conflict between them and a document/s listed in condition A2(c) during the audit period.	Compliant	
<b>LIMITS OF CONSENT</b>					
SSD5	S2 A5	<b>Mining Operations</b> First workings and second workings may only be carried out within the area covered by the approved mine plan.	First and second working at the Maxwell UG Project have not commenced under SSD 9526 during the audit period.	Not triggered	
SSD6	S2 A6	<b>Mining Operations</b> Mining operations may be carried out on the site until 30 June 2047. Note: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard. Mining operations and rehabilitation are also regulated under the Mining Act 1992.	Noted.	Compliant	
SSD7	S2 A7	<b>Coal Extraction, Processing and Transport</b> A maximum of 8 million tonnes of ROM coal may be extracted from or processed on the site in any calendar year.	No productions has occurred during the audit period.	Not triggered	
SSD8	S2 A8	<b>Coal Extraction, Processing and Transport</b> The Applicant may transport ROM coal from the MEA to the CHPP by truck for a period of no more than 3 calendar years following the date of commencement of first workings under condition A13(c) of this Schedule. The Applicant may only extend the period of time permitted under this condition for the transportation of ROM coal from the MEA to the CHPP by truck with the written approval of the Planning Secretary.	There was no coal processing or coal transport activities during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
SSD9	S2 A9	<b>Coal Extraction, Processing and Transport</b> The Applicant must seal the full length of the access road between the MEA and the CHPP, to the satisfaction of the Planning Secretary and by no later than 6 months after the date of commencement of first workings as notified under condition A13(c) of this Schedule.	Not triggered during the audit period. Commencement of first workings as notified under condition A13(c) of this Schedule has not been triggered.	Not triggered	
SSD10	S2 A10	<b>Coal Extraction, Processing and Transport</b> Product coal may only be transported from the site by rail. Note: the loading and transportation of coal via the rail loop and Antiene Rail spur is subject to a separate development consent (DA 106-04-00).	No coal has been transported from the site during the audit period.	Not triggered	
SSD11	S2 A11	<b>Hours of Operation</b> The Applicant may undertake mining operations 24 hours a day, 7 days a week.	Construction and or mining operations at the Maxwell UG Project have not commenced under SSD 9526 during the audit period.	Not triggered	
SSD12	S2 A12	<b>Identification of Approved Disturbance Area</b> Within three months of commencement of development under this consent or approval of any modification to this consent, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan (or spatial files in a format agreed by the Planning Secretary) of the boundaries of the approved disturbance areas.  Note: Disturbance may occur outside of the approved disturbance areas, provided those activities are authorised under an Exploration Activities and Minor Surface Infrastructure Management Plan which has been approved by the Planning Secretary under condition B74.	Malabar issued spatial files for Modification 1 on 05/01/2022 to DPE.	Compliant	
<b>NOTIFICATION OF COMMENCEMENT</b>					
SSD13	S2 A13	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least two weeks before that date: <ul style="list-style-type: none"> <li>a. commencing development under this consent;</li> <li>b. commencing construction under this consent;</li> <li>c. commencing first workings under this consent;</li> <li>d. commencing second workings (including commencement of longwall extraction);</li> <li>e. cessation of mining operations; and</li> </ul>	Malabar provided notice to DPE on 17 June 2021 of its intention to commence permitted development, on or after 5 July 2021.  Malabar provided notice to DPE on 6 April 2022 of its intention to commence permitted construction, on or after 20 April 2022.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		f. any period of suspension of mining operations and/or processing (i.e. care and maintenance).			
SSD14	S2 A14	If the phases of the development are to be further staged, the Department must be notified in writing at least two weeks before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	No further staging has been proposed during the audit period.	Not triggered	
<b>SURRENDER OF EXISTING CONSENTS OR APPROVALS</b>					
SSD15	S2 A15	Within 12 months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must surrender the existing development consent for the Drayton Mine Extension Project (MP 06_0202) dated 1 February 2008 in accordance with the EP&A Regulation.	Development commenced 5 July 2021 with requirement to surrender the existing development consent for the Drayton Mine Extension Project (MP 06_0202) not triggered until 5 July 2022.	Not triggered	
SSD16	S2 A16	Upon the commencement of development under this consent, and before the surrender of MP 06_0202 as required under condition A15, the conditions of this consent prevail to the extent of any inconsistency with the conditions of MP 06_0202.  Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.	Noted	Compliant	
<b>PLANNING AGREEMENT</b>					
SSD17	S2 A17	Within six months of the date of commencement of development under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must enter into a PA with Council in accordance with:  a. Division 7.1 of Part 7 of the EP&A Act; and b. the terms of the Applicant's offer to Council in Appendix 6.	Voluntary Planning Agreement (MAL035-2) in place with Muswellbrook Shire Council dated 9 September 2021.	Compliant	
SSD18	S2 A18	If the Applicant and Council do not enter into a PA within the timeframe under condition A17, then within a further 3 months, the Applicant must make a Section 7.12 of the EP&A Act contribution to Council of \$5.09 Million which is to be paid in equal annual instalments over a period of 10 years. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with	The Voluntary Planning Agreement (MAL035-2) is currently in place with Malabar currently awaiting an invoice from Muswellbrook Council for the first payments required under the VPA.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010.			
SSD19	S2 A19	If there is any dispute between the Applicant and Council in regards to conditions A17 and A18 then either party may refer the matter to the Planning Secretary for resolution.	No referral to the Planning Secretary was required during the audit period.	Not triggered	
<b>COMMUNITY CONSULTATIVE COMMITTEE</b>					
SSD20	S2 A20	<p>Before the commencement of construction, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's Community Consultative Committee Guidelines: State Significant Projects (2019). The CCC must continue to operate during the life of the development, or other timeframe agreed by the Planning Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>The CCC is an advisory committee only.</li> <li>In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council, affected stakeholder groups (including the Coolmore and Woodlands thoroughbred horse studs) and the local community.</li> </ul>	Malabar has formed a CCC (known as the Maxwell CCC) in accordance with the Guidelines before the commencement of construction. The inaugural meeting was held on 22 September 2021.	Compliant	
SSD21	S2 A21	With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any CCC previously established under MP 06_0202.	DPE approved the request to combine the Spur Hill Underground (UG) Coking CCC with the Maxwell Infrastructure CCC on 2 September 2021, to form one CCC known as the Maxwell CCC.	Compliant	
<b>EVIDENCE OF CONSULTATION</b>					
SSD22	S2 A22	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <ol style="list-style-type: none"> <li>consult with the relevant party prior to submitting the subject document; and</li> <li>provide details of the consultation undertaken to the Department, including: <ol style="list-style-type: none"> <li>the outcome of that consultation, matters resolved and unresolved; and</li> </ol> </li> </ol>	Review of available documentation indicated that Malabar have consulted with the relevant parties prior to submitting the subject document and provide details to DPE.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.			
<b>APPLICATION OF EXISTING MANAGEMENT PLANS</b>					
SSD23	S2 A23	Prior to the approval of management plans under this consent, the Applicant must continue to implement any equivalent or similar management plan/s required under MP 06_0202, to the satisfaction of the Planning Secretary.	MP 06_0202 management plans were noted to have been implemented during the audit period prior to approval and implementation of the revised management plans associated with SSD9526. The bioremediation management plan is still being implemented under the MP 06_0202.	Compliant	
<b>STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS</b>					
SSD24	S2 A24	With the approval of the Planning Secretary, the Applicant may: <ul style="list-style-type: none"> <li>a. prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</li> <li>b. combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</li> <li>c. update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and</li> <li>d. combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.</li> </ul>	Approval granted by Matthew Sprout on 22/02/21 as nominee to the Secretary for the AQGGMP and Water Management Plan to be stage as per A24(a). The plans have been prepared for stage 1 activities only. Stage 1 activities include early preparatory works, construction and first workings (as defined in SSD 9526). The AQGGMP and Water Management Plan will be updated prior to the commencement of second workings.	Compliant	
SSD25	S2 A25	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with	Approval was granted by Matthew Sprout on 22/02/21 as nominee to the	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		all parties required to be consulted in the relevant condition in this consent.	Secretary for the Stage 1 AQGGMP and Water Management Plans contain early preparation works, construction works, and first workings.		
SSD26	S2 A26	If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.	Approval was granted by Matthew Sprout on 22/02/21 as nominee to the Secretary for the Stage 1 AQGGMP and Water Management Plans contain early preparation works, construction works, and first workings.	Compliant	
<b>PROTECTION OF PUBLIC INFRASTRUCTURE</b>					
SSD27	S2 A27	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <ol style="list-style-type: none"> <li>repair, or pay the full costs associated with repairing, any public infrastructure<sup>a</sup> that is damaged by carrying out the development; and</li> <li>relocate, or pay the full costs associated with relocating, any public infrastructure<sup>a</sup> that needs to be relocated as a result of the development.</li> </ol> <p><sup>a</sup>This condition does not apply to any damage to roads caused as a result of general road usage or to damage that has been compensated under the Mining Act 1992.</p>	<p>There has been no requirement to repair or pay the full costs of damaged infrastructure during the audit period.</p> <p>There has there been no relocation of infrastructure requirements during the audit period.</p>	Not triggered	
<b>DEMOLITION</b>					
SSD28	S2 A28	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Malabar indicated that there has been no demolition during the audit period.	Not triggered	
<b>STRUCTURAL ADEQUACY</b>					
SSD29	S2 A29	<p>All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>Under Part 6 of the EP&amp;A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.</li> </ul>	Malabar indicated that there have not been any new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of the development.</li> </ul>			
<b>OPERATION OF PLANT AND EQUIPMENT</b>					
SSD30	S2 A30	<p>All plant and equipment used on site, or to monitor the performance of the development must be:</p> <ol style="list-style-type: none"> <li>maintained in a proper and efficient condition; and</li> <li>operated in a proper and efficient manner.</li> </ol>	<p>Minimal plant and equipment is currently utilised on site due to the phase of the project.</p> <p>Plant and equipment used onsite is maintained and operated in a proper and efficient manner. Maintenance schedules are used to track when plant and equipment require maintenance. These maintenance schedules also include details of any repairs that are required outside of the planned maintenance schedules. This information is then used to monitoring other plant and machinery for similar breakdown issues.</p> <p>Inductions and formal training is required to operate both heavy and light vehicles on site.</p> <p>During the site inspection it was noted that the Barn owl had a damaged bird deterrent cage and one (1) depositional dust gauge (2175) required nearby potential tree pruning to maintain a minimum clear sky angle above the sample outlet of 120° in accordance with AS3580.1.:2016.</p> <p>Malabar was noted to have began resolving the damaged Barn owl had a damaged bird deterrent cage during the audit inspection.</p> <p>It was also noted that ES04 had failed during audit period, with ES04 also noted to have failed in the previous audit period.</p>	Compliant	<p><b>OFI</b> – Continue to undertake regular inspection and maintenance of monitoring equipment.</p> <p><b>OFI</b> – Undertake a review of the lifespan and reliability of current monitoring equipment i.e. ES04.</p> <p><b>OFI</b> – Undertake review of air quality monitoring equipment to ensure units are installed and sited in accordance with AS3580.1.1:2016.</p>

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>COMPLIANCE</b>					
SSD31	S2 A31	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.	Malabar has a General Induction training package for all employees and contractors that operate at the site. The induction outlines the general legislative obligations that everyone on site must comply with at all times and the measure that can be implemented to reduce environmental impacts. Additional inductions are required for specific high-risk tasks including to drive any vehicle on the site anywhere beyond visitors car-parks, operate any equipment, or enter any zone where spontaneous combustion is present.	Compliant	<b>OFI</b> – Update general induction with specific reference to the project approval and applicable mining leases.
<b>APPLICABILITY OF GUIDELINES</b>					
SSD32	S2 A32	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.	Noted. Review of the approved management plans indicated that they generally contained the most up to date guidelines, protocols, Australian Standard and/or policies.	Compliant	
SSD33	S2 A33	Notwithstanding Condition A32, 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.	There have not been any DPE requirements to update monitoring and management obligations in response to guideline, protocol, Standard or policy changes during the audit period.	Not triggered	
<b>CROWN LAND</b>					
SSD34	S2 A34	The Applicant must consult with DPIE – Crown Lands prior to undertaking any development on Crown Land or Crown Roads. Notes: <ul style="list-style-type: none"> <li>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</li> </ul>	There has been no development on Crown Land or Crown Roads during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																																																														
		<p>related activities on Crown land or Crown roads within a mining lease.</p> <ul style="list-style-type: none"> <li>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.</li> </ul>																																																																																	
<b>PART B SPECIFIC ENVIRONMENTAL CONDITIONS</b>																																																																																			
<b>NOISE AND BLASTING</b>																																																																																			
SSD35	S2 B1	<p><b>Noise Criteria</b></p> <p>The Applicant must ensure that the noise generated by the development does not exceed the criteria in Table 1 at any residence on privately-owned land. <sup>A</sup></p> <p><i>Table 1: Noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th>Receiver Id</th> <th>Day Leq<sub>(15 min)</sub> dB(A) (Years 1 to 3)</th> <th>Day Leq<sub>(15 min)</sub> dB(A) (Year 4 onwards)</th> <th>Evening Leq<sub>(15 min)</sub> dB(A)</th> <th>Night Leq<sub>(15 min)</sub> dB(A)</th> <th>L<sub>Max</sub> dB(A)</th> </tr> </thead> <tbody> <tr><td>390, 398, 402<sup>b</sup></td><td>44</td><td>42</td><td>39</td><td>39</td><td>52</td></tr> <tr><td>425, 427</td><td>40</td><td>40</td><td>37</td><td>37</td><td>52</td></tr> <tr><td>399</td><td>42</td><td>40</td><td>37</td><td>37</td><td>52</td></tr> <tr><td>400</td><td>41</td><td>40</td><td>36</td><td>36</td><td>52</td></tr> <tr><td>403<sup>b</sup></td><td>44</td><td>43</td><td>40</td><td>40</td><td>52</td></tr> <tr><td>411<sup>b</sup></td><td>45</td><td>43</td><td>41</td><td>41</td><td>52</td></tr> <tr><td>418</td><td>44</td><td>42</td><td>39</td><td>39</td><td>52</td></tr> <tr><td>419, 420, 539</td><td>42</td><td>40</td><td>38</td><td>38</td><td>52</td></tr> <tr><td>421, 424</td><td>41</td><td>40</td><td>38</td><td>38</td><td>52</td></tr> <tr><td>423</td><td>42</td><td>40</td><td>39</td><td>39</td><td>52</td></tr> <tr><td>538<sup>b</sup></td><td>42</td><td>41</td><td>38</td><td>38</td><td>52</td></tr> <tr><td>All other privately-owned properties</td><td>40</td><td>40</td><td>35</td><td>35</td><td>52</td></tr> </tbody> </table> <p><sup>a</sup> The Noise Assessment Locations referred to in Table 1 are shown in Appendix 3</p> <p><sup>b</sup> Identified receivers are eligible for noise mitigation under condition D1 of this Schedule</p>	Receiver Id	Day Leq <sub>(15 min)</sub> dB(A) (Years 1 to 3)	Day Leq <sub>(15 min)</sub> dB(A) (Year 4 onwards)	Evening Leq <sub>(15 min)</sub> dB(A)	Night Leq <sub>(15 min)</sub> dB(A)	L <sub>Max</sub> dB(A)	390, 398, 402 <sup>b</sup>	44	42	39	39	52	425, 427	40	40	37	37	52	399	42	40	37	37	52	400	41	40	36	36	52	403 <sup>b</sup>	44	43	40	40	52	411 <sup>b</sup>	45	43	41	41	52	418	44	42	39	39	52	419, 420, 539	42	40	38	38	52	421, 424	41	40	38	38	52	423	42	40	39	39	52	538 <sup>b</sup>	42	41	38	38	52	All other privately-owned properties	40	40	35	35	52	Annual Review 2021 Maxwell Underground Coal Mine Project report, Section 11.2 states no monitoring results exceeded approval criteria during the reporting period.	Compliant	
Receiver Id	Day Leq <sub>(15 min)</sub> dB(A) (Years 1 to 3)	Day Leq <sub>(15 min)</sub> dB(A) (Year 4 onwards)	Evening Leq <sub>(15 min)</sub> dB(A)	Night Leq <sub>(15 min)</sub> dB(A)	L <sub>Max</sub> dB(A)																																																																														
390, 398, 402 <sup>b</sup>	44	42	39	39	52																																																																														
425, 427	40	40	37	37	52																																																																														
399	42	40	37	37	52																																																																														
400	41	40	36	36	52																																																																														
403 <sup>b</sup>	44	43	40	40	52																																																																														
411 <sup>b</sup>	45	43	41	41	52																																																																														
418	44	42	39	39	52																																																																														
419, 420, 539	42	40	38	38	52																																																																														
421, 424	41	40	38	38	52																																																																														
423	42	40	39	39	52																																																																														
538 <sup>b</sup>	42	41	38	38	52																																																																														
All other privately-owned properties	40	40	35	35	52																																																																														
SSD36	S2 B2	Noise generated by the development must be monitored and measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017). The noise enhancing meteorological conditions determined by monitoring at the meteorological station required under condition B26 and as defined in Part D of the Noise Policy for Industry (EPA, 2017) apply to the noise criteria in Table 1.	Section 4.2.1 of the NMP outline the methodology for attended noise monitoring. Review of selected attended noise monitoring reports and the inaudible nature of the site indicated that noise is monitored and measured in accordance with the relevant procedures and exemptions	Compliant																																																																															

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			(including certain meteorological conditions) of the NSW NPfI.		
SSD37	S2 B3	The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	There are currently no agreements in place with the owner/s of the relevant residence or land to exceed the noise criteria in Table 1.	Not triggered	
SSD38	S2 B4	<p><b>Noise Operating Conditions</b></p> <p>The Applicant must:</p> <ol style="list-style-type: none"> <li>take all reasonable steps to minimise noise from the development, including low frequency noise and other audible characteristics, as well as road and rail noise associated with the development;</li> <li>make all reasonable and feasible endeavours to coordinate noise management with nearby mines (in particular, the Mt Arthur Coal Complex) to minimise cumulative noise impacts;</li> <li>operate a comprehensive noise management system using a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day to day planning of mining operations, and the implementation of both proactive and reactive noise mitigation measures to ensure compliance with the relevant conditions of this consent;</li> <li>take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions;</li> <li>carry out regular attended noise monitoring (at least quarterly, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent; and</li> <li>regularly assess the noise monitoring data and modify or stop operations on the site to ensure compliance with the relevant conditions of this consent.</li> </ol>	<p>Noise and Blasting Management Plan (NBMP) addresses the following:</p> <p>Section 3.3 outlines the reasonable steps the mine takes to minimise noise from the development along with the comprehensive noise management system utilised by the development.</p> <p>Coordination of noise management and the minimisation of cumulative noise is outlined in Section 4.6, with particular consideration given to MAC.</p> <p>Noise-Enhancing Meteorological Conditions mitigation is outlined in Section 3.3.2.</p> <p>Attended noise monitoring is performed every month and is conducted for day, evening and night-time periods to assess the site against the specified limits.</p> <p>There is currently no construction or mining occurring at the site that would require stopping to comply with the specified limits. Procedures to manage this during operation are outlined in Section 3.3.3 and Section 4.2.2.</p>	Compliant	
SSD39	S2 B5	<p><b>Blasting Criteria</b></p> <p>The Applicant must ensure that blasting on the site does not cause exceedances of the criteria at the locations in Table 2.</p>	No blasting has occurred during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																				
		<p><i>Table 2: Blasting criteria</i></p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>Residence on privately-owned land<sup>a</sup></td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>Electricity Transmission Lines</td> <td>-</td> <td>50</td> <td>5% of the total number of blasts over a calendar year</td> </tr> <tr> <td>Public Roads</td> <td>-</td> <td>100</td> <td>0%</td> </tr> <tr> <td>All other infrastructure, including the Liddell Ash Dam Wall</td> <td>-</td> <td>50</td> <td>0%</td> </tr> </tbody> </table> <p><sup>a</sup> includes any residence at the Coolmore or Woodlands Thoroughbred Studs or the Hollydene Estate</p>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately-owned land <sup>a</sup>	120	10	0%	Electricity Transmission Lines	-	50	5% of the total number of blasts over a calendar year	Public Roads	-	100	0%	All other infrastructure, including the Liddell Ash Dam Wall	-	50	0%			
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																						
Residence on privately-owned land <sup>a</sup>	120	10	0%																						
Electricity Transmission Lines	-	50	5% of the total number of blasts over a calendar year																						
Public Roads	-	100	0%																						
All other infrastructure, including the Liddell Ash Dam Wall	-	50	0%																						
SSD40	S2 B6	<p><b>Blasting Criteria</b></p> <p>The blasting criteria in Table 2 do not apply if the Applicant has an agreement with the owner/s of the relevant land, residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	No blasting has occurred during the audit period. Separate performance criteria and reporting requirements are detailed in the ML 1531 Drayton-2 approval for mining in the Notification Area for the Liddell Ash Dam.	Not triggered																					
SSD41	S2 B7	<p><b>Blasting Hours</b></p> <p>The Applicant must only carry out blasting on the site between 9 am and 5 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.</p>	No blasting has occurred during the audit period.	Not triggered																					
SSD42	S2 B8	<p><b>Blasting Frequency</b></p> <p>The Applicant may carry out a maximum of:</p> <ol style="list-style-type: none"> <li>2 single blast events<sup>a</sup> a day; and</li> <li>8 single blast events<sup>a</sup> a week, averaged over a calendar year.</li> </ol>	No blasting has occurred during the audit period.	Not triggered																					
SSD43	S2 B9	<p><b>Blasting Frequency</b></p> <p>Conditions B7 and B8 do not apply to single blast events<sup>a</sup> that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.</p>	Noted. No blasting has occurred during the audit period.	Not triggered																					

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<sup>a</sup> Within conditions B7 and B8, 'single blast event' means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast event.			
SSD44	S2 B10	<p><b>Blast Operating Conditions</b></p> <p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. take all reasonable steps to: <ul style="list-style-type: none"> <li>i. ensure the safety of people and livestock from the blasting impacts of the development;</li> <li>ii. protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and</li> <li>iii. minimise blast-related dust and fume emissions;</li> </ul> </li> <li>b. operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site;</li> <li>c. make all reasonable and feasible efforts to co-ordinate the timing of blasting at the site with any nearby mines (including Mt Arthur Coal Complex) to minimise cumulative blasting impacts;</li> <li>d. carry out blast monitoring, if required by a written direction issued by the Planning Secretary, to determine whether the development is complying with the relevant conditions of this consent.</li> </ul>	No blasting has occurred during the audit period.	Not triggered	
SSD45	S2 B11	<p><b>Blast Operating Conditions</b></p> <p>The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the Applicant has:</p> <ul style="list-style-type: none"> <li>a. a written agreement with the relevant infrastructure owner 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</li> <li>b. demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to</li> </ul>	No blasting has occurred during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan required under condition B12(e) of this Schedule to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.			
SSD46	S2 B12	<p><b>Noise and Blasting Management Plan</b></p> <p>The Applicant must prepare a Noise and Blasting Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>b. describe the measures to be implemented to ensure: <ol style="list-style-type: none"> <li>i. compliance with the noise criteria and operating conditions in this consent;</li> <li>ii. best practice noise management is being employed;</li> <li>iii. noise impacts of the development are minimised during noise-enhancing meteorological conditions;</li> </ol> </li> <li>c. describe the noise management system in detail;</li> <li>d. include a noise monitoring program that: <ol style="list-style-type: none"> <li>i. uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;</li> <li>ii. monitors noise at the nearest and/or most affected residences;</li> <li>iii. includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;</li> <li>iv. adequately supports the noise management system;</li> <li>v. includes a protocol for distinguishing noise emissions of the development from any neighbouring developments; and</li> <li>vi. includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for</li> </ol> </li> </ol>	<p>Noise and Blasting Management Plan (NBMP).</p> <p>Document number: MXC_MP_EC_04</p> <p>Version: 2</p> <p>Effective: 07/02/2022</p> <p>Approved by Stephen O'Donoghue on 10/02/2022.</p> <p>In accordance with Schedule condition B12 of SSD 9526 a NBMP has been prepared.</p> <p>Approval granted the appointment of suitably qualified persons Neil Gross – Senior Technical Director/Associate Principal at RDWI and John Wasserman (Director at RWDI)) to prepare NBMP for SSD 9526. A copy of this endorsement is contained in Appendix 3 of the NBMP.</p> <p>Noise Management System shown in Section 3.3 outlines noise control measures applied to mobile plant, infrastructure rail, and all other areas.</p> <p>Section 3.3.2 outlines Noise-enhancing meteorological conditions for consideration in respect to noise receiver locations.</p> <p>Section 3.3.3 outlines Pro-Active noise management systems including meteorological forecasting.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>notifying the Department and relevant stakeholders of any such event; and</p> <p>e. include a Blast Management Plan that:</p> <ul style="list-style-type: none"> <li>i. is prepared in consultation with the Coolmore and Woodlands Thoroughbred Studs;</li> <li>ii. describes the blast management system and the measures that will be implemented to ensure compliance with the blasting criteria and operating conditions of this consent;</li> <li>iii. includes public notification procedures to enable members of the public, particularly surrounding residents and the Coolmore and Woodlands Thoroughbred Studs, to get up-to-date information on upcoming blasting events; and</li> <li>iv. includes a protocol for investigating and responding to blast-related complaints.</li> </ul>	<p>Section 3.3.4 Mitigation upon request outlines additional mitigation measures applicable upon receiving written request for mitigation from the owner of any of the four properties predicted to experience “marginal” exceedances of noise criteria.</p> <p>Blasting Impacts outlined in Section 3.4 note surface blasting would not occur as part of operational activities and notes blasting requirements during construction.</p> <p>Blasting Management System including blasting controls, blasting hours and frequency, constraints related to public roads and privately owned land, and public notification.</p>		
SSD47	S2 B13	<p><b>Noise and Blasting Management Plan</b></p> <p>The Applicant must not commence construction until the Noise and Blasting Management Plan is approved by the Planning Secretary.</p>	Approval of the NBMP occurred on 10 February 2022 prior to construction starting on 20 April 2022.	Compliant	
SSD48	S2 B14	<p><b>Noise and Blasting Management Plan</b></p> <p>The Applicant must implement the Noise and Blasting Management Plan as approved by the Planning Secretary.</p>	Malabar is currently implementing the approved NBMP in accordance with the conditions of this consent.	Compliant	
<b>AIR QUALITY AND GREENHOUSE</b>					
SSD49	S2 B15	<p><b>Odour</b></p> <p>The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.</p>	Odour Management is outlined in Section 3.4 of the AQGGMP. There have been no complaints or incidents recorded in relation to offensive odours.	Compliant	
SSD50	S2 B16	<p><b>Air Quality Criteria</b></p> <p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not</p>	There have been no exceedances of the air quality criteria during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																			
		<p>cause exceedances of the criteria listed in Table 3 at any residence on privately-owned land.</p> <p><i>Table 3: Air quality criteria</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td><sup>a, c</sup> 25 µg/m<sup>3</sup></td> </tr> <tr> <td>24 hour</td> <td><sup>b</sup> 50 µg/m<sup>3</sup></td> </tr> <tr> <td rowspan="2">Particulate matter &lt; 2.5 µm (PM<sub>2.5</sub>)</td> <td>Annual</td> <td><sup>a, c</sup> 8 µg/m<sup>3</sup></td> </tr> <tr> <td>24 hour</td> <td><sup>b</sup> 25 µg/m<sup>3</sup></td> </tr> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td><sup>a, c</sup> 90 µg/m<sup>3</sup></td> </tr> <tr> <td><sup>d</sup> Deposited dust</td> <td>Annual</td> <td><sup>b</sup> 2 g/m<sup>2</sup>/month   <sup>a</sup> 4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p><sup>a</sup> Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).  <sup>b</sup> Incremental impact (i.e. incremental increase in concentrations due to the development on its own).  <sup>c</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.  <sup>d</sup> Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</p>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>	Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>	Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>	<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month   <sup>a</sup> 4 g/m <sup>2</sup> /month			
Pollutant	Averaging period	Criterion																						
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a, c</sup> 25 µg/m <sup>3</sup>																						
	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>																						
Particulate matter < 2.5 µm (PM <sub>2.5</sub> )	Annual	<sup>a, c</sup> 8 µg/m <sup>3</sup>																						
	24 hour	<sup>b</sup> 25 µg/m <sup>3</sup>																						
Total suspended particulate (TSP) matter	Annual	<sup>a, c</sup> 90 µg/m <sup>3</sup>																						
<sup>d</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month   <sup>a</sup> 4 g/m <sup>2</sup> /month																						
SSD51	S2 B17	<p><b>Air Quality Criteria</b></p> <p>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.</p>	Currently Maxwell has no such agreements because results of the air quality assessment in the project EIS indicated that the dust emissions generated by the development are not likely to be greater than the air quality criteria in Table 3 at any time during the life of the development at the assessed privately-owned and mine-owned residences.	Not triggered																				
SSD52	S2 B18	<p><b>Mine-owned Land</b></p> <p>Particulate matter emissions generated by the development must not exceed the criteria listed in Table 3 at any occupied residence on mine-owned land (including land owned by another mining company) unless:</p>	There have been no exceedances of the air quality criteria during the audit period.	Compliant																				

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>a. the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART D of this consent;</li> <li>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;</li> <li>c. air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and</li> <li>d. data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.</li> </ul>			
SSD53	S2 B19	<p><b>Air Quality Operating Conditions</b></p> <p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. take all reasonable steps to: <ul style="list-style-type: none"> <li>i. minimise odour, fume, and particulate matter (including PM<sub>10</sub> and PM<sub>2.5</sub>) emissions of the development, paying particular attention to minimising wheel-generated haul road emissions;</li> <li>ii. manage and minimise the risk of spontaneous combustion;</li> <li>iii. improve energy efficiency and reduce fugitive greenhouse gas emissions of the development;</li> <li>iv. implement greenhouse gas abatement measures (including beneficial reuse and/or flaring) with respect to methane produced by underground coal mining;</li> <li>v. minimise visible off-site air pollution generated by the development; and</li> </ul> </li> </ul>	<p>The Air Quality and Greenhouse Gas Management Plan (AQGGMP) addresses the following:</p> <p>Sections 3.2 – 3.5 outline the reasonable steps taken to:</p> <ul style="list-style-type: none"> <li>• Minimise odour, fume and particulate matter</li> <li>• Eliminate or minimise the risk of spontaneous combustion</li> <li>• Improve energy efficiency and reduce fugitive GGE</li> <li>• Implement greenhouse gas abatement measures</li> <li>• Minimise any visible off-site air pollution</li> <li>• Minimise, to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site</li> </ul>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>vi. minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;</li> <li>b. ensure that 'non-road' mobile diesel equipment used in undertaking the development complies with any applicable exhaust emission standards specified under an EPL, unless otherwise agreed by the EPA;</li> <li>c. operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of mining operations and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;</li> <li>d. minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 3 above);</li> <li>e. make all reasonable and feasible endeavours to co-ordinate air quality management on the site with the air quality management at nearby mines (particularly the Mt Arthur Coal Complex) to minimise cumulative air quality impacts;</li> <li>f. carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and</li> <li>g. regularly assess the air quality monitoring data and modify operations on the site to ensure compliance with the relevant conditions of this consent.</li> </ul>	<p>Malabar has committed to purchasing mobile diesel equipment that complies with any applicable exhaust emission standards specified under an EPL.</p> <p>Section 3.2 outlines the comprehensive air quality management system that operates for the development along with the measures implemented to minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events.</p> <p>Coordination of air quality management and the minimisation of cumulative air quality is outlined in Section 4.4, with particular consideration given to MAC.</p> <p>Malabar monitors air quality in accordance with the frequencies outlined in Table 3.</p> <p>There is currently limited operations occurring at the site that would require modification to comply with the specified limits. Procedures to manage this during operation are outlined in Section 3.2.3 and utilise the real-time air quality monitoring system.</p>		
SSD54	S2 B20	<p><b>Spontaneous Combustion Management Plan</b></p> <p>The Applicant must prepare a Spontaneous Combustion Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>b. be prepared in consultation with the Resources Regulator; and</li> </ul>	<p>Spontaneous Combustion Management Plan (SCMP)</p> <p>Document number: MXC_MP_EC_01</p> <p>Version: 2</p> <p>Effective: 10/02/2022</p> <p>Approved by Stephen O'Donoghue On 22/02/2022.</p>	Compliant	<p><b>OFI –</b> Ensure currently active spontaneous combustion sites are remediated/mitigated as soon as practicable and incorporated into mine site planning particularly the Southern Void site.</p>

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		c. describe the measures to be implemented to minimise the risk of spontaneous combustion on the site.	<p>Approval granted the appointment of suitably qualified persons Dr Bevan Basil Beamish to prepare the SCMP for SSD 9526. A copy of this endorsement is contained in Appendix 4 of the SCMP.</p> <p>Section 3.3 describes the measures to be implemented to prevent spontaneous combustion outbreaks in overburden, including, compaction, capping, surface treatment and remediation.</p> <p>Coal Stockpiles will be monitored as detailed in Section 3.4</p> <p>Coarse Rejects disposal and management is detailed in Section 3.5.</p> <p>Odour and Fume Management prevention and remediation actions are outlined in Section 3.6.</p>		
SSD55	S2 B21	<p><b>Spontaneous Combustion Management Plan</b></p> <p>The Applicant must not commence construction until the Spontaneous Combustion Management Plan is approved by the Planning Secretary.</p>	<p>Potential spontaneous combustion at the site is managed in accordance with the Spontaneous Combustion Management Plan (SCMP) for the Maxwell UG Project. This plan was approved by DPE on 17 June 2021 and supersedes the SCMP for the Maxwell Infrastructure site.</p>	Compliant	
SSD56	S2 B22	<p><b>Spontaneous Combustion Management Plan</b></p> <p>The Applicant must implement the Spontaneous Combustion Management Plan as approved by the Planning Secretary.</p>	<p>Along with regular inspections conducted as part of the general site activities, formal monthly spontaneous combustion inspections are conducted. A thermal imaging camera is utilised to assist the identification of areas where ground surface temperatures are above background levels. The surface area exhibiting smoke or steam emissions is estimated for each</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			detected outbreak. In addition, an annual aerial survey using a fixed wing aircraft fitted with infrared detection is used to identify the presence of hot spots on a site-wide basis. The most recent survey was conducted in July 2021.		
SSD57	S2 B23	<p><b>Air Quality and Greenhouse Gas Management Plan</b></p> <p>The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>b. describe the measures to be implemented to ensure: <ol style="list-style-type: none"> <li>i. compliance with the air quality criteria and operating conditions in this consent;</li> <li>ii. best practice management is being employed (including in respect of energy efficiency and the minimisation of greenhouse gas emissions from the site); and</li> <li>iii. the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;</li> </ol> </li> <li>c. describe the air quality management system in detail;</li> <li>d. include a Centralised Gas Management Plan which describes the measures to be implemented to: <ol style="list-style-type: none"> <li>i. maximise the beneficial use of methane produced by underground coal mining where reasonable and feasible; and</li> <li>ii. ensure that air quality impacts on nearby residences associated with the flaring or venting of gases produced by underground coal mining are minimised to the greatest extent practicable; and</li> </ol> </li> <li>e. include an air quality monitoring program, undertaken in accordance with the <i>Approved Methods for Sampling and</i></li> </ol>	<p>Air Quality and Greenhouse Gas Management Plan (AQGGMP) Document Number: MXC_MP_EC_02 Version: 2 Effective: 3/02/2022 Approved by Wayne Jones as nominee to the Secretary on 04/02/2022.</p> <p>In accordance with Schedule 2, Part A, Condition A24(a) of SSD 9526, the AQGGMP was prepared for stage 1 activities only. Stage 1 activities include early preparatory works, construction and first workings (as defined in SSD 9526).</p> <p>Approval granted by Matthew Sprout on 22/02/21 as nominee to the Secretary for the AQGGMP and Water Management Plan to be stage.</p> <p>Section 2.3 outlines that Philip Henschke and Aleks Todoroski assisted with the preparation of the plan. A copy of the endorsement by the Planning Secretary is included in Appendix 4 of the plan.</p> <p>Section 3.2 and 3.3 describe the measures to be implemented to ensure compliances, minimise air quality impacts, and best practise management.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p><i>Analysis of Air Pollutants in New South Wales</i> (DEC, 2007), that:</p> <ul style="list-style-type: none"> <li>i. uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;</li> <li>ii. adequately supports the air quality management system;</li> <li>iii. includes a protocol for distinguishing the dust emissions of the development from any neighbouring developments; and</li> <li>iv. includes a protocol for identifying an air quality incident and notifying the Department and relevant stakeholders of any such incident.</li> </ul> <p>Note: "Methane produced by underground coal mining" does not include methane within mine ventilation air.</p>	<p>The air quality management system is described in Section 3.2.</p> <p>The Centralised Gas Management Plan is not required as part of Stage 1 works. The plan will be required prior to the start of Stage 2 works.</p> <p>The air quality monitoring program is outlined in Section 4.3 of the plan. A summary of the monitoring undertaken is outlined in Table 3.</p> <p>A protocol for distinguishing the dust emissions of the development from any neighbouring developments is outlined in Section 4.4.</p> <p>Incident and Non-Compliance Notification protocol is outlined in Section 4.5.</p>		
SSD58	S2 B24	<p><b>Air Quality and Greenhouse Gas Management Plan</b></p> <p>The Applicant must not commence construction until the Air Quality and Greenhouse Gas Management Plan is approved by the Planning Secretary.</p>	<p>Staged AQGGMP approved by DPE on 04 February 2022 prior to construction on 20 April 2022.</p>	Compliant	
SSD59	S2 B25	<p><b>Air Quality and Greenhouse Gas Management Plan</b></p> <p>The Applicant must implement the Air Quality and Greenhouse Gas Management Plan as approved by the Planning Secretary.</p>	<p>Malabar is currently implementing the approved AQGGMP in accordance with the conditions of this consent.</p>	Compliant	<b>OFI</b> – Review the management of wheel generated dust and water cart use as the site moves into the construction phase.
<b>METEOROLOGICAL MONITORING</b>					
SSD60	S2 B26	<p>Prior to the commencement of construction and for the life of the development, the Applicant must ensure that there is a suitable meteorological station operating in the vicinity of the site that:</p> <ul style="list-style-type: none"> <li>a. complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007); and</li> <li>b. is capable of measuring meteorological conditions in accordance with the NSW Noise Policy for Industry (EPA,</li> </ul>	<p>Meteorological monitoring stations have been installed north of the infrastructure area (AWS-1) and south of the mine entry area (AWS-2).</p> <p>The MET stations were observed to be capable of measuring meteorological conditions in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		2017), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.	Wales (DEC, 2007) and in accordance with the NSW Noise Policy for Industry (EPA, 2017).		
<b>WATER</b>					
SSD61	S2 B27	<p><b>Water Supply</b></p> <p>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.</p>	A simulated site water balance based on 129 years of climatic data has been prepared by WRM (2019) to simulate the performance of the water management system over the life of the Project. The site water balance modelling estimated that the average inflows exceed the average annual outflows for each phase of the Project. The site water balance modelling demonstrated the water management system has sufficient capacity and flexibility to accommodate a wide range of groundwater inflows and climate scenarios while providing security of supply for mine operations.	Compliant	
SSD62	S2 B28	<p><b>Water Supply</b></p> <p>The Applicant must report on water captured, intercepted or extracted from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence. Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and following mine closure.</p>	Section 8 of the 2021 Annual Review reports on the water captured, intercepted or extracted from the site each year (direct and indirect).	Compliant	
SSD63	S2 B29	<p><b>Compensatory Water Supply</b></p> <p>Prior to commencing extraction of ROM coal under this consent, the Applicant must notify owners of licensed privately-owned groundwater bores that are predicted to have a drawdown of greater than 2 metres as a result of the development.</p>	Maxwell held an initial meeting with landowners of bore GW029660 in 2019 to provide an overview of the Groundwater Assessment for the Project EIS and in particular discussing the predicted impacts on bore GW029660. Prior to commencing secondary extraction, Maxwell shall notify the landowners of bore GW029660 that the bore is predicted	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			to experience a cumulative drawdown of greater than 2 metres as a result of the Project and MAC operations (including both open cut and approved underground operations).		
SSD64	S2 B30	<b>Compensatory Water Supply</b> The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.	There were no compensatory water supply agreements required to be in place during the audit period.	Not triggered	
SSD65	S2 B31	<b>Compensatory Water Supply</b> The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.	There were no compensatory water supply agreements required to be in place during the audit period.	Not triggered	
SSD66	S2 B32	<b>Compensatory Water Supply</b> If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.	There were no compensatory water supply agreements required to be in place during the audit period.	Not triggered	
SSD67	S2 B33	<b>Compensatory Water Supply</b> If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary. Note: <ul style="list-style-type: none"> <li>The Water Management Plan (see condition B42) is required to include trigger levels for investigating potentially adverse impacts on water supplies.</li> <li>The burden of proof that any loss of water supply is not due to mining impacts rests with the Applicant.</li> </ul>	There were no compensatory water supply agreements required to be in place during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
SSD68	S2 B34	<p><b>Compensatory Water Supply</b></p> <p>In the event of any complaint relating to a privately-owned licensed groundwater bore which may, in the opinion of the Planning Secretary, have been adversely and directly impacted as a result of the development (other than an impact that is minor or negligible), the Applicant must, as soon as practicable, facilitate the provision of a temporary water supply, pending the outcome of any groundwater investigation and/or the provision of an alternative long-term supply of water as required under conditions B30 and B31, to the satisfaction of the Planning Secretary.</p>	There have been no complaints regarding privately owned bores during the audit period.	Not triggered	
SSD69	S2 B35	<p><b>Off-site Water Discharges and Transfers</b></p> <p>The Applicant must ensure that all water discharges from the site comply with:</p> <ul style="list-style-type: none"> <li>a. discharge limits (both volume and quality) set for the development in any EPL; and</li> <li>b. the relevant provisions of the POEO Act.</li> </ul>	At approximately 6.36am and 8.35am respectively on Tuesday 8 March 2022, Maxwell was notified that the DC2 Dam and the Rail Loop Dam started to overflow via their designated spillways, discharging water from the premises to Ramrod Creek following excessive rainfall on the day of and in the days preceding the incident. Both dams ceased discharging water at approximately 10.00 pm on Tuesday 8 March 2022.	Non-compliant	<b>OFI</b> – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges
SSD70	S2 B36	<p><b>Off-site Water Discharges and Transfers</b></p> <p>The Applicant must implement all reasonable and feasible measures to avoid off-site discharges from the Access Road Dam or the Rail Loop Dam. However, should discharges from these dams be required, any such discharge may only be undertaken in accordance with the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.</p>	Malabar has generally implemented all reasonable and feasible measures to avoid off-site discharges from the Access Road Dam or the Rail Loop Dam.	Compliant	
SSD71	S2 B37	<p><b>Off-site Water Discharges and Transfers</b></p> <p>The Applicant may receive water from and/or transfer water to, the Mt Arthur Coal Complex.</p>	No water was received and/or transferred to the Mt Arthur Coal Complex during the audit period.	Not triggered	
SSD72	S2 B38	<p><b>Off-site Water Discharges and Transfers</b></p> <p>The Applicant may, with the written approval of the Planning Secretary, receive water from and/or transfer water to, other</p>	No water was received and/or transferred to other mines during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>mining and/or industrial operations in the vicinity of the development.</p> <p>Note:</p> <ul style="list-style-type: none"> <li>Prior to the granting of written approval by the Planning Secretary, the Applicant must demonstrate that all necessary approvals and licences have been obtained for the sharing of water.</li> </ul>			
SSD73	S2 B39	<p><b>Off-site Water Discharges and Transfers</b></p> <p>The Applicant may, with the written approval of the Planning Secretary, integrate components of the site water management system with the water management system for the Mt Arthur Coal Complex.</p>	MAC is not included in the current water balance model or water management system and is not anticipated to be required as part of stage 1 activities.	Not triggered	
SSD74	S2 B40	<p><b>Water Management Performance Measures</b></p> <p>The Applicant must ensure that the development complies with the performance measures in Table 4.</p>	Following the site inspection review of available monitoring data, and interviews with staff it was determined that Malabar are complying with the performance measures outlined in Table 4.	Compliant	<b>OFI</b> – Consider the potential to reduce sediment laden water entering the oily water sump. Ensure oily water separator is active.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																				
		<p><i>Table 4: Water management performance measures</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td>Water management – General</td> <td> <ul style="list-style-type: none"> <li>Maintain separation between clean and dirty (including both sediment-laden water and mine water) water management systems</li> <li>Minimise the use of clean and potable water on the site</li> <li>Maximise water recycling, reuse and sharing opportunities</li> <li>Maximise the capture and reuse of mine water and dirty water to meet operational demands for water</li> <li>Minimise the use of make-up water from external sources</li> <li>Design, install, operate and maintain water management systems in a proper and efficient manner</li> <li>Minimise risks to the receiving environment and downstream water users</li> </ul> </td> </tr> <tr> <td>Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers</td> <td> <ul style="list-style-type: none"> <li>Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:               <ul style="list-style-type: none"> <li>negligible change in groundwater levels;</li> <li>negligible change in groundwater quality; and</li> <li>negligible impact to other groundwater users</li> </ul> </li> </ul> </td> </tr> <tr> <td>Saddlers Creek, Saltwater Creek and Hunter River aquatic and riparian ecosystems</td> <td> <ul style="list-style-type: none"> <li>Negligible environmental consequences beyond those predicted in the document/s listed in condition A2(c).</li> <li>Negligible decline in baseline channel stability</li> <li>Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> <li>Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book</i> (Landcom, 2004), <i>Volume 2A: Installation of Services</i> (DECC, 2008), <i>Volume 2C: Unsealed Roads</i> (DECC, 2008), <i>Volume 2D: Main Road Construction</i> (DECC, 2008) and <i>Volume 2E: Mines and Quarries</i> (DECC, 2008)</li> </ul> </td> </tr> <tr> <td>Erosion and sediment control works</td> <td> <ul style="list-style-type: none"> <li>Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> <li>Design, install and maintain any new creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003).</li> <li>Ensure all works on waterfront land are consistent with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> </ul> </td> </tr> <tr> <td>Clean water diversions and storage infrastructure</td> <td> <ul style="list-style-type: none"> <li>Design, install and maintain the clean water system to capture and convey the 100 year ARI flood</li> <li>Maximise as far as reasonable the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site</li> </ul> </td> </tr> <tr> <td>Sediment dams</td> <td> <ul style="list-style-type: none"> <li>Design, install and/or maintain sediment dams to avoid off-site discharges to surface waters, except as may be permitted under conditions B35 and B36</li> <li>Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008) and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i></li> </ul> </td> </tr> <tr> <td>Mine water storages</td> <td> <ul style="list-style-type: none"> <li>Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water</li> <li>Ensure adequate freeboards within all mine water storage dams and voids, at all times to minimise the risk of discharge to surface waters</li> <li>New on-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul> </td> </tr> <tr> <td>Brine management</td> <td> <ul style="list-style-type: none"> <li>Brine storage facilities are designed to store a 100 year ARI 72 hour storm event</li> <li>Brine storage dam<sup>a</sup> is suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul> </td> </tr> <tr> <td>Reject management</td> <td> <ul style="list-style-type: none"> <li>Restrict any new emplacement of tailings and CHPP reject material to the East Void</li> </ul> </td> </tr> </tbody> </table>	Feature	Performance Measure	Water management – General	<ul style="list-style-type: none"> <li>Maintain separation between clean and dirty (including both sediment-laden water and mine water) water management systems</li> <li>Minimise the use of clean and potable water on the site</li> <li>Maximise water recycling, reuse and sharing opportunities</li> <li>Maximise the capture and reuse of mine water and dirty water to meet operational demands for water</li> <li>Minimise the use of make-up water from external sources</li> <li>Design, install, operate and maintain water management systems in a proper and efficient manner</li> <li>Minimise risks to the receiving environment and downstream water users</li> </ul>	Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers	<ul style="list-style-type: none"> <li>Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:               <ul style="list-style-type: none"> <li>negligible change in groundwater levels;</li> <li>negligible change in groundwater quality; and</li> <li>negligible impact to other groundwater users</li> </ul> </li> </ul>	Saddlers Creek, Saltwater Creek and Hunter River aquatic and riparian ecosystems	<ul style="list-style-type: none"> <li>Negligible environmental consequences beyond those predicted in the document/s listed in condition A2(c).</li> <li>Negligible decline in baseline channel stability</li> <li>Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> <li>Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book</i> (Landcom, 2004), <i>Volume 2A: Installation of Services</i> (DECC, 2008), <i>Volume 2C: Unsealed Roads</i> (DECC, 2008), <i>Volume 2D: Main Road Construction</i> (DECC, 2008) and <i>Volume 2E: Mines and Quarries</i> (DECC, 2008)</li> </ul>	Erosion and sediment control works	<ul style="list-style-type: none"> <li>Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> <li>Design, install and maintain any new creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003).</li> <li>Ensure all works on waterfront land are consistent with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> </ul>	Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>Design, install and maintain the clean water system to capture and convey the 100 year ARI flood</li> <li>Maximise as far as reasonable the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site</li> </ul>	Sediment dams	<ul style="list-style-type: none"> <li>Design, install and/or maintain sediment dams to avoid off-site discharges to surface waters, except as may be permitted under conditions B35 and B36</li> <li>Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008) and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i></li> </ul>	Mine water storages	<ul style="list-style-type: none"> <li>Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water</li> <li>Ensure adequate freeboards within all mine water storage dams and voids, at all times to minimise the risk of discharge to surface waters</li> <li>New on-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul>	Brine management	<ul style="list-style-type: none"> <li>Brine storage facilities are designed to store a 100 year ARI 72 hour storm event</li> <li>Brine storage dam<sup>a</sup> is suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul>	Reject management	<ul style="list-style-type: none"> <li>Restrict any new emplacement of tailings and CHPP reject material to the East Void</li> </ul>			
Feature	Performance Measure																								
Water management – General	<ul style="list-style-type: none"> <li>Maintain separation between clean and dirty (including both sediment-laden water and mine water) water management systems</li> <li>Minimise the use of clean and potable water on the site</li> <li>Maximise water recycling, reuse and sharing opportunities</li> <li>Maximise the capture and reuse of mine water and dirty water to meet operational demands for water</li> <li>Minimise the use of make-up water from external sources</li> <li>Design, install, operate and maintain water management systems in a proper and efficient manner</li> <li>Minimise risks to the receiving environment and downstream water users</li> </ul>																								
Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers	<ul style="list-style-type: none"> <li>Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:               <ul style="list-style-type: none"> <li>negligible change in groundwater levels;</li> <li>negligible change in groundwater quality; and</li> <li>negligible impact to other groundwater users</li> </ul> </li> </ul>																								
Saddlers Creek, Saltwater Creek and Hunter River aquatic and riparian ecosystems	<ul style="list-style-type: none"> <li>Negligible environmental consequences beyond those predicted in the document/s listed in condition A2(c).</li> <li>Negligible decline in baseline channel stability</li> <li>Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC &amp; ARMCANZ, 2000) and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW</i> (DEC, 2006)</li> <li>Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction</i> including <i>Volume 1: Blue Book</i> (Landcom, 2004), <i>Volume 2A: Installation of Services</i> (DECC, 2008), <i>Volume 2C: Unsealed Roads</i> (DECC, 2008), <i>Volume 2D: Main Road Construction</i> (DECC, 2008) and <i>Volume 2E: Mines and Quarries</i> (DECC, 2008)</li> </ul>																								
Erosion and sediment control works	<ul style="list-style-type: none"> <li>Design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> <li>Design, install and maintain any new creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013) and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings</i> (NSW Fisheries 2003).</li> <li>Ensure all works on waterfront land are consistent with the guidance series for <i>Controlled Activities on Waterfront Land</i> (DPI Water, 2012)</li> </ul>																								
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> <li>Design, install and maintain the clean water system to capture and convey the 100 year ARI flood</li> <li>Maximise as far as reasonable the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site</li> </ul>																								
Sediment dams	<ul style="list-style-type: none"> <li>Design, install and/or maintain sediment dams to avoid off-site discharges to surface waters, except as may be permitted under conditions B35 and B36</li> <li>Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landcom, 2004) and <i>2E Mines and Quarries</i> (DECC, 2008) and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i></li> </ul>																								
Mine water storages	<ul style="list-style-type: none"> <li>Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water</li> <li>Ensure adequate freeboards within all mine water storage dams and voids, at all times to minimise the risk of discharge to surface waters</li> <li>New on-site storages (including mine infrastructure dams, groundwater storage and treatment dams) are suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul>																								
Brine management	<ul style="list-style-type: none"> <li>Brine storage facilities are designed to store a 100 year ARI 72 hour storm event</li> <li>Brine storage dam<sup>a</sup> is suitably designed, installed and maintained, including being lined to comply with a permeability standard of <math>&lt; 1 \times 10^{-9}</math> m/s</li> </ul>																								
Reject management	<ul style="list-style-type: none"> <li>Restrict any new emplacement of tailings and CHPP reject material to the East Void</li> </ul>																								

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations								
		<table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td></td> <td> <ul style="list-style-type: none"> <li>Design and maintain tailings storage areas to prevent the movement of tailings seepage/leachate outside the Maxwell Infrastructure area</li> <li>Manage CHPP reject material in a manner that is consistent with the document/s listed in condition A2(c)</li> </ul> </td> </tr> <tr> <td>Overburden emplacements</td> <td> <ul style="list-style-type: none"> <li>Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials, and saline and sodic material</li> <li>Design, install and maintain emplacements to prevent and/or manage long term saline groundwater seepage</li> </ul> </td> </tr> <tr> <td>Chemical and hydrocarbon storage</td> <td> <ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul> </td> </tr> </tbody> </table> <p><sup>a</sup> This performance measure relates to the Brine Dam at Maxwell Infrastructure and not to the East Void.</p>	Feature	Performance Measure		<ul style="list-style-type: none"> <li>Design and maintain tailings storage areas to prevent the movement of tailings seepage/leachate outside the Maxwell Infrastructure area</li> <li>Manage CHPP reject material in a manner that is consistent with the document/s listed in condition A2(c)</li> </ul>	Overburden emplacements	<ul style="list-style-type: none"> <li>Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials, and saline and sodic material</li> <li>Design, install and maintain emplacements to prevent and/or manage long term saline groundwater seepage</li> </ul>	Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul>			
Feature	Performance Measure												
	<ul style="list-style-type: none"> <li>Design and maintain tailings storage areas to prevent the movement of tailings seepage/leachate outside the Maxwell Infrastructure area</li> <li>Manage CHPP reject material in a manner that is consistent with the document/s listed in condition A2(c)</li> </ul>												
Overburden emplacements	<ul style="list-style-type: none"> <li>Design, install and maintain emplacements to encapsulate and prevent migration of acid forming and potentially acid forming materials, and saline and sodic material</li> <li>Design, install and maintain emplacements to prevent and/or manage long term saline groundwater seepage</li> </ul>												
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> <li>Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard</li> </ul>												
SSD75	S2 B41	<p><b>Water Management Performance Measures</b></p> <p>The performance measures in Table 4 apply to the entire site, including all landforms constructed under previous development consents. However, these performance measures do not require any additional earthmoving works to be undertaken for landforms that have been approved and constructed under previous consents, except where those earthworks are required for the establishment of a stable and non-polluting landform.</p>	Noted.	Compliant									
SSD76	S2 B42	<p><b>Water Management Plan</b></p> <p>Prior to the commencement of construction activities, the Applicant must prepare a Water Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>be prepared in consultation with DPIE Water;</li> <li>describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 4);</li> <li>utilise existing data from nearby mines and build on existing monitoring programs, where practicable;</li> <li>include a: <ol style="list-style-type: none"> <li>Site Water Balance that includes details of: <ul style="list-style-type: none"> <li>predicted annual inflows to and outflows from the site;</li> </ul> </li> </ol> </li> </ol>	<p>Water Management Plan (WMP) Document number MXC_MP_EC_08 Version: 1 Effective: 25/11/2021 Approved by Jessie Evans on 29/11/2021.</p> <p>Approval granted the appointment of suitably qualified persons Noel Merrick to prepare the WMP for SSD-9526-PA-9. A copy of this endorsement is contained in Appendix 8 of the WMP.</p> <p>The general water management performance measures are outlined in section 3.1.</p> <p>Water management system overview is outlined in section 3.2.</p> <p>Section 3.3 outlines the site water balance and salt balance overview for the stage 1 activities.</p>	Compliant									

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• sources and security of water supply for the life of the development (including authorised entitlements and licences);</li> <li>• water storage capacity;</li> <li>• water use and management on the site, including any water sharing arrangements permitted under condition B37 and B38 of this Schedule;</li> <li>• licensed discharge points and limits; and</li> <li>• reporting procedures, including the annual preparation of a site water balance;</li> <li>ii. Salt Balance that includes details of: <ul style="list-style-type: none"> <li>• sources of saline material on the site;</li> <li>• saline material and saline water management on the site;</li> <li>• measures to minimise discharge of saline water from the site; and</li> <li>• reporting procedures, including the annual preparation of an updated salt balance;</li> </ul> </li> <li>iii. Erosion and Sediment Control Plan that: <ul style="list-style-type: none"> <li>• is consistent with the requirements of Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008);</li> <li>• identifies activities that could cause soil erosion or generate sediment;</li> <li>• describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;</li> <li>• describes the location, function and capacity of erosion and sediment control structures; and</li> <li>• describes what measures would be implemented to maintain (and if necessary, decommission) the structures over time;</li> </ul> </li> <li>iv. Surface Water Management Plan that includes:</li> </ul>	<p>Erosion and sediment control overview in Section 3.4 outlines the main principles of erosion and sediment controls with additional details provided in Appendix 2 of the WMP.</p> <p>Section 3.5 outlines the Surface water management overview. Noting First working are not predicted to cause subsidence or impacts on channel stability and riparian health. Additional details contained in Appendix 3 of the WMP.</p> <p>Ground water management overview is outlined in Section 3.6 with additional detail in Appendix 4 of the WMP.</p>		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• detailed baseline data on channel stability, water flows and water quality in the sections or parts of watercourses and/or water bodies potentially impacted by the development (including Saddlers Creek, Saltwater Creek, Ramrod Creek and the Hunter River);</li> <li>• a detailed description of the surface water management system, including a Brine Management Plan as described in the Submissions Report in the EIS;</li> <li>• details of any water sharing arrangements permitted under condition B37 and B38 of this Schedule;</li> <li>• detailed plans, design objectives and performance criteria for water management infrastructure including: <ul style="list-style-type: none"> <li>– any approved creek diversions or restoration works associated with the development;</li> <li>– water run-off diversions and catch drains;</li> <li>– erosion and sediment controls;</li> <li>– any water storages, including mine water management systems;</li> <li>– tailings and brine transfer and storage infrastructure; and</li> <li>– reinstated drainage networks on rehabilitated areas of the site;</li> </ul> </li> <li>• surface water performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts (or trends) associated with the development for: <ul style="list-style-type: none"> <li>– water supply for other water users;</li> <li>– downstream surface water flows and quality, including site-specific trigger levels for molybdenum, selenium, antimony and arsenic;</li> <li>– stream and riparian vegetation health; and</li> </ul> </li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>– post-mining water pollution from rehabilitated areas of the site;</li> <li>• a program to monitor and evaluate: <ul style="list-style-type: none"> <li>– compliance with the relevant performance measures listed in Table 4 and the performance criteria in this plan;</li> <li>– controlled and uncontrolled discharges and seepage/leachate from the site;</li> <li>– impacts on water supply for other water users;</li> <li>– surface water inflows, outflows and storage volumes, to inform the Site Water Balance;</li> <li>– the effectiveness of the surface water management system, and the measures in the Erosion and Sediment Control Plan;</li> <li>– reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results; and</li> <li>– a trigger action response plan to respond to any exceedances of the performance measures in Table 4, and to repair, mitigate and/or offset any adverse surface water impacts of the development, including measures to provide compensatory water supply to affected water users under condition B30 of this Schedule; and</li> </ul> </li> <li>v. Groundwater Management Plan that includes: <ul style="list-style-type: none"> <li>• detailed baseline data regarding groundwater levels, yield and quality for privately-owned groundwater bores and the condition of GDEs potentially impacted by the development;</li> <li>• a program to periodically review and update data regarding groundwater levels, yield and quality at privately-owned groundwater bores in the vicinity of the development;</li> <li>• a detailed description of the groundwater management system, including a commitment to install additional shallow monitoring bores within the</li> </ul> </li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>Saddlers Creek alluvium, in consultation with DPIE Water;</p> <ul style="list-style-type: none"> <li>• groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts (or trends) associated with the development, on: <ul style="list-style-type: none"> <li>– regional and local aquifers (alluvial and hard rock); and</li> <li>– licensed privately-owned groundwater bores;</li> </ul> </li> <li>• a program to monitor and evaluate: <ul style="list-style-type: none"> <li>– compliance with the relevant performance measures listed in Table 4 and the performance criteria of this plan;</li> <li>– water loss/seepage from water storages into the groundwater system, including seepage from the final voids;</li> <li>– groundwater inflows, outflows and storage volumes, to inform the Site Water Balance;</li> <li>– impacts on water supply for other water users;</li> <li>– impacts on GDEs (including Swamp Oak Forest and stygofauna);</li> <li>– the hydrogeological setting of any nearby alluvial aquifers and the likelihood of any indirect impacts from the development; and</li> <li>– the effectiveness of the groundwater management system;</li> </ul> </li> <li>• reporting procedures for the results of the monitoring program, including notifying other water users of any elevated results;</li> <li>• a trigger action response plan to respond to any exceedances of the relevant performance measures and groundwater performance criteria, and repair, mitigate and/or offset any adverse groundwater impacts of the development;</li> <li>• a program to periodically validate the groundwater model for the development, including an</li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>independent review of the model every 3 years, and comparison of monitoring results with modelled predictions;</p> <ul style="list-style-type: none"> <li>a program to undertake further hydraulic testing of the fault in the vicinity of Saddlers Creek within the first three years of mining operations and incorporate the results into subsequent reviews of the groundwater model; and</li> <li>a plan to respond to any exceedances of the performance measures.</li> </ul>			
SSD77	S2 B43	<p><b>Water Management Plan</b> The Applicant must not commence construction until the Water Management Plan is approved by the Planning Secretary.</p>	The water management plan was approved by the Planning Secretary on 29 November 2021 with construction beginning on 20 April 2022.	Compliant	
SSD78	S2 B44	<p><b>Water Management Plan</b> The Applicant must implement the Water Management Plan as approved by the Planning Secretary.</p>	Following the site inspection and review of available documentation, Malabar was observed to be implementing the Water Management Plan as approved by the Planning Secretary.	Compliant	
<b>BIODIVERSITY</b>					
SSD79	S2 B45	<p><b>Maxwell Infrastructure Biodiversity Offset Areas</b> The Applicant must:</p> <ol style="list-style-type: none"> <li>protect and maintain the Drayton Wildlife Refuge; and</li> <li>protect, maintain and enhance the Northern Offset Area, as shown in Figure 11 in Appendix 5 and as described in the EIS.</li> </ol>	The methodology to protect, maintain, and enhance the Drayton Wildlife Refuge and the Northern Offset Area is outlined in Section 3.1.1 and 3.1.2 of the BMP.	Compliant	
SSD80	S2 B46	<p><b>Maxwell Infrastructure Biodiversity Offset Areas</b> The Applicant must establish, maintain and protect the Southern Offset Area, as summarised in Table 5 and shown conceptually in Figure 11 in Appendix 5.</p>	The methodology to establish, maintain and protect the Southern Offset Area is outlined in Section 3.1.3 of the BMP.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations														
		<p><i>Table 5: Southern Offset Area requirements</i></p> <table border="1"> <thead> <tr> <th>Area</th> <th>Offset Type</th> <th>Minimum Size (ha)</th> </tr> </thead> <tbody> <tr> <td rowspan="5">Southern Offset Area</td> <td>Narrow-leaved Ironbark Woodland</td> <td>26</td> </tr> <tr> <td>Spotted-Gum-Grey Box Open Forest Woodland</td> <td>19</td> </tr> <tr> <td>Forest Red Gum Open Forest and Woodland (Hunter Lowland Redgum Forest <a href="#">EEC</a><sup>a</sup>)</td> <td>15</td> </tr> <tr> <td>Yellow Box and Grey Gum Woodland (White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the <a href="#">Eastern Highlands</a>, NSW South Western Slopes, South East Corner and Riverina Bioregions <a href="#">CEEC</a><sup>a</sup>)</td> <td>24</td> </tr> <tr> <td>Rehabilitated woodland/pasture</td> <td>4</td> </tr> </tbody> </table> <p><sup>a</sup> Identified vegetation communities must be established to a level that meets the listing criteria for the relevant EEC or CEEC as defined under the BC Act.</p>	Area	Offset Type	Minimum Size (ha)	Southern Offset Area	Narrow-leaved Ironbark Woodland	26	Spotted-Gum-Grey Box Open Forest Woodland	19	Forest Red Gum Open Forest and Woodland (Hunter Lowland Redgum Forest <a href="#">EEC</a> <sup>a</sup> )	15	Yellow Box and Grey Gum Woodland (White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the <a href="#">Eastern Highlands</a> , NSW South Western Slopes, South East Corner and Riverina Bioregions <a href="#">CEEC</a> <sup>a</sup> )	24	Rehabilitated woodland/pasture	4			
Area	Offset Type	Minimum Size (ha)																	
Southern Offset Area	Narrow-leaved Ironbark Woodland	26																	
	Spotted-Gum-Grey Box Open Forest Woodland	19																	
	Forest Red Gum Open Forest and Woodland (Hunter Lowland Redgum Forest <a href="#">EEC</a> <sup>a</sup> )	15																	
	Yellow Box and Grey Gum Woodland (White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the <a href="#">Eastern Highlands</a> , NSW South Western Slopes, South East Corner and Riverina Bioregions <a href="#">CEEC</a> <sup>a</sup> )	24																	
	Rehabilitated woodland/pasture	4																	
SSD81	S2 B47	<p><b>Maxwell Underground Biodiversity Credit Requirements</b></p> <p>Prior to commencing construction under this consent, or other timeframe agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in Table 6 below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.</p>	<p>Maxwell is currently in the process of retiring the required credits in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT. An extension of time until 30 June 2022 to finalise the Biodiversity Offset Credit Retirement application was granted by Carl Dumpleton as nominee of the Secretary on 02/09/2021.</p>	Compliant															

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																																
		<p><b>Table 6: Biodiversity credit requirements (Stage One)</b></p> <table border="1"> <thead> <tr> <th>Credit Type</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Ecosystem Credits</b></td> </tr> <tr> <td>PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Woodland)</td> <td>9</td> </tr> <tr> <td>PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Derived Native Grassland)</td> <td>59</td> </tr> <tr> <td>PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland)<sup>a,c</sup></td> <td>216</td> </tr> <tr> <td>PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland)<sup>a, c</sup></td> <td>971</td> </tr> <tr> <td>PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland)<sup>b,c</sup></td> <td>21</td> </tr> <tr> <td>PCT1692 Bull Oak Grassy Woodland of the Central Hunter Valley (Woodland)<sup>a</sup></td> <td>45</td> </tr> <tr> <td>PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Woodland)<sup>a</sup></td> <td>15</td> </tr> <tr> <td>PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)</td> <td>14</td> </tr> <tr> <td>PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland)<sup>b,c</sup></td> <td>184</td> </tr> <tr> <td>PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland)</td> <td>6</td> </tr> <tr> <td>PCT1604 Narrow-leaved Ironbark – Grey Box – Spotted Gum Shrub – Grass Woodland of the Central and Upper Hunter<sup>a</sup></td> <td>44</td> </tr> <tr> <td>PCT1604 Woodland Rehabilitation</td> <td>214</td> </tr> <tr> <td colspan="2"><b>Species Credits</b></td> </tr> <tr> <td>Pine Donkey Orchid (<i>Diuris tricolor</i>)<sup>d</sup></td> <td>1,474</td> </tr> <tr> <td>Tarengo Leek Orchid (<i>Prasophyllum petilum</i>)<sup>c, d</sup></td> <td>1,114</td> </tr> <tr> <td>Rusty Greenhood (<i>Pterostylis chaetophora</i>)<sup>d</sup></td> <td>229</td> </tr> <tr> <td>Tesselate Everlasting (<i>Ozothamnus tessellatus</i>)<sup>c, d</sup></td> <td>217</td> </tr> <tr> <td>Austral Toadflax (<i>Thesium australe</i>)<sup>c, d</sup></td> <td>34</td> </tr> <tr> <td>Pink-tailed Legless Lizard<sup>a</sup></td> <td>382</td> </tr> <tr> <td>Striped Legless Lizard<sup>a</sup></td> <td>1,126</td> </tr> <tr> <td>Squirrel Glider</td> <td>524</td> </tr> <tr> <td>Southern Myotis</td> <td>9</td> </tr> </tbody> </table> <p><sup>a</sup> Commensurate with White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC under the EPBC Act</p> <p><sup>b</sup> Commensurate with Central Hunter Valley Eucalypt Forest and Woodland CEEC under the EPBC Act</p>	Credit Type	Credits Required	<b>Ecosystem Credits</b>		PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Woodland)	9	PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Derived Native Grassland)	59	PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>a,c</sup>	216	PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland) <sup>a, c</sup>	971	PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland) <sup>b,c</sup>	21	PCT1692 Bull Oak Grassy Woodland of the Central Hunter Valley (Woodland) <sup>a</sup>	45	PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Woodland) <sup>a</sup>	15	PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)	14	PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	184	PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland)	6	PCT1604 Narrow-leaved Ironbark – Grey Box – Spotted Gum Shrub – Grass Woodland of the Central and Upper Hunter <sup>a</sup>	44	PCT1604 Woodland Rehabilitation	214	<b>Species Credits</b>		Pine Donkey Orchid ( <i>Diuris tricolor</i> ) <sup>d</sup>	1,474	Tarengo Leek Orchid ( <i>Prasophyllum petilum</i> ) <sup>c, d</sup>	1,114	Rusty Greenhood ( <i>Pterostylis chaetophora</i> ) <sup>d</sup>	229	Tesselate Everlasting ( <i>Ozothamnus tessellatus</i> ) <sup>c, d</sup>	217	Austral Toadflax ( <i>Thesium australe</i> ) <sup>c, d</sup>	34	Pink-tailed Legless Lizard <sup>a</sup>	382	Striped Legless Lizard <sup>a</sup>	1,126	Squirrel Glider	524	Southern Myotis	9			
Credit Type	Credits Required																																																				
<b>Ecosystem Credits</b>																																																					
PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Woodland)	9																																																				
PCT1607 Blakely's Red Gum – Narrow-leaved Ironbark – Rough-barked Apple Shrubby Woodland of the Upper Hunter (Derived Native Grassland)	59																																																				
PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>a,c</sup>	216																																																				
PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland) <sup>a, c</sup>	971																																																				
PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland) <sup>b,c</sup>	21																																																				
PCT1692 Bull Oak Grassy Woodland of the Central Hunter Valley (Woodland) <sup>a</sup>	45																																																				
PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Woodland) <sup>a</sup>	15																																																				
PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)	14																																																				
PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	184																																																				
PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland)	6																																																				
PCT1604 Narrow-leaved Ironbark – Grey Box – Spotted Gum Shrub – Grass Woodland of the Central and Upper Hunter <sup>a</sup>	44																																																				
PCT1604 Woodland Rehabilitation	214																																																				
<b>Species Credits</b>																																																					
Pine Donkey Orchid ( <i>Diuris tricolor</i> ) <sup>d</sup>	1,474																																																				
Tarengo Leek Orchid ( <i>Prasophyllum petilum</i> ) <sup>c, d</sup>	1,114																																																				
Rusty Greenhood ( <i>Pterostylis chaetophora</i> ) <sup>d</sup>	229																																																				
Tesselate Everlasting ( <i>Ozothamnus tessellatus</i> ) <sup>c, d</sup>	217																																																				
Austral Toadflax ( <i>Thesium australe</i> ) <sup>c, d</sup>	34																																																				
Pink-tailed Legless Lizard <sup>a</sup>	382																																																				
Striped Legless Lizard <sup>a</sup>	1,126																																																				
Squirrel Glider	524																																																				
Southern Myotis	9																																																				

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																				
		<p><sup>c</sup> Under clause 6.6A of the Biodiversity Conservation Regulation 2017, variation rules do not apply to the identified species or community and the required credits must be retired on a like-for-like basis</p> <p><sup>d</sup> Total credit requirements have been calculated based on assumed presence of this species and may be reduced under condition B49</p>																																							
SSD82	S2 B48	<p><b>Maxwell Underground Biodiversity Credit Requirements</b></p> <p>Prior to commencing any works associated with the realignment of Edderton Road, or other timeframe agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in Table 7 below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.</p> <p><i>Table 7: Biodiversity Offset Requirements (Stage Two)</i></p> <table border="1"> <thead> <tr> <th>Credit Type</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Ecosystem Credits</b></td> </tr> <tr> <td>PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland)<sup>b,c</sup></td> <td>2</td> </tr> <tr> <td>PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland)<sup>b,c</sup></td> <td>45</td> </tr> <tr> <td>PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland)<sup>b,c</sup></td> <td>2</td> </tr> <tr> <td>PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Derived Native Grassland)</td> <td>24</td> </tr> <tr> <td>PCT1731 Swamp Oak – Weeping Grass Grassy Riparian Forest of the Hunter Valley</td> <td>4</td> </tr> <tr> <td>PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)</td> <td>26</td> </tr> <tr> <td>PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland)<sup>b,c</sup></td> <td>51</td> </tr> <tr> <td colspan="2"><b>Species Credits</b></td> </tr> <tr> <td>Pine Donkey Orchid (<i>Diuris tricolor</i>)<sup>d</sup></td> <td>157</td> </tr> <tr> <td>Tarengo Leek Orchid (<i>Prasophyllum petilum</i>)<sup>b,d</sup></td> <td>98</td> </tr> <tr> <td>Rusty Greenhood (<i>Pterostylis chaetophora</i>)<sup>d</sup></td> <td>57</td> </tr> <tr> <td>Tesselate Everlasting (<i>Ozothamnus tesselatus</i>)<sup>b,d</sup></td> <td>5</td> </tr> <tr> <td>Pink-tailed Legless Lizard<sup>e</sup></td> <td>41</td> </tr> <tr> <td>Striped Legless Lizard<sup>e</sup></td> <td>99</td> </tr> <tr> <td>Squirrel Glider</td> <td>33</td> </tr> <tr> <td>Southern Myotis</td> <td>36</td> </tr> </tbody> </table>	Credit Type	Credits Required	<b>Ecosystem Credits</b>		PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	2	PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland) <sup>b,c</sup>	45	PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland) <sup>b,c</sup>	2	PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Derived Native Grassland)	24	PCT1731 Swamp Oak – Weeping Grass Grassy Riparian Forest of the Hunter Valley	4	PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)	26	PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	51	<b>Species Credits</b>		Pine Donkey Orchid ( <i>Diuris tricolor</i> ) <sup>d</sup>	157	Tarengo Leek Orchid ( <i>Prasophyllum petilum</i> ) <sup>b,d</sup>	98	Rusty Greenhood ( <i>Pterostylis chaetophora</i> ) <sup>d</sup>	57	Tesselate Everlasting ( <i>Ozothamnus tesselatus</i> ) <sup>b,d</sup>	5	Pink-tailed Legless Lizard <sup>e</sup>	41	Striped Legless Lizard <sup>e</sup>	99	Squirrel Glider	33	Southern Myotis	36	The Edderton Road realignment works have not occurred during the audit period.	Not triggered	
Credit Type	Credits Required																																								
<b>Ecosystem Credits</b>																																									
PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	2																																								
PCT1606 White Box- Narrow-leaved Ironbark – Blakely’s Red Gum Shrubby Open Forest of the Central and Upper Hunter (Derived Native Grassland) <sup>b,c</sup>	45																																								
PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Woodland) <sup>b,c</sup>	2																																								
PCT1655 Grey Box – Slaty Box Shrub – Grass Woodland on Sandstone Slopes of the Upper Hunter Valley and Sydney Basin (Derived Native Grassland)	24																																								
PCT1731 Swamp Oak – Weeping Grass Grassy Riparian Forest of the Hunter Valley	4																																								
PCT201 Fuzzy Box Woodland on Alluvial Brown Loam Soils mainly in the NSW South Western Slopes Bioregion (Derived Native Grassland)	26																																								
PCT1691 Narrow-leaved Ironbark – Grey Box Grassy Woodland of the Central and Upper Hunter (Woodland) <sup>b,c</sup>	51																																								
<b>Species Credits</b>																																									
Pine Donkey Orchid ( <i>Diuris tricolor</i> ) <sup>d</sup>	157																																								
Tarengo Leek Orchid ( <i>Prasophyllum petilum</i> ) <sup>b,d</sup>	98																																								
Rusty Greenhood ( <i>Pterostylis chaetophora</i> ) <sup>d</sup>	57																																								
Tesselate Everlasting ( <i>Ozothamnus tesselatus</i> ) <sup>b,d</sup>	5																																								
Pink-tailed Legless Lizard <sup>e</sup>	41																																								
Striped Legless Lizard <sup>e</sup>	99																																								
Squirrel Glider	33																																								
Southern Myotis	36																																								

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p><sup>a</sup> Commensurate with White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC under the EPBC Act</p> <p><sup>b</sup> Commensurate with Central Hunter Valley Eucalypt Forest and Woodland CEEC under the EPBC Act</p> <p><sup>c</sup> Under clause 6.6A of the Biodiversity Conservation Regulation 2017, variation rules do not apply to the identified species or community and the required credits must be retired on a like-for-like basis</p> <p><sup>d</sup> Total credit requirements have been calculated based on assumed presence of this species and may be reduced under condition B49</p>			
SSD83	S2 B49	<p><b>Maxwell Underground Biodiversity Credit Requirements</b></p> <p>The biodiversity credit requirements outlined in conditions B47 and B48 for <i>Diuris tricolor</i>; <i>Prasophyllum petilum</i>; <i>Pterostylis chaetophora</i>; <i>Ozothamnus tessellatus</i> and <i>Thesium australe</i>, may be reduced if the Applicant demonstrates, to the satisfaction of the Planning Secretary, that the credit requirements in Table 6 and/or Table 7 do not accurately reflect the extent of impacts on these species as a result of the development. Any request from the Applicant to reduce these credit requirements must:</p> <ol style="list-style-type: none"> <li>a. be in writing and addressed to the Planning Secretary; and</li> <li>b. be supported by an expert report or survey report outlining the findings of additional surveys, which has been prepared: <ol style="list-style-type: none"> <li>i. by a suitably qualified and experienced person/s;<sup>a,b</sup></li> <li>ii. in accordance with the BAM;</li> <li>iii. in consultation with Council; and</li> <li>iv. in consultation with BCD,</li> </ol> </li> </ol> <p>to the satisfaction of the Planning Secretary.</p> <p><sup>a</sup> In the case of an expert report, a 'suitably qualified and experienced person' means a person who meets the relevant requirements outlined in section 6.5.2 of the BAM</p> <p><sup>b</sup> In this case of a survey report, a 'suitably qualified and experienced person' means an accredited person as defined in section 1.6 of the BC Act.</p>	<p>Maxwell commissioned additional flora surveys and an expert report to demonstrate a reduction in credits. The supplementary surveys did not identify any of the target species within the Maxwell UG Project areas, supporting the survey outcomes described in the Biodiversity Assessment Report (Hunter Eco, 2019). In addition, the expert report also concluded that <i>Diuris tricolor</i>, <i>Prasophyllum petilum</i> and <i>Pterostylis chaetophora</i> are unlikely to be present within the Maxwell UG Project areas. As such, Maxwell requested that the biodiversity credit requirements for <i>Diuris tricolor</i>, <i>Ozothamnus tessellatus</i>, <i>Prasophyllum petilum</i>, <i>Pterostylis chaetophora</i> and <i>Thesium australe</i> be reduced to zero as these species are not likely to be impacted by the Maxwell UG Project. DPE reviewed and approved the request to reduce biodiversity credit requirements to the following:</p> <ul style="list-style-type: none"> <li>• The offset requirements for stage 1 and stage 2 for <i>Pterostylis chaetophora</i>, <i>Ozothamnus tessellatus</i> and <i>Thesium australe</i> are reduced to zero.</li> </ul>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			<ul style="list-style-type: none"> <li>The offset requirements for stage 1 for <i>Diuris tricolor</i> are changed from 1,474 credits to 5 credits, and for <i>Prasophyllum petilum</i> are changed from 1,114 credits to 6 credits.</li> <li>The offset requirements for stage 2 for <i>Diuris tricolor</i> and <i>Prasophyllum petilum</i> are reduced to zero.</li> </ul> <p>A request to reduce the biodiversity credit requirements was approved by Jessie Evans as nominee of the Secretary on 20/09/2022.</p>		
SSD84	S2 B50	<p>The Applicant must ensure that the Biodiversity Offset Strategy and the Rehabilitation Strategy for the development focus on the regeneration, enhancement and/or re-establishment of:</p> <p>a. the following vegetation communities:</p> <ol style="list-style-type: none"> <li>White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands, NSW South Western Slopes, South East Corner and Riverina Bioregions CEEC;</li> <li>Central Hunter Grey Box-Iron Bark Woodland in the NSW North Coast and Sydney Basin Bioregions CEEC; and</li> </ol> <p>b. habitat and/or foraging resources for other significant and/or threatened flora and fauna species, including:</p> <ol style="list-style-type: none"> <li>Pink-tailed Legless Lizard;</li> <li>Striped Legless Lizard;</li> <li>Swift Parrot; and</li> <li>Regent Honeyeater.</li> </ol> <p>Notes: Identified species and communities are as defined under the BC Act.</p>	<p>This condition relates to the Southern Offset Area and is addressed in Section 3.1.3 of the BMP.</p> <p>The establishment of the Southern Offset Area is further described in Section 2.4.3. Actions to protect the Southern Offset Area from threats, including unauthorised ground disturbance, spontaneous combustion, bushfires, weeds, feral animals and unauthorised access are discussed in Section 3.3. Maintenance is discussed in Section 3.4.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations														
SSD85	S2 B50A	<p><b>Mod 1 Biodiversity Offset Strategy</b></p> <p>Within 12 months of the determination of Mod 1, or other timeframe agreed by the Planning Secretary, the Applicant must retire the biodiversity credits specified in Table 7A below. The retirement of credits must be carried out in consultation with BCD and in accordance with the Biodiversity Offsets Scheme of the BC Act, to the satisfaction of the BCT.</p> <p><i>Table 7A: Biodiversity credit requirements (Mod 1)</i></p> <table border="1"> <thead> <tr> <th>Credit Type</th> <th>Credits Required</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Ecosystem Credits</b></td> </tr> <tr> <td>PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland)<sup>a</sup></td> <td>75</td> </tr> <tr> <td>PCT1692 Bull Oak Grassy Woodland of the Central Hunter Valley (Woodland)<sup>b</sup></td> <td>13</td> </tr> <tr> <td colspan="2"><b>Species Credits</b></td> </tr> <tr> <td>Striped Legless Lizard<sup>b</sup></td> <td>54</td> </tr> <tr> <td>Squirrel Glider</td> <td>17</td> </tr> </tbody> </table> <p><sup>a</sup> Commensurate with White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC under the EPBC Act</p> <p><sup>b</sup> Under clause 6.6A of the Biodiversity Conservation Regulation 2017, variation rules do not apply to the identified species or community and the required credits must be retired on a like-for-like basis</p>	Credit Type	Credits Required	<b>Ecosystem Credits</b>		PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>a</sup>	75	PCT1692 Bull Oak Grassy Woodland of the Central Hunter Valley (Woodland) <sup>b</sup>	13	<b>Species Credits</b>		Striped Legless Lizard <sup>b</sup>	54	Squirrel Glider	17	Mod 1 Biodiversity Offsets are not required to be retired until October 2022.	Not triggered	
Credit Type	Credits Required																		
<b>Ecosystem Credits</b>																			
PCT1606 White Box- Narrow-leaved Ironbark – Blakely's Red Gum Shrubby Open Forest of the Central and Upper Hunter (Woodland) <sup>a</sup>	75																		
PCT1692 Bull Oak Grassy Woodland of the Central Hunter Valley (Woodland) <sup>b</sup>	13																		
<b>Species Credits</b>																			
Striped Legless Lizard <sup>b</sup>	54																		
Squirrel Glider	17																		
SSD86	S2 B51	<p><b>Biodiversity Management Plan</b></p> <p>The Applicant must prepare a Biodiversity Management Plan for all areas of the development, that are not, or will not, be subject to condition C8(g)(iv), to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>be prepared in consultation with BCD and Council;</li> <li>describe the short, medium, and long term measures to be undertaken to manage the remnant vegetation and fauna habitat on the site and in the Maxwell Infrastructure</li> </ol>	<p>Biodiversity Management Plan (BMP) Document number MXC_MP_EC_09 Version: 1 Effective: 24/09/2021 Approved by Jessie Evans on 27/09/2021.</p> <p>In accordance with Schedule 2 condition B51 of SSD 9526 a BMP has been prepared.</p> <p>Approval granted the appointment of suitably qualified persons Colin Driscoll to prepare the BMP for SSD 9526. A</p>	Compliant	<b>OFI</b> – Ensure ongoing targeted weed management programs are implemented.														

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>Biodiversity Offset Areas required under conditions B45 and B46;</p> <ul style="list-style-type: none"> <li>d. describe how biodiversity management would be integrated with similar measures within other management plans, including the Rehabilitation Management Plan referred to in condition B82;</li> <li>e. include detailed performance and completion criteria for evaluating the performance of the Maxwell Infrastructure Biodiversity Offset Areas required under conditions B45 and B46 and include triggers for remedial action, where these performance or completion criteria are not met;</li> <li>f. describe the measures to be implemented to: <ul style="list-style-type: none"> <li>i. fulfil or build upon the commitments outlined in the Offset Strategy dated June 2016 with respect to the Drayton Wildlife Refuge and North Offset Area;</li> <li>ii. satisfy the requirements of condition B46 of this Schedule with respect to the Southern Offset Area; and</li> <li>iii. manage and respond to spontaneous combustion risks on vegetation establishment within the Southern Offset Area, including replanting or the provision of compensatory offsets, if needed;</li> </ul> </li> <li>g. describe the measures to be implemented within the approved disturbance areas to: <ul style="list-style-type: none"> <li>i. minimise the amount of clearing;</li> <li>ii. minimise impacts on fauna, including undertaking pre-clearance surveys;</li> <li>iii. provide for the salvage, transplanting and/or propagation of threatened flora found during pre-clearance surveys, in accordance with the <i>Guidelines for the Translocation of Threatened Plants in Australia</i> (Vallee et al., 2004), where feasible; and</li> <li>iv. maximise the salvage of resources, including tree hollows, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;</li> </ul> </li> <li>h. describe the measures to be implemented on the site to:</li> </ul>	<p>copy of this endorsement is contained in Appendix 3 of the BMP.</p> <p>Section 3.3 outlines management measures for biodiversity management areas.</p> <p>Ground disturbance is outlined in Section 3.3.1 including a table detailing mitigation measures to mitigate and manage potential biodiversity impacts of ground disturbance.</p> <p>Section 3.3.2 outlines Management of Potential Direct and Indirect Impacts to Threatened Flora.</p> <p>Section 3.3.3 Spontaneous Combustion.</p>		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>i. minimise impacts to threatened ecological communities listed under the BC Act and EPBC Act, and contribute to conservation strategies for these communities;</li> <li>ii. minimise impacts on fauna habitat resources such as hunting and foraging areas, habitat trees, fallen timber and hollow-bearing trees;</li> <li>iii. enhance the quality of vegetation, vegetation connectivity and wildlife corridors including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;</li> <li>iv. introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows and promote the use of these introduced habitat features by threatened fauna species;</li> <li>v. manage any potential conflicts with Aboriginal heritage values;</li> <li>vi. protect vegetation and fauna habitat outside of the approved disturbance areas;</li> <li>vii. manage the collection and propagation of seed from the local area;</li> <li>viii. control weeds, including measures to avoid and mitigate the spread of weeds;</li> <li>ix. control feral pests with consideration of actions identified in relevant threat abatement plans;</li> <li>x. control erosion;</li> <li>xi. manage any grazing and agriculture;</li> <li>xii. control access to vegetated or revegetated areas; and</li> <li>xiii. manage bushfire hazards;</li> <li>i. include a seasonally-based program to monitor and report on the effectiveness of the above measures, progress against the detailed performance indicators and completion criteria, and identify improvements that could be implemented to improve biodiversity outcomes;</li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>j. identify the potential risks to the successful implementation of the Biodiversity Management Plan, and include a description of the contingency measures to be implemented to mitigate against these risks; and</li> <li>k. include details of who would be responsible for monitoring, reviewing, and implementing the plan.</li> </ul>			
SSD87	S2 B52	The Applicant must not commence construction until the Biodiversity Management Plan is approved by the Planning Secretary.	The BMP was approved on 27/09/2021 with the start of construction occurring on 20 April 2022.	Compliant	
SSD88	S2 B53	<p>The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.</p> <p>Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated site.</p>	<p>Ecological monitoring was undertaken during October to December 2021. Monitoring consisted of biometric vegetation sampling, Biodiversity Assessment Methodology (BAM) for remnant woodland reference sites and woodland rehabilitation areas, fauna monitoring, assessment of pest animals, topsoil assessment of monitoring sites, and comparison against the Ecosystem and land use establishment phase performance indicators and completion criteria.</p> <p>Invasive weeds remain moderate to high in the Southern Offset Area and the Northern rehabilitation areas, this was also noted during the site inspection. Significant weed control programs targeting Prickly Pear and Galenia were observed to be effective during the site inspection. The diversity of canopy and mid-storey species, particularly at the Southern Offset area and Northern rehabilitation area were noted in the 2021 AEMR to not be meeting the completion criteria targets mainly due to pest animals impacting on planting campaigns and weed infestations.</p>	Compliant	OFI – Further efforts should be employed to manage and control weeds and kangaroos on site. This will be particularly important as the access road is formed and management of the underground mine footprint is undertaken.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>HERITAGE</b>					
SSD89	S2 B54	<p><b>Protection of Aboriginal Heritage</b></p> <p>The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item, beyond those predicted in the document/s listed in condition A2(c).</p> <p>Note: Identified heritage items are shown in Figure 8 in Appendix 4</p>	Management measures have been prepared in consultation with RAPs to ensure that the Maxwell UG Project does not cause any direct or indirect impact on any identified heritage item beyond those predicted and are outlined in Section 3.2 of the ACHAMP.	Compliant	
SSD90	S2 B55	<p><b>Protection of Aboriginal Heritage</b></p> <p>If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.</p>	No suspected human remains were discovered on the site during the audit period.	Not triggered	
SSD91	S2 B56	<p><b>Protection of Aboriginal Heritage</b></p> <p>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.</p>	Maxwell have developed an Aboriginal Heritage Database for the site. The database includes as a minimum the name, type, size (where applicable), status and coordinates of all known Aboriginal objects and places on the site and within any offset area. The database is reviewed on a regular basis and updated as required.	Compliant	
SSD92	S2 B57	<p><b>Aboriginal Cultural Heritage Management Plan</b></p> <p>The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;</li> <li>b. be prepared in consultation with Aboriginal Affairs NSW, Heritage NSW and Registered Aboriginal Parties;</li> <li>c. describe the measures to be implemented on the site or within any offset area to: <ol style="list-style-type: none"> <li>i. comply with conditions B54 and B55 of this Schedule;</li> </ol> </li> </ol>	<p>Aboriginal Cultural Heritage Management Plan (ACHMP)</p> <p>Document number MXC_MP_EC_03</p> <p>Version: 2</p> <p>Effective: 09/02/2022</p> <p>Approved by Stephen O'Donoghue on 10/02/2022.</p> <p>Approval granted the appointment of suitably qualified persons Geordie Oakes to prepare the ACHMP for SSD-9526-PA-3. A copy of this</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>ii. ensure all workers receive suitable 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;</li> <li>iii. protect, monitor and manage identified Aboriginal objects and Aboriginal places (including AHIMS Site #37-2-1954 and the previously recorded location of AHIMS Site #37-2-1955) in accordance with the commitments made in the document/s listed in condition A2(c);</li> <li>iv. protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;</li> <li>v. manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, in accordance with the commitments made in the document/s listed in condition A2(c), over the life of the development;</li> <li>vi. maintain and manage reasonable access for relevant Aboriginal stakeholders to visit Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and</li> <li>vii. facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and</li> </ul> <p>d. include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.</p>	<p>endorsement is contained in Appendix 4 of the ACHMP.</p> <p>Appendix 5 outlines evidence of the consultation undertaken with RAP's, Aboriginal Affairs NSW, and Heritage NSW.</p> <p>In accordance with Schedule 2 condition B57 of SSD 9526 a ACHMP has been prepared that describes the measures to be implemented on the site or within any offset area to ensure Aboriginal objects and Aboriginal places are protected, managed, maintained.</p> <p>Section 3.2.3.5 outlines the strategy for care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.</p>		
SSD93	S2 B58	<p><b>Aboriginal Cultural Heritage Management Plan</b></p> <p>The Applicant must not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary.</p>	Approval of the ACHMP occurred on 22 February 2022 prior to construction starting on 20 April 2022.	Compliant	
SSD94	S2 B59	<p><b>Aboriginal Cultural Heritage Management Plan</b></p>	There have been no impacts to Aboriginal heritage items or places during the audit period. A surface	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	collection of the program of open artefact sites was undertaken by archaeologists and registered Aboriginal parties during the audit period in accordance with the ACHMP.		
<b>VISUAL</b>					
SSD95	S2 B60	<p><b>Visual Amenity and Lighting</b></p> <p>The Applicant must:</p> <ol style="list-style-type: none"> <li>take all reasonable steps to minimise the visual and off-site lighting impacts of the development;</li> <li>take all reasonable steps to shield views of mining operations and associated equipment from users of public roads and privately-owned residences;</li> <li>ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;</li> <li>ensure mobile lighting rigs do not shine directly above the horizontal (except where required for emergency safety purposes);</li> <li>ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of <i>Australian Standard AS4282 (INT) 2019 – Control of Obtrusive Effects of Outdoor Lighting</i>; and</li> <li>ensure that the visual appearance of any new buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape.</li> </ol>	Lighting associated with the site is not visible to users of public roads and privately owned residences. No night works have occurred during the audit period.	Compliant	<b>OFI</b> – Ensure a AS4282 compliance survey is undertaken for all new construction on site.
SSD96	S2 B61	<p><b>Visual Impact Management Plan</b></p> <p>The Applicant must prepare a Visual Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>describe the measures to be implemented to minimise the visual and off-site lighting impacts of the development (including the construction phase);</li> </ol>	Visual Impact Management Plan (VIMP) Document number: MXC_MP_EC_07 Version: 2 Effective: 10/02/2022 Approved by Stephen O'Donoghue on 15/02/2022.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>b. include a landscaping strategy to minimise views of the development from key vantage points in the public and/or private domain, which includes:</p> <ul style="list-style-type: none"> <li>i. the establishment and maintenance of tree screens to shield views of the MEA from Edderton Road to the greatest extent practicable; and</li> <li>ii. the establishment of tree screens along the eastern and/or southern boundaries of Edderton Homestead, upon request by the landowner or tenant, and subject to the agreement of both the landowner and tenant; and</li> </ul> <p>c. include a program to monitor, maintain and report on the effectiveness of visual impact mitigation measures, to the satisfaction of the Planning Secretary.</p> <p>Note: The location of Edderton Homestead is shown in Figure 9 in Appendix 4</p>	<p>The measures to be implemented to minimise the visual and off-site lighting impacts of the development are described in Section 3.4, 4.1, and 4.3.</p> <p>A landscaping strategy has been developed to minimise views of the site from key vantage points including Edderton Road and the Edderton Homestead and is contained in Appendix 3.</p> <p>The program to monitor and maintain the effectiveness of visual impact mitigation measures is described in Section 4.1 with the reporting requirements outlined in Section 5.2.</p>		
SSD97	S2 B62	The Applicant must not commence construction until the Visual Impact Management Plan is approved by the Planning Secretary.	The VIMP was approved on 15 February 2022 prior to construction starting on 20 April 2022.	Compliant	
SSD98	S2 B63	The Applicant must implement the Visual Impact Management Plan as approved by the Planning Secretary.	Malabar was observed to be implementing the VIMP through annual monitoring of the MEA tree screen and infill planting to ensure required densities and heights are met. Minimal changes were noted to the off-site lighting impacts due to the current phase of the development.	Compliant	
<b>WASTE</b>					
SSD99	S2 B64	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development;</li> <li>b. classify all waste in accordance with the <i>Waste Classification Guidelines</i> (EPA, 2014);</li> <li>c. dispose of all waste at appropriately licensed waste facilities or as permitted in an applicable EPL;</li> </ul>	<p>There has been no mining during the audit period requiring the management of coal rejects and tailings during the audit period.</p> <p>Waste is reported in the AEMR with waste disposal has generally decreased during the audit period with</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>d. manage on-site sewage treatment and disposal in accordance with the requirements of Council; and</li> <li>e. monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition E11.</li> </ul>	<p>the exception of 2019 due to a focus in on removing unused resources on site.</p> <p>The Maxwell Infrastructure Project has an existing sewage treatment plant (STP) for effluent generated on-site. This is located at the Maxwell Infrastructure site. From the STP, treated effluent is pumped to settlement ponds. Previously, overflow from the ponds was applied to land. However, due to the low number of people on site and reduced volume of effluent, the treated effluent now evaporates from the first pond.</p> <p>Review of onsite waste bins and waste tracking indicates that the site is separating waste streams and disposing at appropriately licensed waste facilities or as permitted in an applicable EPL.</p> <p>Asbestos removal works were undertaken between 3-10 September 2021, with removal of approx. 164m<sup>2</sup> of ACM ceiling tiles. Clearance certificate and ARCP sited.</p>		
SSD100	S2 B65	Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the Protection of the Environment Operations (Waste) Regulation 2014, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.	No waste was received at the site during the audit period.	Not triggered	
SSD101	S2 B66	The Applicant must implement the Bioremediation Management Plan for the Maxwell Infrastructure site dated April 2014 (or latest version approved by the Planning Secretary), to the satisfaction of the Planning Secretary.	Inspection of the bioremediation cells on site and review of the Bioremediation Management Plan for the Maxwell Infrastructure site indicated that the operation is currently being implemented in accordance with the Bioremediation Management Plan.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
SSD102	S2 B67	<p>Prior to commencing construction under this consent, the Applicant must prepare a Contaminated Materials Protocol to the satisfaction of the Planning Secretary. This protocol must describe the procedures to be implemented in the event that potentially contaminated material is identified during construction, including:</p> <ul style="list-style-type: none"> <li>a. procedures for the testing, removal and disposal of potentially contaminated material; and</li> <li>b. measures to ensure compliance with the requirements of SafeWork NSW and relevant guidelines.</li> </ul>	<p>Contaminated Material Protocol (CMP) Document number MXC_MP_EC_11 Version: 2 Effective: 10/02/2022 Approved by Stephen O'Donoghue as nominee of the secretary on 22/02/2022. The CMP was approved prior to construction occurring on 20 April 2022. Section 3.4 outlines the procedures for the testing, removal, and disposal of potentially contaminated material; and measures to ensure compliance with the requirements of SafeWork NSW and relevant guidelines.</p>	Compliant	
SSD103	S2 B68	The Applicant must implement the Contaminated Materials Protocol as approved by the Planning Secretary.	Review of the site's incident register indicated that the Contaminated Materials Protocol as approved by the Planning Secretary is being implemented at the site.	Compliant	
<b>DANGEROUS GOODS</b>					
SSD104	S2 B69	<p>The Applicant must ensure that the storage, handling and transport of:</p> <ul style="list-style-type: none"> <li>a. dangerous goods is carried out in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the <i>Dangerous Goods Code</i>; and</li> <li>b. explosives are managed in accordance with the requirements of the Resources Regulator.</li> </ul>	Malabar was observed to have stored, handled and transported dangerous goods and explosives in accordance with this condition. SafeWork NSW holds a Store Explosives Licence issued under the NSW Explosives Act & NSW Explosives Regulation it was renewed on 23 January 2022.	Compliant	
<b>BUSHFIRE MANAGEMENT</b>					
SSD105	S2 B70	<p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. ensure that the development:</li> </ul>	A 10m APZ was generally observed around key infrastructure and along boundary fences (within approved disturbance areas) to areas inspected	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>i. provides for asset protection in accordance with the relevant requirements in the <i>Planning for Bushfire Protection</i> (RFS, 2019) guideline; and</li> <li>ii. ensure that there is suitable equipment to respond to any fires on the site; and</li> <li>b. assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.</li> </ul>	<p>during the site inspection. As per the Bushfire Management Plan fire trails are monitored annually in August with the first report not within the audit period.</p> <p>Fire-fighting equipment observed on site, available for use in the event of a bushfire included fire trailer, fire hose reels and pumps, and fire extinguishers on all mobile plant and light vehicles.</p> <p>There were no bushfires recorded at the Maxwell UG Project and no requests from the RFS and emergency services for assistance during the audit period</p>		
SSD106	S2 B71	<p>Prior to commencing construction under this consent, the Applicant must prepare a Bushfire Management Plan for the development in consultation with RFS. This plan must include a:</p> <ul style="list-style-type: none"> <li>a. contact person and 24 hour contact phone number;</li> <li>b. schedule and description of proposed bushfire mitigation works, including: <ul style="list-style-type: none"> <li>i. location of managed and unmanaged vegetation within the site;</li> <li>ii. location of water supply; and</li> <li>iii. internal access roads;</li> </ul> </li> <li>c. plan identifying the location and storage of bulk flammable liquids and materials;</li> <li>d. 'hot works' management plan, including: <ul style="list-style-type: none"> <li>i. circumstances when 'hot works' are limited or prohibited; and</li> <li>ii. safety measures to be implemented when 'hot works' are being conducted; and</li> </ul> </li> <li>e. emergency/evacuation plan in accordance with the <i>Guidelines for the Preparation of Emergency/Evacuation</i></li> </ul>	<p>Bushfire Management Plan (BFMP) Document number MXC_MP_EC_05 Version: 2 Effective: 10/02/2022 Approved by Stephen O'Donoghue as nominee to the secretary on 22/02/2022.</p> <p>Contact can be made with the site by calling the Maxwell Supervisor phone on 0429 182 061 or alternatively by calling the 24-hour community hotline on 1800 653 960.</p> <p>Location of managed and unmanaged vegetation within the site is outlined in Section 2.4.4.</p> <p>Roads and Water Storages are outlined in Section 3.7.</p> <p>The management of hot works is described in Section 3.8.</p>	Compliant	<b>OFI</b> – Suggested a figure be provided in the BFMP to clearly outline the location of managed and unmanaged vegetation within the site.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		Plans (RFS) and Australian Standard <i>AS3745 Planning for Emergencies in Facilities</i> .	Figure 2 and 3 outline the location and storage of bulk flammable liquids and materials. An emergency/evacuation plan is contained within Section 3.5.		
SSD107	S2 B72	The Applicant must implement the Bushfire Management Plan in consultation with RFS.	During the site inspection the site was generally observed to be implementing the Bushfire Management Plan through maintenance of APZ's and hot works permits.	Compliant	
<b>EXPLORATION ACTIVITIES AND SURFACE INFRASTRUCTURE</b>					
SSD108	S2 B73	<p><b>Exploration Activities and Minor Surface Infrastructure Plan</b></p> <p>Prior to carrying out exploration activities associated with the underground mining operations 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:</p> <ul style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>b. be prepared in consultation with Resources Regulator, BCD, Heritage NSW and owners of potentially affected built features;</li> <li>c. include a description of the measures to be implemented for: <ul style="list-style-type: none"> <li>i. managing exploration activities;</li> <li>ii. managing construction and operation of minor surface infrastructure and associated access tracks;</li> <li>iii. consulting with and compensating affected landowners;</li> <li>iv. assessing noise, air quality, traffic, biodiversity, heritage, public safety and other impacts;</li> </ul> </li> </ul>	The Exploration Activities and Minor Surface Infrastructure Management Plan has not been approved, there have been no exploration activities undertaken since development commenced.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations				
		<ul style="list-style-type: none"> <li>v. avoiding (where possible), or minimising environmental impacts and impacts on key infrastructure, including the Plashett Reservoir;</li> <li>vi. avoiding (where possible), or minimising impacts on threatened species, populations or their habitats and EECs/CEECs;</li> <li>vii. minimising clearance and disturbance of native vegetation;</li> <li>viii. minimising and managing erosion and sedimentation; and</li> <li>ix. rehabilitating disturbed areas.</li> </ul>							
SSD109	S2 B74	<p><b>Exploration Activities and Minor Surface Infrastructure Plan</b></p> <p>The Applicant must not carry out exploration activities associated with the underground mining operations under this consent that cause temporary surface disturbance, or construct and/or upgrade minor surface infrastructure on the site, until the Exploration Activities and Minor Surface Infrastructure Management Plan is approved by the Planning Secretary.</p>	There have been no exploration activities undertaken since development commenced.	Not triggered					
SSD110	S2 B75	<p><b>Exploration Activities and Minor Surface Infrastructure Plan</b></p> <p>The Applicant must implement the Exploration Activities and Minor Surface Infrastructure Management Plan as approved by the Planning Secretary.</p>	There have been no exploration activities undertaken since development commenced.	Not triggered					
<b>REHABILITATION</b>									
SSD111	S2 B76	<p><b>Rehabilitation Objectives</b></p> <p>The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the document/s listed in condition A2(c) (and shown conceptually in the Rehabilitation Plans in Appendix 5), and must comply with the objectives in Table 8.</p> <p><i>Table 8: Rehabilitation objectives</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective<sup>a</sup></th> </tr> </thead> <tbody> <tr> <td>All areas of the site affected by the development</td> <td> <ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit for the intended post-mining land use/s</li> </ul> </td> </tr> </tbody> </table>	Feature	Objective <sup>a</sup>	All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit for the intended post-mining land use/s</li> </ul>	<p>Condition not yet triggered, with operations currently approved until 2047.</p> <p>Last available AR shows 853ha currently under active rehabilitation, with activities focused on enhancing existing areas of rehab to meet the specified objectives.</p> <p>A Section 240 notice was issued for the site regarding long-term erosional stability of the final landform- this will need to be addressed to ensure the</p>	Not triggered	<p><b>OFI –</b> Undertake any required works arising from the assessments (LEM report) required by the Section 240 of long-term erosional stability of the final landforms, and surface water management structures located in the rehabilitated landform.</p> <p>Include a soil balance in the next Annual Review. The current AR states available volumes however required</p>
Feature	Objective <sup>a</sup>								
All areas of the site affected by the development	<ul style="list-style-type: none"> <li>• Safe, stable and non-polluting</li> <li>• Fit for the intended post-mining land use/s</li> </ul>								

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations												
		<table border="1"> <thead> <tr> <th>Feature</th> <th>Objective<sup>a</sup></th> </tr> </thead> <tbody> <tr> <td>Woodland Biodiversity Corridors, including the Southern Offset Area</td> <td> <ul style="list-style-type: none"> <li>Achieve the final landform and post-mining land use/s</li> <li>Establish self-sustaining native woodland ecosystems as described in the document/s listed in condition A2(c) and in Table 5<sup>a</sup></li> <li>Establish local plant community types, with a particular focus on the CEECs listed in condition B50 of this Schedule</li> <li>Establish habitat, <u>feed</u> and foraging resources for threatened fauna species</li> <li>Facilitate local vegetation connectivity and wildlife corridors, particularly with respect to the adjacent Mt Arthur Coal Complex</li> </ul> </td> </tr> <tr> <td>Areas proposed for agricultural or pastoral use</td> <td> <ul style="list-style-type: none"> <li>Establish/restore grassland areas to support sustainable agricultural activities</li> <li>Use species found in the local area that are suitable for pasture production</li> <li>Achieve land and soil capabilities that are suitable for the intended final land use</li> <li>Located adjacent to surrounding agricultural land, where practicable</li> </ul> </td> </tr> <tr> <td>Final Landform</td> <td> <ul style="list-style-type: none"> <li>Stable and sustainable for the intended post-mining land use/s</li> <li>Compatible with surrounding topography to minimise visual impacts</li> <li>Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion</li> </ul> </td> </tr> <tr> <td>Final voids</td> <td> <ul style="list-style-type: none"> <li>Reject emplacements are suitably capped and rehabilitated</li> <li>Designed as <u>long term</u> groundwater sink to prevent the release of saline water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final voids (see condition B79)</li> <li>Minimise to the greatest extent practicable: <ul style="list-style-type: none"> <li>the size and <u>depth</u>;</li> <li>surface evaporation in void <u>lakes</u>;</li> <li>the drainage <u>catchment</u>;</li> <li>any high wall instability risk; and</li> <li>the risk of <u>spillover</u> into the downstream <u>environment</u>;</li> <li>the risk of flood <u>interaction</u>;</li> </ul> </li> <li>Maximise potential for beneficial reuse, where practicable</li> </ul> </td> </tr> <tr> <td>Surface infrastructure of the development</td> <td> <ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Resource Regulator agrees otherwise</li> <li>All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment</li> </ul> </td> </tr> </tbody> </table>	Feature	Objective <sup>a</sup>	Woodland Biodiversity Corridors, including the Southern Offset Area	<ul style="list-style-type: none"> <li>Achieve the final landform and post-mining land use/s</li> <li>Establish self-sustaining native woodland ecosystems as described in the document/s listed in condition A2(c) and in Table 5<sup>a</sup></li> <li>Establish local plant community types, with a particular focus on the CEECs listed in condition B50 of this Schedule</li> <li>Establish habitat, <u>feed</u> and foraging resources for threatened fauna species</li> <li>Facilitate local vegetation connectivity and wildlife corridors, particularly with respect to the adjacent Mt Arthur Coal Complex</li> </ul>	Areas proposed for agricultural or pastoral use	<ul style="list-style-type: none"> <li>Establish/restore grassland areas to support sustainable agricultural activities</li> <li>Use species found in the local area that are suitable for pasture production</li> <li>Achieve land and soil capabilities that are suitable for the intended final land use</li> <li>Located adjacent to surrounding agricultural land, where practicable</li> </ul>	Final Landform	<ul style="list-style-type: none"> <li>Stable and sustainable for the intended post-mining land use/s</li> <li>Compatible with surrounding topography to minimise visual impacts</li> <li>Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion</li> </ul>	Final voids	<ul style="list-style-type: none"> <li>Reject emplacements are suitably capped and rehabilitated</li> <li>Designed as <u>long term</u> groundwater sink to prevent the release of saline water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final voids (see condition B79)</li> <li>Minimise to the greatest extent practicable: <ul style="list-style-type: none"> <li>the size and <u>depth</u>;</li> <li>surface evaporation in void <u>lakes</u>;</li> <li>the drainage <u>catchment</u>;</li> <li>any high wall instability risk; and</li> <li>the risk of <u>spillover</u> into the downstream <u>environment</u>;</li> <li>the risk of flood <u>interaction</u>;</li> </ul> </li> <li>Maximise potential for beneficial reuse, where practicable</li> </ul>	Surface infrastructure of the development	<ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Resource Regulator agrees otherwise</li> <li>All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment</li> </ul>	<p>rehabilitation objectives are met in future.</p> <p>It was noted that SRK consulting was undertaking a Landform Evolution Model (LEM) to account for this aspect of the s240 notice (submitted to the Regulator on 28th Jan 2022).</p> <p>Several areas of the rehabilitated landforms were inspected during the site visit. There was no evidence of severe erosion or bank failure noted during the inspection.</p> <p>The post mining landuses including grazing and native habitat were considered suitable for the trending rehabilitation. That is the pasture and grass species (including Rhodes grass) were contributing to a stable surface, minimising erosion and providing potential fodder for cattle grazing.</p>		<p>volumes for rehab are not stated.</p> <p>The Land and Soil Capability (LSC) for the post mining rehabilitation criteria should be reviewed to ensure it's consistent with MOP Plans. Consideration should also be given to including assessment of grazing success to similar unmined analogue sites.</p>
Feature	Objective <sup>a</sup>																
Woodland Biodiversity Corridors, including the Southern Offset Area	<ul style="list-style-type: none"> <li>Achieve the final landform and post-mining land use/s</li> <li>Establish self-sustaining native woodland ecosystems as described in the document/s listed in condition A2(c) and in Table 5<sup>a</sup></li> <li>Establish local plant community types, with a particular focus on the CEECs listed in condition B50 of this Schedule</li> <li>Establish habitat, <u>feed</u> and foraging resources for threatened fauna species</li> <li>Facilitate local vegetation connectivity and wildlife corridors, particularly with respect to the adjacent Mt Arthur Coal Complex</li> </ul>																
Areas proposed for agricultural or pastoral use	<ul style="list-style-type: none"> <li>Establish/restore grassland areas to support sustainable agricultural activities</li> <li>Use species found in the local area that are suitable for pasture production</li> <li>Achieve land and soil capabilities that are suitable for the intended final land use</li> <li>Located adjacent to surrounding agricultural land, where practicable</li> </ul>																
Final Landform	<ul style="list-style-type: none"> <li>Stable and sustainable for the intended post-mining land use/s</li> <li>Compatible with surrounding topography to minimise visual impacts</li> <li>Incorporate relief patterns and design principles consistent with natural drainage that mimic natural topography and mitigate erosion</li> </ul>																
Final voids	<ul style="list-style-type: none"> <li>Reject emplacements are suitably capped and rehabilitated</li> <li>Designed as <u>long term</u> groundwater sink to prevent the release of saline water into the surrounding environment, unless further mine planning and final landform design processes identify a more suitable outcome for the final voids (see condition B79)</li> <li>Minimise to the greatest extent practicable: <ul style="list-style-type: none"> <li>the size and <u>depth</u>;</li> <li>surface evaporation in void <u>lakes</u>;</li> <li>the drainage <u>catchment</u>;</li> <li>any high wall instability risk; and</li> <li>the risk of <u>spillover</u> into the downstream <u>environment</u>;</li> <li>the risk of flood <u>interaction</u>;</li> </ul> </li> <li>Maximise potential for beneficial reuse, where practicable</li> </ul>																
Surface infrastructure of the development	<ul style="list-style-type: none"> <li>To be decommissioned and removed, unless the Resource Regulator agrees otherwise</li> <li>All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment</li> </ul>																

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations						
		<p>Portals and vent shafts of the development</p> <ul style="list-style-type: none"> <li>To be decommissioned and made safe and stable</li> </ul> <p>Underground mining area<sup>c</sup></p> <ul style="list-style-type: none"> <li>No decline in land and soil capability</li> </ul> <p>Watercourses subject to mine water discharges and/or subsidence impacts or environmental consequences that are greater than negligible<sup>d</sup></p> <ul style="list-style-type: none"> <li>Hydraulically and geomorphologically stable</li> <li>Aquatic ecology and riparian vegetation that is the same or better than prior to grant of this consent</li> </ul> <p>Water quality</p> <ul style="list-style-type: none"> <li>Water retained on the site is fit for the intended post-mining land use/s</li> <li>Water management is consistent with the regional catchment management strategy</li> </ul> <p>Built features damaged by mining operations</p> <ul style="list-style-type: none"> <li>Repair to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> <li>owner agrees otherwise; or</li> <li>damage is fully restored, repaired or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i></li> </ul> </li> </ul> <p>Steep slopes</p> <ul style="list-style-type: none"> <li>No additional risk to public safety compared to prior to mining</li> </ul> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective<sup>a</sup></th> </tr> </thead> <tbody> <tr> <td>Existing Edderton Road alignment</td> <td> <ul style="list-style-type: none"> <li>All road and associated infrastructure to be removed unless otherwise agreed with Council</li> <li>Alignment to be rehabilitated to a standard compatible with the adjacent land use(s)</li> </ul> </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> <li>Ensure public safety</li> <li>Minimise adverse socio-economic effects associated with mine closure</li> </ul> </td> </tr> </tbody> </table> <p><sup>a</sup> These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by all underground mining of the development and to all surface infrastructure components of the development.</p> <p><sup>b</sup> The requirements in Table 5 apply to the Southern Offset Area only</p> <p><sup>c</sup> In Table 8, the 'underground mining area' means the subsidence area</p> <p><sup>d</sup> Where remediation of watercourses is likely to cause subsidence impacts or environmental consequences greater than those that require rehabilitation, alternative equivalent works may be undertaken within the affected watercourse</p>	Feature	Objective <sup>a</sup>	Existing Edderton Road alignment	<ul style="list-style-type: none"> <li>All road and associated infrastructure to be removed unless otherwise agreed with Council</li> <li>Alignment to be rehabilitated to a standard compatible with the adjacent land use(s)</li> </ul>	Community	<ul style="list-style-type: none"> <li>Ensure public safety</li> <li>Minimise adverse socio-economic effects associated with mine closure</li> </ul>			
Feature	Objective <sup>a</sup>										
Existing Edderton Road alignment	<ul style="list-style-type: none"> <li>All road and associated infrastructure to be removed unless otherwise agreed with Council</li> <li>Alignment to be rehabilitated to a standard compatible with the adjacent land use(s)</li> </ul>										
Community	<ul style="list-style-type: none"> <li>Ensure public safety</li> <li>Minimise adverse socio-economic effects associated with mine closure</li> </ul>										
SSD112	S2 B77	<p><b>Rehabilitation Objectives</b></p> <p>The rehabilitation objectives in Table 8 apply to the entire site, including all disturbance under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed consistent with previous consents, except where those earthworks are required for the establishment of a stable, non-polluting and free-draining landform.</p>	Noted. Malabar has not been required to undertake any additional earthmoving works on landforms during the audit period.	Not triggered							

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
SSD113	S2 B78	<p><b>Progressive Rehabilitation</b></p> <p>The Applicant must rehabilitate<sup>a</sup> the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.</p> <p><sup>a</sup> Nothing in this condition prevents further disturbance at some later stage of the development of areas that have been rehabilitated.</p>	<p>Underground operations commencing in 2022.</p> <p>Trending to compliant:</p> <p>“At the commencement of the MOP term, approximately 853 ha of previously mined land at the Maxwell Infrastructure site (now part of the Maxwell UG Project) has been rehabilitated. As discussed in Section 1.1, open cut mining operations previously occurred within ML 1531, CL 229 and CL 395. Since taking ownership of ML 1531, CL 229 and CL 395 in 2018, Maxwell completed a total of 212 ha of rehabilitation and planted 76,000 trees within the woodland rehabilitation domain. Rehabilitation activities will continue to be undertaken during the MOP term, with a focus on enhancing existing areas of rehabilitation.” (From MOP)</p> <p>Several activities undertaken on site also display evidence of progressive rehabilitation (including temporary works to minimise impacts), such as the installation of sediment fence along proposed haul road to protect existing rehabilitated areas, Enhancement of existing rehabilitation areas including supplemental planting, nest box installations, weed management including spraying and thinning of non-desirable species.</p>	Compliant	
SSD114	S2 B79	<p><b>Rehabilitation Strategy</b></p> <p>The Applicant must prepare a Rehabilitation Strategy for the site to the satisfaction of the Planning Secretary. This strategy must:</p>	<p>The Rehabilitation Strategy is currently being prepared.</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>b. be prepared in consultation with the Resources Regulator, DPIE Water, BCD and Council;</li> <li>c. build upon the Rehabilitation Objectives in Table 8, describe the overall rehabilitation outcomes for the site, and address all aspects of rehabilitation including mine closure, final landform (including final voids), post-mining land use/s and water management;</li> <li>d. align with strategic rehabilitation and mine closure objectives and address the principles of the <i>Strategic Framework for Mine Closure</i> (ANZMEC and MCA, 2000);</li> <li>e. describe how the rehabilitation measures would be integrated with the measures in the Biodiversity Management Plan referred to in condition B51 and the Visual Impact Management Plan referred to in condition B61;</li> <li>f. describe the interim stabilisation procedures and temporary vegetation strategies to be used on site to reasonably minimise the area exposed for dust generation;</li> <li>g. describe how rehabilitation will be integrated with the mine planning process, including a plan to address premature or temporary mine closure;</li> <li>h. include indicative mine plans and scheduling for life-of-mine rehabilitation showing each rehabilitation domain;</li> <li>i. include details of target vegetation communities and species to be established within the proposed revegetation areas;</li> <li>j. investigate opportunities to refine and improve the final landform and final void outcomes over time, including any opportunities to: <ul style="list-style-type: none"> <li>i. reduce the number and size of final voids; and</li> <li>ii. minimise surface evaporation in the East Void;</li> </ul> </li> <li>k. include a post-mining land use strategy to investigate and facilitate post-mining beneficial land uses for the site (including the final void), that:</li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>i. align with regional and local strategic land use planning objectives and outcomes;</li> <li>ii. support a sustainable future for the local community;</li> <li>iii. utilise existing mining infrastructure, where practicable; and</li> <li>iv. avoid disturbing self-sustaining native ecosystems, where practicable;</li> </ul> <ul style="list-style-type: none"> <li>l. include a stakeholder engagement plan to guide rehabilitation and mine closure planning processes and outcomes, including the establishment of a post-mining working group generally as described in the EIS;</li> <li>m. investigate ways to minimise adverse socio-economic effects associated with rehabilitation and mine closure; and</li> <li>n. include a program to: <ul style="list-style-type: none"> <li>i. report on the outcomes of investigations required under paragraphs (j) and (k); and</li> <li>ii. review and update this strategy, at least every three years.</li> </ul> </li> </ul>			
SSD115	S2 B80	<p><b>Rehabilitation Strategy</b></p> <p>The Applicant must not commence first workings until the Rehabilitation Strategy is approved by the Planning Secretary.</p>	The Rehabilitation Strategy is currently being prepared.	Not triggered	
SSD116	S2 B81	<p><b>Rehabilitation Strategy</b></p> <p>The Applicant must implement the Rehabilitation Strategy approved by the Planning Secretary.</p>	The Rehabilitation Strategy is currently being prepared.	Not triggered	
SSD117	S2 B82	<p><b>Rehabilitation Management Plan</b></p> <p>The Applicant must prepare a Rehabilitation Management Plan for the development, in accordance with the conditions imposed on the mining lease(s) associated with the development under the <i>Mining Act 1992</i>. This plan must:</p> <ul style="list-style-type: none"> <li>a. include a life of mine rehabilitation and mining schedule which outlines the key progressive rehabilitation milestones from the commencement of operations through to decommissioning and mine closure;</li> </ul>	<p>Maxwell UG Project Mining Operations Plan 1 July 2021 – 30 June 2023 version 2 dated 13/12/21.</p> <p>a)“ No mining operations will be undertaken during the MOP Term”, Section 2.3.3. Rehabilitation phases are included in section 5.2. Section 7.3 details timing and total areas for rehab until end MOP period (end 2023).</p> <p>b) Section 6</p> <p>c) Table 13</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>b. include Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan;</li> <li>c. include detailed performance indicators and completion criteria for each rehabilitation domain, and triggers for remedial actions, including actions to be undertaken in the event that vegetation establishment is impacted by spontaneous combustion;</li> <li>d. include an overview of the identified risks to achieving successful rehabilitation;</li> <li>e. describe the measures to be implemented on the site to achieve the Rehabilitation Objectives in Table 8 and to address the identified risks;</li> <li>f. include a program to monitor, independently audit and report on progress against the criteria in paragraph (a) and the effectiveness of the measures in paragraph (e);</li> <li>g. describe any further studies, work, research or consultation that will be undertaken to expand the site-specific rehabilitation knowledge base, reduce uncertainty and improve rehabilitation outcomes; and</li> <li>h. outline intervention and adaptive management techniques to ensure rehabilitation remains on a trajectory of achieving the Rehabilitation Objectives, Rehabilitation Completion Criteria and the Final Landform and Rehabilitation Plan as soon as reasonably practical.</li> </ul>	<ul style="list-style-type: none"> <li>d) Appendix 3</li> <li>e) Section 7</li> <li>f) Section 8.1</li> <li>g) Section 8.2</li> <li>h) Section 9</li> </ul> <p>The MOP will be updated to a Rehabilitation Management Plan in the next audit period.</p>		
<b>TRANSPORT</b>					
SSD118	S2 B83	<p><b>Monitoring of Coal Transport</b></p> <p>The Applicant must:</p> <ul style="list-style-type: none"> <li>a. keep accurate records of the: <ul style="list-style-type: none"> <li>i. amount of coal transported from the site (on a daily basis); and</li> <li>ii. date and time of each train movement generated by the development; and</li> </ul> </li> <li>b. publish these results in the Annual Review.</li> </ul>	No production occurred during audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
SSD119	S2 B84	<p><b>Road Maintenance</b></p> <p>The Applicant must:</p> <ol style="list-style-type: none"> <li>prepare a pre-dilapidation survey of the transport route prior to the commencement of any construction or decommissioning works, or other timeframe agreed by the applicable roads authority;</li> <li>prepare a post-dilapidation survey of the transport route within 1 month of the completion of construction or decommissioning works, or other timeframe agreed by the applicable roads authority; and</li> <li>rehabilitate and/or make good any development-related damage identified in the post-dilapidation survey prepared under paragraph (b) within 2 months of completing the post-dilapidation survey, or other timing as may be agreed by the applicable roads authority,</li> </ol> <p>to the satisfaction of the applicable roads authority.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>Prior to the upgrading of the intersection of Thomas Mitchell Drive and Denman Road, in this condition, the 'transport route' refers to Thomas Mitchell Drive between the site access and the New England Highway (including the highway intersection)</li> <li>Following the upgrading of the intersection of Thomas Mitchell Drive and Denman Road, in this condition, the 'transport route' refers to Thomas Mitchell Drive and its intersections with Denman Road and the New England Highway</li> </ul>	<p>A pre-dilapidation survey report of the transport route prior to the commencement of construction works was undertaken by Douglas Partners in October 2021.</p> <p>Construction started on 20 April 2022 with part b and c of the condition not triggered yet.</p>	Compliant	
SSD120	S2 B85	<p><b>Road Maintenance</b></p> <p>If the construction and/or decommissioning of the development is to be staged, the obligations in condition B84 apply to each stage.</p>	Not triggered in the audit period.	Not triggered	
SSD121	S2 B86	<p><b>Road Maintenance</b></p> <p>If there is a dispute about the scope of any remedial works or the implementation of the works, then either party may refer the matter to the Planning Secretary for resolution.</p>	No dispute about the scope of any remedial works or the implementation of the works during the audit period.	Not triggered	
SSD122	S2 B87	<p><b>Restriction on Transport Routes</b></p> <p>No direct access to or from the development is permitted via Edderton Road or the Golden Highway, except where required to</p>	No direct access to or from the development via Edderton Road or the	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		ensure the safety of the mine, its workers or the general public, for land management purposes, environmental monitoring, works associated with the realignment of Edderton Road or where approved in writing by the Planning Secretary.	Golden Highway occurred during the audit period.		
SSD123	S2 B88	<p><b>Thomas Mitchell Drive</b> After the commencement of construction (as notified under condition A13(b)), the Applicant must contribute to the upgrade and maintenance of Thomas Mitchell Drive, and the upgrade of the Thomas Mitchell Drive/Denman Road intersection, proportionate to its impact (based on usage) on that infrastructure, in accordance with the Thomas Mitchell Drive Contributions Study, unless otherwise agreed with the Planning Secretary.</p> <p>For Thomas Mitchell Drive, the contributions must:</p> <ol style="list-style-type: none"> <li>a. be paid to Council by the end of the financial year in which construction commences for the upgrade works; and</li> <li>b. be paid to Council in accordance with the maintenance schedule established in accordance with the Thomas Mitchell Drive Contributions Study during the life of the development (commencing from the year construction commences as notified under condition A13(b)), unless otherwise agreed with Council. <p>For the Thomas Mitchell Drive/Denman Road intersection, the contributions must be paid to the relevant road authority undertaking the works (or if another mining company is undertaking the works, to that mining company) within three months of the completion of the intersection upgrade works to the satisfaction of TfNSW and Council, unless otherwise agreed with the Planning Secretary.</p> <p>Note: If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution.</p> </li></ol>	Not triggered with construction starting 20 April 2022.	Not triggered	
SSD124	S2 B89	<p><b>Edderton Road Realignment</b> The Applicant must:</p>	Not triggered during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>a. construct the Edderton Road realignment to the following standard:</p> <ul style="list-style-type: none"> <li>i. 7 m wide sealed carriageway;</li> <li>ii. 1 m wide sealed shoulders on each side; and</li> <li>iii. 1 m wide unsealed shoulders on each side;</li> </ul> <p>b. decommission the existing intersection of Edderton Road and the Golden Highway;</p> <p>c. construct the new intersection of Edderton Road and the Golden Highway with Channelised Right-Turn (CHR) and Auxiliary Left Turn (AUL) treatments;</p> <p>d. ensure that sight distances at the intersection of Edderton Road and the Golden Highway comply with the requirements of relevant Austroads guidelines; and</p> <p>e. design and construct the new Saddlers Creek crossing to a two-lane rural road standard, capable of providing flood-free access during a 1 in 100-year AEP flood event, to the satisfaction of the relevant roads authorities.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• The realignment works identified above include all road furniture and safety requirements required to meet relevant road standards, to the satisfaction of the relevant roads authorities.</li> <li>• If there is a dispute between the relevant parties about the implementation of this condition, then any party may refer the matter to the Planning Secretary for resolution.</li> <li>• As road works are required on the Golden Highway, TfNSW will require the Applicant to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW may exercise its separate powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act.</li> </ul>			
SSD125	S2 B90	<p><b>Edderton Road Realignment</b></p> <p>Unless otherwise agreed by the Planning Secretary, the Applicant must not commence second workings in the Arrowfield or Bowfield Seams until the realignment of Edderton Road and the</p>	Not triggered during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		associated upgrading of the Saddlers Creek Crossing is completed to the satisfaction of the Planning Secretary.			
SSD126	S2 B91	<p><b>Traffic Management Plan</b></p> <p>The Applicant must prepare a Traffic Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>b. be prepared in consultation with TfNSW and Council;</li> <li>c. include details of all transport routes and traffic types to be used for development-related traffic;</li> <li>d. include a protocol for undertaking pre and post-dilapidation surveys and repairing any roads identified in the dilapidation surveys to have been damaged during construction and/or decommissioning works;</li> <li>e. include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during the construction and operational phases of the development, including: <ol style="list-style-type: none"> <li>i. staggering shift changes with other mining operations in the locality, where practicable, to minimise impacts during AM and PM peak traffic periods;</li> <li>ii. notifying the local community about development-related traffic impacts;</li> <li>iii. temporary traffic controls, including detours and signage (where required);</li> <li>iv. responding to any emergency repair requirements or maintenance during construction and/or decommissioning;</li> <li>v. a traffic management system for managing any over-dimensional vehicles; and</li> <li>vi. minimising potential for conflict with school buses;</li> </ol> </li> <li>f. include a Drivers' Code of Conduct that includes procedures to ensure that drivers:</li> </ol>	<p>Traffic Management Plan (TMP) Document Number: MXC_MP_EC_05 Version: 2 Effective: 11/02/2022 Approved by Stephen O'Donoghue as nominee of the Secretary on 22 February 2022.</p> <p>The TMP was prepared by Penny Dalton endorsed by Matthew Sprott as nominee of the Planning Secretary on 29 January 2021.</p> <p>The TMP was prepared in consultation with TfNSW and Council as outlined in Section 2.3 and Appendix 4.</p> <p>A protocol for undertaking pre and post-dilapidation surveys and repairing any roads is described in Section 4.2.</p> <p>Details of the measures to be implemented to minimise traffic safety issues and disruption to local road users during the construction and operational phases of the development are described in Section 3.</p> <p>The Malabar Drivers' Code of Conduct is contained in Appendix 5.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>i. adhere to posted speed limits or other required travelling speeds;</li> <li>ii. adhere to the designated transport routes;</li> <li>iii. implement safe driving practices; and</li> <li>iv. avoid the intersection of Thomas Mitchell Drive and Denman Road (particularly during AM and PM peak traffic periods), where practicable, until the planned intersection upgrade is completed.</li> </ul>			
SSD127	S2 B92	<p><b>Traffic Management Plan</b></p> <p>The Applicant must not commence construction until the Traffic Management Plan is approved by the Planning Secretary.</p>	The TMP was approved by Stephen O'Donoghue as nominee of the Secretary on 22 February 2022 prior to construction starting on 20 April 2022.	Compliant	
SSD128	S2 B93	<p><b>Traffic Management Plan</b></p> <p>The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.</p>	The TMP has been observed to be implemented during the audit period with access requirements adhered to and no traffic complaints received.	Compliant	
SSD129	S2 B94	<p><b>Social Impact Management Plan</b></p> <p>The Applicant must prepare a Social Impact Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s;</li> <li>b. be prepared in consultation with Council, the CCC, local affected communities and other interested stakeholders, including the Coolmore and Woodlands Thoroughbred Studs;</li> <li>c. be submitted to the Planning Secretary for approval within six months of commencing development under this consent;</li> <li>d. identify both positive and negative social impacts resulting from the development and following mine closure, both locally and regionally;</li> <li>e. identify and build upon adaptive management and mitigation measures outlined in the EIS to avoid, minimise, and/or mitigate negative social impacts, including specific</li> </ul>	<p>The SIMP has been drafted and has been sent to Muswellbrook Shire Council for consultation.</p> <p>The Department acknowledged COVID related restrictions have impacted the ability for Maxwell to meaningfully engage with relevant stakeholders. Accordingly, the Planning Secretary granted an extension of time until 30 June 2022 for the submission of the SIMP.</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>measures to minimise strain on local affordable housing supplies and essential services;</p> <p>f. identify opportunities to secure and enhance positive social impacts from the development, including opportunities to assist in maintaining community services and facilities;</p> <p>g. include a stakeholder engagement plan to guide the evaluation and implementation of social impact management and mitigation measures, and</p> <p>h. include a program to monitor, review and report on the effectiveness of these measures, including updating the plan 3 years prior to mine closure.</p>			
SSD130	S2 B95	<p><b>Social Impact Management Plan</b></p> <p>The Applicant must not commence first workings until the Social Impact Management Plan is approved by the Planning Secretary.</p>	Not triggered during the audit period.	Not triggered	
SSD131	S2 B96	<p><b>Social Impact Management Plan</b></p> <p>The Applicant must implement the Social Impact Management Plan as approved by the Planning Secretary.</p>	Not triggered during the audit period.	Not triggered	
<b>PART C SPECIFIC ENVIRONMENTAL CONDITIONS-UNDERGROUND MINING</b>					
<b>SUBSIDENCE</b>					
SSD132	S2 C1	<p><b>Performance Measures-Natural and Heritage Features etc.</b></p> <p>The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 9.</p>	No underground mining has occurred during the audit period that would impact on subsidence.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																														
		<p><i>Table 9: Subsidence impact performance measures – natural and heritage features etc</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Water Resources</b></td> </tr> <tr> <td>All watercourses within the Subsidence Area</td> <td> <ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences to water quality, water flows (including baseflow) or stream health (including riparian vegetation) than predicted in the document/s listed in condition A2(c)</li> </ul> </td> </tr> <tr> <td>Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers</td> <td> <ul style="list-style-type: none"> <li>Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:               <ul style="list-style-type: none"> <li>negligible change in groundwater levels;</li> <li>negligible change in groundwater quality; and</li> <li>negligible impact to other groundwater users</li> </ul> </li> <li>Negligible impacts to GDEs as a result of the development, beyond those predicted in the document/s listed in condition A2(c)</li> </ul> </td> </tr> <tr> <td colspan="2"><b>Land</b></td> </tr> <tr> <td>All land within the Subsidence Area</td> <td> <ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> </ul> </td> </tr> <tr> <td>All land outside the Subsidence Area</td> <td> <ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul> </td> </tr> <tr> <td colspan="2"><b>Biodiversity</b></td> </tr> <tr> <td>Threatened species, threatened populations, or endangered ecological communities</td> <td> <ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> <li>Negligible impacts on threatened species, populations or communities due to remediation of subsidence cracking</li> </ul> </td> </tr> <tr> <td colspan="2"><b>Heritage sites</b></td> </tr> <tr> <td>Aboriginal cultural heritage sites shown in Figure 8 in Appendix 4</td> <td> <ul style="list-style-type: none"> <li>No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c)</li> </ul> </td> </tr> <tr> <td>Historic Homesteads identified as 'Historic Heritage Sites' in Figure 9 in Appendix 4</td> <td> <ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul> </td> </tr> <tr> <td colspan="2"><b>Mine workings</b></td> </tr> <tr> <td>First workings</td> <td> <ul style="list-style-type: none"> <li>To remain long term stable and non-subsiding</li> </ul> </td> </tr> <tr> <td>Second workings</td> <td> <ul style="list-style-type: none"> <li>To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan</li> </ul> </td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>These performance measures apply to all mining taking place after the date of this consent.</li> <li>The Applicant is required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent (see condition C8).</li> </ul>	Feature	Performance Measures	<b>Water Resources</b>		All watercourses within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences to water quality, water flows (including baseflow) or stream health (including riparian vegetation) than predicted in the document/s listed in condition A2(c)</li> </ul>	Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers	<ul style="list-style-type: none"> <li>Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:               <ul style="list-style-type: none"> <li>negligible change in groundwater levels;</li> <li>negligible change in groundwater quality; and</li> <li>negligible impact to other groundwater users</li> </ul> </li> <li>Negligible impacts to GDEs as a result of the development, beyond those predicted in the document/s listed in condition A2(c)</li> </ul>	<b>Land</b>		All land within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> </ul>	All land outside the Subsidence Area	<ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul>	<b>Biodiversity</b>		Threatened species, threatened populations, or endangered ecological communities	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> <li>Negligible impacts on threatened species, populations or communities due to remediation of subsidence cracking</li> </ul>	<b>Heritage sites</b>		Aboriginal cultural heritage sites shown in Figure 8 in Appendix 4	<ul style="list-style-type: none"> <li>No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c)</li> </ul>	Historic Homesteads identified as 'Historic Heritage Sites' in Figure 9 in Appendix 4	<ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul>	<b>Mine workings</b>		First workings	<ul style="list-style-type: none"> <li>To remain long term stable and non-subsiding</li> </ul>	Second workings	<ul style="list-style-type: none"> <li>To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan</li> </ul>			
Feature	Performance Measures																																		
<b>Water Resources</b>																																			
All watercourses within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences to water quality, water flows (including baseflow) or stream health (including riparian vegetation) than predicted in the document/s listed in condition A2(c)</li> </ul>																																		
Saddlers Creek, Saltwater Creek and Hunter River alluvial aquifers	<ul style="list-style-type: none"> <li>Negligible impacts to any alluvial aquifer as a result of the development, beyond those predicted in the document/s listed in condition A2(c), including:               <ul style="list-style-type: none"> <li>negligible change in groundwater levels;</li> <li>negligible change in groundwater quality; and</li> <li>negligible impact to other groundwater users</li> </ul> </li> <li>Negligible impacts to GDEs as a result of the development, beyond those predicted in the document/s listed in condition A2(c)</li> </ul>																																		
<b>Land</b>																																			
All land within the Subsidence Area	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> </ul>																																		
All land outside the Subsidence Area	<ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul>																																		
<b>Biodiversity</b>																																			
Threatened species, threatened populations, or endangered ecological communities	<ul style="list-style-type: none"> <li>No greater subsidence impacts or environmental consequences than predicted in the document/s listed in condition A2(c)</li> <li>Negligible impacts on threatened species, populations or communities due to remediation of subsidence cracking</li> </ul>																																		
<b>Heritage sites</b>																																			
Aboriginal cultural heritage sites shown in Figure 8 in Appendix 4	<ul style="list-style-type: none"> <li>No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c)</li> </ul>																																		
Historic Homesteads identified as 'Historic Heritage Sites' in Figure 9 in Appendix 4	<ul style="list-style-type: none"> <li>Negligible subsidence impacts or environmental consequences</li> </ul>																																		
<b>Mine workings</b>																																			
First workings	<ul style="list-style-type: none"> <li>To remain long term stable and non-subsiding</li> </ul>																																		
Second workings	<ul style="list-style-type: none"> <li>To be carried out only within the approved mine plan, in accordance with an approved Extraction Plan</li> </ul>																																		
SSD133	S2 C2	<p><b>Performance Measure-Natural and Heritage Features etc.</b></p> <p>Measurement and monitoring of compliance with performance measures and performance indicators in this consent is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully</p>	<p>No underground mining has occurred during the audit period that would impact on subsidence.</p> <p>Baseline assessments were noted to be occurring for selected Natural and Heritage Features on the site.</p>	Not triggered																															

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		described in the relevant management plans and monitoring programs. In the event of a dispute over the appropriateness of proposed methods, the Planning Secretary will be the final arbiter.			
SSD134	S2 C3	<p><b>Additional Offsets</b></p> <p>If the Applicant exceeds the performance measures in Table 9 and the Planning Secretary determines that:</p> <ul style="list-style-type: none"> <li>a. it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or</li> <li>b. remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence,</li> </ul> <p>then the Applicant must provide an offset<sup>a</sup> to compensate for the subsidence impact or environmental consequence, that is proportionate to the significance of the subsidence impact or environmental consequence, following consultation with BCD and/or Heritage NSW and to the satisfaction of the Planning Secretary.</p> <p><sup>a</sup> Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence</p>	Not triggered during the audit period.	Not triggered	
SSD135	S2 C4	<p><b>Additional Offsets</b></p> <p>The offset<sup>a</sup> required under condition C3 must give priority to like-for-like physical environmental offsets, but may also consider other offsets under the Biodiversity Offsets Scheme of the BC Act, such as the Biodiversity Conservation Fund established by BCT, or funding or implementing supplementary measures, such as:</p> <ul style="list-style-type: none"> <li>a. actions outlined in threatened species recovery programs;</li> <li>b. actions that contribute to threat abatement programs;</li> <li>c. biodiversity research and survey programs; and/or</li> <li>d. rehabilitating degraded habitat.</li> </ul> <p><sup>a</sup> Any offset required under this condition must be proportionate with the significance of the impact or environmental consequence</p>	Not triggered during the audit period.	Not triggered	
SSD136	S2 C5	<b>Performance Measures - Built Features</b>	Not triggered during the audit period. No underground mining has occurred	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																
		<p>The Applicant must ensure that the development meets the performance measures in Table 10.</p> <p><i>Table 10: Subsidence impact performance measures – built features.</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>Key Public Infrastructure</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Edderton Road (including associated culverts and drainage structures)</li> <li>Electricity transmission and distribution lines, poles and towers within the Subsidence Area</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Always safe and serviceable</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul> </td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Golden Highway (including the Edderton Road intersection and the Bowmans Crossing Bridge)</li> <li>All other public infrastructure (including electricity infrastructure located outside the Subsidence Area)</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Negligible subsidence impacts</li> <li>Always safe and serviceable</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul> </td> </tr> <tr> <td colspan="2"><b>Other Built Features</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Privately-owned residences</li> <li>Other privately-owned built features and improvements, including farm dams, swimming pools, tennis courts, roads, tracks and fences</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Negligible subsidence impacts</li> <li>Always safe</li> <li>Serviceability should be maintained wherever practicable</li> <li>Loss of serviceability must be fully compensated</li> <li>Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated</li> </ul> </td> </tr> <tr> <td colspan="2"><b>Public safety</b></td> </tr> <tr> <td> <ul style="list-style-type: none"> <li>Public Safety</li> </ul> </td> <td> <ul style="list-style-type: none"> <li>Negligible additional risk.</li> </ul> </td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>These performance measures apply to all mining taking place after the date of this consent.</li> <li>The Applicant is required to define more detailed performance measures in the Built Features Management Plans or Public Safety Management Plan (see condition C8).</li> <li>Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining.</li> <li>Requirements under this condition may be met by measures undertaken in accordance with the Coal Mine Subsidence Compensation Act 2017.</li> </ul>	Feature	Performance Measures	<b>Key Public Infrastructure</b>		<ul style="list-style-type: none"> <li>Edderton Road (including associated culverts and drainage structures)</li> <li>Electricity transmission and distribution lines, poles and towers within the Subsidence Area</li> </ul>	<ul style="list-style-type: none"> <li>Always safe and serviceable</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul>	<ul style="list-style-type: none"> <li>Golden Highway (including the Edderton Road intersection and the Bowmans Crossing Bridge)</li> <li>All other public infrastructure (including electricity infrastructure located outside the Subsidence Area)</li> </ul>	<ul style="list-style-type: none"> <li>Negligible subsidence impacts</li> <li>Always safe and serviceable</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul>	<b>Other Built Features</b>		<ul style="list-style-type: none"> <li>Privately-owned residences</li> <li>Other privately-owned built features and improvements, including farm dams, swimming pools, tennis courts, roads, tracks and fences</li> </ul>	<ul style="list-style-type: none"> <li>Negligible subsidence impacts</li> <li>Always safe</li> <li>Serviceability should be maintained wherever practicable</li> <li>Loss of serviceability must be fully compensated</li> <li>Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated</li> </ul>	<b>Public safety</b>		<ul style="list-style-type: none"> <li>Public Safety</li> </ul>	<ul style="list-style-type: none"> <li>Negligible additional risk.</li> </ul>	<p>during the audit period that would impact on subsidence.</p> <p>Baseline assessments were noted to be occurring for selected Natural and Heritage Features on the site.</p>		
Feature	Performance Measures																				
<b>Key Public Infrastructure</b>																					
<ul style="list-style-type: none"> <li>Edderton Road (including associated culverts and drainage structures)</li> <li>Electricity transmission and distribution lines, poles and towers within the Subsidence Area</li> </ul>	<ul style="list-style-type: none"> <li>Always safe and serviceable</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul>																				
<ul style="list-style-type: none"> <li>Golden Highway (including the Edderton Road intersection and the Bowmans Crossing Bridge)</li> <li>All other public infrastructure (including electricity infrastructure located outside the Subsidence Area)</li> </ul>	<ul style="list-style-type: none"> <li>Negligible subsidence impacts</li> <li>Always safe and serviceable</li> <li>Damage that does not affect safety or serviceability must be fully repairable, and must be fully repaired at the cost of the Applicant</li> </ul>																				
<b>Other Built Features</b>																					
<ul style="list-style-type: none"> <li>Privately-owned residences</li> <li>Other privately-owned built features and improvements, including farm dams, swimming pools, tennis courts, roads, tracks and fences</li> </ul>	<ul style="list-style-type: none"> <li>Negligible subsidence impacts</li> <li>Always safe</li> <li>Serviceability should be maintained wherever practicable</li> <li>Loss of serviceability must be fully compensated</li> <li>Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated</li> </ul>																				
<b>Public safety</b>																					
<ul style="list-style-type: none"> <li>Public Safety</li> </ul>	<ul style="list-style-type: none"> <li>Negligible additional risk.</li> </ul>																				
SSD137	S2 C6	Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 10 is to be settled by the Planning Secretary, following consultation with the Resources Regulator. Any decision by the Planning Secretary shall be final.	Not triggered during the audit period.	Not triggered																	
SSD138	S2 C7	<b>First Workings</b>	Not triggered during the audit period.	Not triggered																	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>The Applicant may carry out first workings within the underground mining area of the approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first workings are designed to remain stable and non-subsiding in the long term, except insofar as they may be impacted by approved second workings.</p> <p>Note: The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.</p>			
SSD139	S2 C8	<p><b>Extraction Plan</b></p> <p>The Applicant must prepare an Extraction Plan for all second workings on the site of the development to the satisfaction of the Planning Secretary. Each Extraction Plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</li> <li>b. be prepared in consultation with the Resources Regulator, DPIE Water and SANSW;</li> <li>c. include detailed plans of existing and proposed first and second workings and overlying surface features, including any applicable adaptive management measures;</li> <li>d. include adequate consideration of mine roof and floor conditions, pillar width to height ratio, final pillar design dimensions and the long-term stability of pillars which has been undertaken in consultation with the Resources Regulator;</li> <li>e. provide revised predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;</li> <li>f. describe in detail the performance indicators to be implemented to ensure compliance with the performance measures in Table 9 and Table 10, and manage or remediate any impacts and/or environmental</li> </ol>	Not triggered during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>consequences to meet the rehabilitation objectives in condition B76;</p> <p>g. include a:</p> <ul style="list-style-type: none"> <li>i. <b>Subsidence Monitoring Program</b> which has been prepared in consultation with the Resources Regulator to: <ul style="list-style-type: none"> <li>• describe the ongoing conventional and non-conventional subsidence monitoring program;</li> <li>• provide data to assist with the management of risks associated with conventional and non-conventional subsidence;</li> <li>• validate the conventional and non-conventional subsidence predictions;</li> <li>• analyse the relationship between the predicted and resulting conventional and non-conventional subsidence effects and predicted and resulting impacts under the plan and any ensuing environmental consequences; and</li> <li>• inform the adaptive management process;</li> </ul> </li> <li>ii. <b>Built Features Management Plan</b> which has been prepared in consultation with the Resources Regulator, to manage the potential subsidence impacts of the proposed underground workings on built features, and which: <ul style="list-style-type: none"> <li>• has been prepared in consultation with the owners of potentially affected features;</li> <li>• addresses in appropriate detail all items of key public infrastructure (with particular consideration of public roads (including any associated bridges and culverts) transmission lines and towers (including angle towers)), other public infrastructure and all classes of other built features;</li> <li>• recommends appropriate pre-mining mitigation measures to reduce subsidence impacts;</li> <li>• recommends appropriate remedial measures and includes commitments to mitigate, repair, replace or</li> </ul> </li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>compensate predicted impacts on potentially affected built features in a timely manner; and</p> <ul style="list-style-type: none"> <li>• in the case of all key public infrastructure, and other public infrastructure except roads, trails and associated structures, reports external auditing for compliance with ISO 31000 (or an alternative standard agreed with the infrastructure owner), and provides for annual auditing of compliance and effectiveness during extraction which may impact the infrastructure;</li> <li>iii. <b>Water Management Plan</b> which has been prepared in consultation with DPIE Water, which provides for the management of potential impacts and environmental consequences of the proposed underground workings on watercourses and aquifers, including: <ul style="list-style-type: none"> <li>• detailed baseline data on: <ul style="list-style-type: none"> <li>– surface water flows and quality in watercourses and/or water bodies that could be affected by subsidence, including the Hunter River, Saddlers Creek and Saltwater Creek; and</li> <li>– groundwater levels, yield and quality in the region, including for privately-owned licensed bores;</li> </ul> </li> <li>• specific measures to stabilise the existing knickpoint on stream b2(1) within the subsidence area (as described in the EIS), including a timeframe for the implementation of stabilisation measures and a program to monitor the effectiveness of those measures;</li> <li>• a strategy to enhance and maintain riparian vegetation within the subsidence area to strengthen the resilience of stream ecosystems to subsidence effects;</li> <li>• detailed surface and groundwater impact assessment criteria, including specific trigger levels for:</li> </ul> </li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>– investigating any potentially adverse impacts on water resources or water quality;</li> <li>– active remediation of geomorphic and erosional impacts (including supporting justification for the selected triggers); and</li> <li>– providing compensatory water supply to affected water users under condition B30 of this Schedule;</li> <li>• a surface water monitoring program to monitor and report on: <ul style="list-style-type: none"> <li>– stream flows and quality;</li> <li>– stream and riparian vegetation health (including riparian vegetation along Saddlers Creek and Saltwater Creek);</li> <li>– channel and bank stability; and</li> <li>– the effectiveness of remediation measures in controlling geomorphic and erosional impacts;</li> </ul> </li> <li>• a groundwater monitoring program to monitor and report on: <ul style="list-style-type: none"> <li>– groundwater inflows to the underground mining operations;</li> <li>– the height of groundwater depressurisation;</li> <li>– background changes in groundwater yield/quality against mine-induced changes, in particular, on privately-owned groundwater bores in the vicinity of the site;</li> <li>– permeability, hydraulic gradient, flow direction and connectivity of the deep and shallow groundwater aquifers; and</li> <li>– impacts of the development on GDEs (including Swamp Oak Forest and stygofauna);</li> </ul> </li> <li>• a description of any adaptive management practices implemented to guide future mining activities in the event of greater than predicted impacts on aquatic habitat;</li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• a program to validate the surface water and groundwater models for the development, and compare monitoring results with modelled predictions; and</li> <li>• a plan to respond to any exceedances of the surface water and groundwater assessment criteria;</li> <li>iv. Biodiversity Management Plan which: <ul style="list-style-type: none"> <li>• has been prepared in consultation with BCD, in accordance with the <i>Biodiversity Assessment Operational Manual: Stage 2</i> (BCD 2019c);</li> <li>• establishes baseline data for threatened species, populations and their habitats and riparian vegetation within the subsidence area and adjacent to Saddlers Creek and Saltwater Creek in the vicinity of the development, including water table depth, vegetation condition, stream morphology and threatened species habitat;</li> <li>• provides for the adaptive management of potential impacts and environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs/CEECs and GDEs; and</li> <li>• provides for the active management of identified populations or previously recorded locations of <i>Diuris tricolor</i> within the subsidence area;</li> </ul> </li> <li>v. Land Management Plan which has been prepared in consultation with any affected public authorities, which provides for the management of potential impacts and/or environmental consequences of the proposed underground workings on land in general, with a specific focus on steep slopes, informed by a detailed slope stability assessment prepared by a suitably qualified and experienced person/s;</li> <li>vi. Heritage Management Plan which has been prepared in consultation with Heritage NSW and relevant stakeholders for heritage items which provides for</li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>the management of potential environmental consequences of the proposed second workings on Aboriginal cultural heritage and historic heritage values and includes all requirements under conditions B54 to B57 inclusive and having regard to the subsidence impact performance measures in Table 9;</p> <p>vii. Public Safety Management Plan which has been prepared in consultation with the Resources Regulator, which ensures public safety and manages access on the site;</p> <p>viii. Trigger Action Response Plan/s addressing all features in Table 9 and Table 10, which contain:</p> <ul style="list-style-type: none"> <li>• appropriate triggers to warn of increased risk of exceedance of any performance measure;</li> <li>• specific actions to respond to high risk of exceedance of any performance measure to ensure that the measure is not exceeded;</li> <li>• an assessment of remediation measures that may be required if exceedances occur and the capacity to implement the measures; and</li> <li>• adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 9 and/or Table 10, or where any such exceedance appears likely; and</li> </ul> <p>ix. <b>Contingency Plan</b> that expressly provides for:</p> <ul style="list-style-type: none"> <li>• adaptive management where monitoring indicates that there has been an exceedance of any performance measure in Table 9 and Table 10, or where any such exceedance appears likely;</li> <li>• an assessment of remediation measures that may be required if exceedances occur and the capacity to implement those measures;</li> <li>• proposes appropriate revisions to the Rehabilitation Management Plan required under condition B82; and</li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>includes a program to collect sufficient baseline data for future Extraction Plans.</li> </ul>			
SSD140	S2 C9	<b>Extraction Plan</b> The Applicant must not undertake second workings until the relevant Extraction Plan is approved by the Planning Secretary.	Not triggered during the audit period.	Not triggered	
SSD141	S2 C10	<b>Extraction Plan</b> The Applicant must implement the Extraction Plan as approved by the Planning Secretary.	Not triggered during the audit period.	Not triggered	
SSD142	S2 C11	<b>Impacts on Public Roads and Infrastructure</b> Prior to the completion of the Edderton Road realignment, as required under conditions B89 and B90 of this Schedule, the Applicant must not undertake any second workings within 500 m of Edderton Road until a Built Features Management Plan has been approved by the Planning Secretary in respect of those second workings. This Plan must: <ol style="list-style-type: none"> <li>be prepared in consultation with Council, TfNSW and key users of Edderton Road (including the Coolmore and Woodlands Thoroughbred Stud);</li> <li>address the requirements of condition C8(g)(ii) of this Schedule;</li> <li>include a 24-hour surveillance and monitoring program to identify and repair damage as soon as practicable; and</li> <li>describe measures to be implemented to:               <ol style="list-style-type: none"> <li>notify key road users of the commencement of second workings in the vicinity of Edderton Road; and</li> <li>minimise potential disruption to road users.</li> </ol> </li> </ol>	Not triggered during the audit period.	Not triggered	
SSD143	S2 C12	<b>Impacts on Public Roads and Infrastructure</b> The Applicant must not undertake any second workings within 1.2 km of the Bowmans Crossing Bridge over the Hunter River until: <ol style="list-style-type: none"> <li>a structural assessment of the bridge is undertaken by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; and</li> </ol>	Not triggered during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations				
		<p>b. a Built Features Management Plan has been prepared in respect of any second workings which:</p> <ul style="list-style-type: none"> <li>i. has been prepared in consultation with TfNSW and Council;</li> <li>ii. addresses the requirements of condition C8(g)(ii) of this Schedule;</li> <li>iii. incorporates any recommendations arising from the structural assessment required under paragraph (a) above to maintain the structural integrity of the bridge during second workings; and</li> <li>iv. has been approved by the Planning Secretary.</li> </ul>							
SSD144	S2 C13	<p><b>Payment of Reasonable Costs</b> The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.</p>	Not triggered during the audit period.	Not triggered					
<b>PART D ADDITIONAL PROCEDURES</b>									
<b>MITIGATION UPON REQUEST</b>									
SSD145	S2 D1	<p>Upon receiving a written request for mitigation from the owner of any residence on the privately-owned land listed in Table 11, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Development (NSW Government, 2014). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the noise impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.</p> <p><i>Table 11: Land subject to additional mitigation upon request</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Mitigation Basis</th> <th style="text-align: center;">Land</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Noise</td> <td style="text-align: center;">402, 403, 411 and 538</td> </tr> </tbody> </table>	Mitigation Basis	Land	Noise	402, 403, 411 and 538	<p>A written request for Malabar to implement additional mitigation measures at 129 Pamger Drive Muswellbrook was received on 8 February 2021.</p> <p>The requested mitigation measures are still in discussions and have not been implemented to date due to COVID and builder shortages.</p>	Compliant	
Mitigation Basis	Land								
Noise	402, 403, 411 and 538								

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<sup>a</sup> The locations of the land referred to in Table 11 are shown in Figure 6 in Appendix 3.			
SSD146	S2 D2	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.	A request has not been referred to the Planning Secretary	Not triggered	
<b>NOTIFICATION OF LANDOWNERS/TENANTS</b>					
SSD147	S2 D3	<p>Within one month of the date of this consent, the Applicant must:</p> <ul style="list-style-type: none"> <li>a. notify in writing the owner of: <ul style="list-style-type: none"> <li>i. the residences on the land listed in Table 11 that they are entitled to ask the Applicant to install additional mitigation measures at the residence; and</li> <li>ii. any privately-owned land within 3 kilometres of the underground portal at the MEA that they are entitled to ask the Applicant 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;</li> </ul> </li> <li>b. notify the tenants of any mine-owned land of their rights under this consent; and</li> <li>c. send a copy of the fact sheet entitled “<i>Mine Dust and You</i>” (NSW Health, 2017) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2(c) identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria identified in condition B16 at any time during the life of the development.</li> </ul>	<p>Evidence provided that residences on the land listed in Table 11 were notified they are entitled to ask the Applicant to install additional mitigation measures at the residence on 20 January 2020.</p> <p>There is no privately-owned land within 3km of the MEA.</p> <p>There are no owners and/or existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2(c) identify that dust emissions generated by the development are likely to be greater than the relevant air quality criteria identified in condition B16 at any time during the life of the development.</p>	Compliant	
SSD148	S2 D4	<p>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, the Applicant must:</p> <ul style="list-style-type: none"> <li>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 fact sheet entitled “<i>Mine Dust and You</i>” (NSW Health, 2017); and</li> </ul>	Not triggered during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		b. advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Planning Secretary.			
<b>NOTIFICATION OF EXCEEDANCES</b>					
SSD149	S2 D5	As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.	No exceedances during the audit period.	Not triggered	
SSD150	S2 D6	For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the fact sheet entitled "Mine Dust and You" (NSW Health, 2017).	No exceedances during the audit period.	Not triggered	
<b>INDEPENDENT REVIEW</b>					
SSD151	S2 D7	If a landowner considers the development to be exceeding any relevant air quality or noise criterion in Part B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.	Not triggered during the audit period.	Not triggered	
SSD152	S2 D8	If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.	Not triggered during the audit period.	Not triggered	
SSD153	S2 D9	If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must: <ul style="list-style-type: none"> <li>a. commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to: <ul style="list-style-type: none"> <li>i. consult with the landowner to determine their concerns;</li> <li>ii. conduct monitoring to determine whether the development is complying with the relevant criteria in PART B or PART C; and</li> </ul> </li> </ul>	Not triggered during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>iii. if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion; and</li> <li>b. give the Planning Secretary and landowner a copy of the independent review; and</li> <li>c. comply with any written requests made by the Planning Secretary to implement any findings of the review.</li> </ul>			
<b>PART E ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING</b>					
<b>ENVIRONMENTAL MANAGEMENT</b>					
SSD154	S2 E1	<p><b>Environmental Management Strategy</b></p> <p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ul style="list-style-type: none"> <li>a. provide the strategic framework for environmental management of the development;</li> <li>b. identify the statutory approvals that apply to the development;</li> <li>c. set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</li> <li>d. set out the procedures to be implemented to: <ul style="list-style-type: none"> <li>i. keep the local community and relevant agencies informed about the operation and environmental performance of the development;</li> <li>ii. receive record, handle and respond to complaints;</li> <li>iii. resolve any disputes that may arise during the course of the development;</li> <li>iv. respond to any non-compliance and any incident;</li> <li>v. respond to emergencies; and</li> </ul> </li> <li>e. include: <ul style="list-style-type: none"> <li>i. references to any strategies, plans and programs approved under the conditions of this consent; and</li> </ul> </li> </ul>	<p>Environmental Management Strategy (EMS)</p> <p>Document number MXC_MP_EC_12</p> <p>Version: 1</p> <p>Effective: 02/07/2021</p> <p>Approved by Matthew Sprout as nominee to the secretary on 8 July 2021.</p> <p>Section 3.1 describes the strategic framework for environmental management of the development.</p> <p>Section 2.1 identifies the statutory approvals that apply to the development.</p> <p>The procedure to keep the local community and relevant agencies informed about the operation and environmental performance of the development is outlined in Section 5.2.</p> <p>The procedures for complaints, dispute resolution, and respond to any non-compliances, incidents, and emergencies is outlined in Section 4.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>ii. a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</li> </ul>	<p>Table 2 references strategies, plans and programs approved under the conditions of this consent.</p> <p>Table 3 contains a plan depicting all the monitoring to be carried out under the conditions of this consent.</p>		
SSD155	S2 E2	<p><b>Environmental Management Strategy</b></p> <p>The Applicant must not commence construction until the Environmental Management Strategy is approved by the Planning Secretary.</p>	The EMS was approved on 8 July 2021 prior to construction occurring on 20 April 2022.	Compliant	
SSD156	S2 E3	<p><b>Environmental Management Strategy</b></p> <p>The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.</p>	The EMS was observed to be implemented during the audit period through reporting of non-compliances and incidents within the correct timings, completion of monitoring requirements, and management of complaints.	Compliant	
SSD157	S2 E4	<p><b>Adaptive Management</b></p> <p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <ul style="list-style-type: none"> <li>a. Take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</li> <li>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</li> <li>c. Implement reasonable remediation measures as directed by the Planning Secretary.</li> </ul>	Evidence has been provided and sighted, indicating that Malabar are taking all reasonable and feasible steps to ensure that the exceedance ceases and does not recur and considered/implemented all reasonable and feasible options for remediation.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
SSD158	S2 E5	<p><b>Management Plan Requirements</b></p> <p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <ol style="list-style-type: none"> <li>a. a summary of relevant background or baseline data;</li> <li>b. details of: <ol style="list-style-type: none"> <li>i. the relevant statutory requirements (including any relevant approval, licence or lease conditions);</li> <li>ii. any relevant limits or performance measures and criteria; and</li> <li>iii. the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</li> </ol> </li> <li>c. any relevant commitments or recommendations identified in the document/s listed in condition A2(c);</li> <li>d. a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</li> <li>e. a program to monitor and report on the: <ol style="list-style-type: none"> <li>i. impacts and environmental performance of the development; and</li> <li>ii. effectiveness of the management measures set out pursuant to condition E5(d);</li> </ol> </li> <li>f. a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</li> <li>g. a program to investigate and implement ways to improve the environmental performance of the development over time;</li> <li>h. a protocol for managing and reporting any: <ol style="list-style-type: none"> <li>i. incident, non-compliance or exceedance of any impact assessment criterion or performance criterion;</li> <li>ii. complaint; or</li> <li>iii. failure to comply with other statutory requirements;</li> </ol> </li> </ol>	<p>All management plans, where required, where prepared in accordance with relevant guidelines and included detailed baseline data.</p> <p>The required management plans include a section detailing statutory requirements, relevant limits where applicable and performance indicators.</p> <p>Where applicable management plans include management measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria.</p> <p>Management plans include requirements to monitor and report on the impacts and environmental performance of the development and effectiveness of any management measures where applicable.</p> <p>Where applicable the required management plans include contingency plans to manage any unpredicted impacts and their consequences.</p> <p>The required management plans include a program to investigate and implement ways to improve the environmental performance of the development over time where required.</p> <p>The management that are required under the conditions include protocols for management and reporting incidents, complaints, compliances, and exceedances.</p> <p>Management plans include details on when reviews are required for each management plan.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>i. public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and</li> <li>j. a protocol for periodic review of the plan.</li> </ul> <p>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>			
SSD159	S2 E6	<p><b>Management Plan Requirements</b></p> <p>The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.</p>	The applicable management plans prepared for the development following review are consistent with the conditions of this consent and EPL1323.	Compliant	
<b>REVISION OF STRATEGIES, PLANS AND PROGRAMS</b>					
SSD160	S2 E7	<p>Within three months of:</p> <ul style="list-style-type: none"> <li>a. the submission of an incident report under condition E9;</li> <li>b. the submission of an Annual Review under condition E11;</li> <li>c. the submission of an Independent Environmental Audit under condition E13;</li> <li>d. the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or</li> <li>e. notification of a change in development phase under condition A13;</li> </ul> <p>The suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.</p>	Multiple management plans have been updated during the audit period in response to reviews, incidents, and general revision timelines. All management plans have been submitted to the Secretary for review and approval.	Compliant	
SSD161	S2 E8	<p>If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</p>	All the strategies, plans and programs have been submitted to the Secretary for review and approval within the specified timelines during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>REPORTING AND AUDITING</b>					
SSD162	S2 E9	<p><b>Incident Notification</b></p> <p>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.</p>	<p>Malabar has had two (2) reportable incidents during the audit period. With only one (1) incident relating to SSD9526. The incident was immediately notified to the Department after Malabar became aware of the incident.</p> <ul style="list-style-type: none"> <li>Discharge of water from the DC2 Dam and Rail Loop Dam on 8 March 2022</li> </ul>	Compliant	
SSD163	S2 E10	<p><b>Non-Compliance Notification</b></p> <p>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.</p> <p>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	<p>Malabar was observed to have reported all known non-compliances to the Department in writing via the Department's Major Projects Website and identify the development during the audit period..</p>	Compliant	
SSD164	S2 E11	<p><b>Annual Review</b></p> <p>By the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:</p> <ol style="list-style-type: none"> <li>describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</li> <li>include a comprehensive review of the monitoring results and complaints records of the development over the</li> </ol>	<p>There has only been one Annual Review required to be prepared during the audit period for SSD6526. The 2021 Annual review included the information required under this condition.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>previous calendar year, including a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>i. relevant statutory requirements, limits or performance measures/criteria;</li> <li>ii. requirements of any plan or program required under this consent;</li> <li>iii. monitoring results of previous years; and</li> <li>iv. relevant predictions in the document/s listed in condition A2(c).</li> </ul> <p>c. identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;</p> <p>d. evaluate and report on:</p> <ul style="list-style-type: none"> <li>i. the effectiveness of the noise and air quality management systems; and</li> <li>ii. compliance with the performance measures, criteria and operating conditions of this consent;</li> </ul> <p>e. identify any trends in the monitoring data over the life of the development;</p> <p>f. identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>g. describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.</p>			
SSD165	S2 E12	<p><b>Annual Review</b></p> <p>Copies of the Annual Review must be submitted to Council and made available to the CCC and any interested person upon request.</p>	Evidence was sighted that the Annual Review was submitted to Council and made available to the CCC and any interested person upon request.	Compliant	
SSD166	S2 E13	<p><b>Independent Environmental Audit</b></p> <p>Within one year of commencement of development under this consent, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and</p>	Development of the Maxwell Underground commenced on 5 July 2021. An independent environmental audit of the development is also required under Schedule 5 Condition 6 of MP06_0202, which is due on 2	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <ol style="list-style-type: none"> <li>be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;</li> <li>be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;</li> <li>be carried out in consultation with the relevant agencies and the CCC;</li> <li>assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);</li> <li>review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;</li> <li>recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and</li> <li>be conducted and reported to the satisfaction of the Planning Secretary.</li> </ol>	<p>November 2021. The Planning Secretary granted an extension of time on 6 August 2021 to commission, conduct and submit the independent environmental audit until 5 July 2022.</p> <p>The 2022 Independent Environmental Audit (IEA) of the development (this IEA) was undertaken within one year of commencement of development and was completed in accordance with Condition E13.</p>		
SSD167	S2 E14	<p><b>Independent Environmental Audit</b></p> <p>Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	<p>The 2022 IEA commenced on 7 April 2022. The 2022 IEA was submitted within 3 months of commenced of the IEA.</p>	Compliant	
SSD168	S2 E15	<p><b>Monitoring and Environmental Audits</b></p>	<p>Malabar has undertaken required monitoring and environmental audits</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.</p> <p>For the purposes of the condition, as set out in the EP&amp;A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>	with consideration of under Division 9.4 of Part 9 of the EP&A Act.		
SSD169	S2 E16	<p><b>Monitoring and Environmental Audits</b></p> <p>Noise and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.</p>	Section 4.3 of the AQGGMP and Section 4.2 of the NMP outlines the locations of representative monitoring locations instead of at privately-owned residences or other locations listed in Part B.	Compliant	
<b>ACCESS TO INFORMATION</b>					
SSD170	S2 E17	<p>Before the commencement of construction until the completion of all rehabilitation required under this consent, the Applicant must:</p> <ol style="list-style-type: none"> <li>a. make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website: <ol style="list-style-type: none"> <li>i. the documents referred to in condition A2(c) of this consent;</li> <li>ii. all current statutory approvals for the development;</li> <li>iii. all approved strategies, plans and programs required under the conditions of this consent;</li> <li>iv. the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;</li> <li>v. minutes of CCC meetings;</li> </ol> </li> </ol>	Malabar operates a project website that contains the required information and documents outlined in this condition. Information and documents are split between the Maxwell UG Mine Project and Maxwell Infrastructure Project sections of the website. <a href="https://malabarresources.com.au/">https://malabarresources.com.au/</a>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>vi. regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;</li> <li>vii. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</li> <li>viii. a summary of the current phase and progress of the development;</li> <li>ix. contact details to enquire about the development or to make a complaint;</li> <li>x. a complaints register, updated monthly;</li> <li>xi. the Annual Reviews of the development;</li> <li>xii. audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report;</li> <li>xiii. any other matter required by the Planning Secretary; and</li> </ul> <p>b. keep such information up to date, to the satisfaction of the Planning Secretary.</p>			

## **B.2 DA106-04-00 Audit Checklist**

# DA106-04-00 AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022

<b>DA106-04-00 AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022 .....</b>	<b>1</b>
<b>SCHEDULE 2 .....</b>	<b>2</b>
1. GENERAL .....	2
2. LAND AND SITE ENVIRONMENTAL MANAGEMENT .....	3
3. WATER MANAGEMENT AND MONITORING .....	6
4. WASTE MANAGEMENT .....	8
5. NOISE AND AIR QUALITY MANAGEMENT AND MONITORING .....	8
6. TRANSPORT .....	19
7. MONITORING/AUDITING .....	21
8. REPORTING .....	23
9. COMMUNITY CONSULTATION/OBLIGATIONS .....	24
10. PROPONENTS OBLIGATIONS .....	26
11. FURTHER APPROVALS AND AGREEMENTS .....	29

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>SCHEDULE 2</b>					
<b>1. GENERAL</b>					
DA1	S2 C1	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 are to be taken to prevent and minimise harm that may result from the construction, operation and, where relevant, decommissioning of the development.	Malabar was observed to have generally prevented and minimised harm to the environment during the audit period by implementing all practicable measures to prevent and minimise harm that may result from the construction, operation of the rail loop.	Compliant	
DA2	S2 C1.1	<p><b>Adherence to terms of DA, EIS, etc.</b></p> <p>a. The development is to be carried out generally in accordance with development application No. 106-04-00, and the EIS dated March 2000, prepared by Umwelt (Australia) Pty Limited and certified in accordance with Section 78A(8) of the Act, and all other relevant documentation provided to DUAP, including:</p> <ul style="list-style-type: none"> <li>i. additional information requested by the EPA and supplied by Umwelt (Australia Pty Limited) in a letter dated 15 June 2000; with the results of extended noise monitoring, in a letter dated 20 July 2000 and accompanying report titled "Response to EPA Submission of 5 July 2000".</li> <li>ii. Drayton Coal Pty Ltd Response to Summary of Submissions received from DUAP on 2 June 2000, prepared by Umwelt (Australia) Pty Ltd, August 2000.</li> </ul> <p>as may be modified by the conditions set out herein.</p> <p>b. 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 environmental management measures in place 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.</p>	The Rail Loop has been carried out generally in accordance with development application No. 106-04-00, and the EIS dated March 2000.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>c. If any licence conditions are breached the applicant shall comply with any modification to the work as specified by the relevant agency.</p> <p>Note: This consent should be read in conjunction with the existing Muswellbrook Shire Council Drayton Mine Project consent issued on 25 September 1980.</p>			
DA3	S2 C1.2	<p><b>Period of Approval/Project Commencement</b></p> <p>i. The approval for coal transport operations is for a period of 25 years from the date of this consent.</p> <p>ii. At least two weeks prior to the commencement of operation 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 the relevant conditions that apply prior to the commencement of operation.</p> <p>iii. Date of commencement of operation is to be notified in writing to the Director-General, and MSC, at least two weeks prior to commencement of operation.</p>	<p>The operation is within the approval for coal transport operations with the approval requiring renewal in 2025.</p> <p>Start of operation occurred outside of the audit period.</p>	Not triggered	
DA4	S2 C1.3	<p><b>Dispute Resolution</b></p> <p>In the event that the Applicant, MSC or a Government agency, other than the Department of Urban Affairs and Planning, 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, whose determination of the disagreement shall be final and binding on the parties.</p>	<p>There have been no disagreements between the Applicant, MSC or a Government agency during the audit period.</p>	Not triggered	
<b>2. LAND AND SITE ENVIRONMENTAL MANAGEMENT</b>					
DA5	S2 C2.1	<p><b>Environmental Coordinator</b></p> <p>a. The Environmental Coordinator(s) employed by Drayton mine:</p> <p>i. shall be responsible for the preparation of the environmental management plans required by this consent (refer Condition 2.2);</p> <p>ii. shall be responsible for considering and advising on matters specified in the conditions of this consent and compliance with such matters;</p>	<p>a) Position descriptions for Manager Environment and Community and Environment Coordinator, indicate that they both or each person will be responsible for:</p> <p>(i) The preparation of the environmental management plans;</p> <p>(ii) Considering and advising on matters specified in the conditions of</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>iii. shall be responsible for receiving and responding to complaints in accordance with Condition 9.2(a); and</li> <li>iv. shall 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.</li> <li>b. The Applicant shall notify the Director-General, DMR, EPA, DLWC, MSC, and the CCC (refer condition 9.1) of any changes to the name and/or contact details of the Environmental Co-ordinator(s). Any new appointment of an Environmental Co-ordinator(s) is to receive prior approval of the Director-General.</li> </ul>	<p>this consent and compliance with such matters;</p> <p>(iii) Receiving and responding to complaints;</p> <p>(iv) Have the authority and independence to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts.</p> <p>(b) No change of Environmental Coordinator during the audit period.</p>		
DA6	S2 C2.2	<p><b>Environmental Management Strategies and Plans</b></p> <ul style="list-style-type: none"> <li>a. The Applicant shall prepare an Environmental Management Strategy providing a strategic context for the environmental management plans [refer condition 2.2(d)]. The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee (refer condition 9.1) and to the satisfaction of the Director-General, prior to commencement of operations. The Strategy shall be provided to the Director-General no later than the time the first Environmental Management Plan under sub clause (d) below is submitted.</li> <li>b. The Environmental Management Strategy shall include, but not be limited to: <ul style="list-style-type: none"> <li>i. statutory and other obligations which the Applicant is required to fulfil during operation, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</li> <li>ii. definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;</li> </ul> </li> </ul>	<p>Environmental Management Strategy (EMS)  Document number MXC_MP_EC_12  Version: 1  Effective: 02/07/2021  Approved by Matthew Sprout as nominee to the secretary on 8 July 2021.</p> <p>Section 3.1 describes the strategic framework for environmental management of the development.  Section 2.1 identifies the statutory approvals that apply to the development.</p> <p>The procedure to keep the local community and relevant agencies informed about the operation and environmental performance of the development is outlined in Section 5.2.  The procedures for complaints, dispute resolution, and respond to any non-</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>iii. overall environmental management objectives and performance outcomes, during, operation and decommissioning of the rail loop and Antiene rail spur, for each of the key environmental elements for which management plans are required under this consent;</li> <li>iv. overall ecological and community objectives for the project, and a strategy for the restoration and management of the areas affected by operations, including elements such as wetlands and other habitat areas, creek lines and drainage channels, within the context of those objectives;</li> <li>v. identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;</li> <li>vi. overall objectives and strategies to protect economic productivity within the area affected by the operations;</li> <li>vii. steps to be taken to ensure that all approvals, plans, and procedures are being complied with;</li> <li>viii. processes for complaint handling, investigation and resolution in relation to the environmental management of the project;</li> <li>ix. documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.</li> <li>x. The Applicant shall make copies of the environmental management strategy available to MSC, EPA, DMR and the CCC within fourteen days of approval by the Director-General.</li> <li>d. The Applicant shall prepare the following environmental management plans for the Drayton rail loading facility: <ul style="list-style-type: none"> <li>• Dust management plan (refer condition 5.1)</li> <li>• Noise management plan (refer condition 5.4.3(a))</li> <li>• Water management plan (refer to condition 3.1)</li> </ul> </li> </ul>	<p>compliances, incidents, and emergencies is outlined in Section 4.</p> <p>Table 2 references strategies, plans and programs approved under the conditions of this consent.</p> <p>Table 3 contains a plan depicting all the monitoring to be carried out under the conditions of this consent.</p>		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>Joint Acquisition Management Plan (refer to condition 10.3)</li> </ul> <p>e. The management plans are to be revised, and updated as necessary, at least every 5 years or as otherwise directed by the Director-General in consultation with the relevant government agencies. They will reflect changing environmental requirements or changes in technology/operational practices. 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 MSC within two weeks of approval of the relevant government authority.</p> <p>f. The Applicant shall make copies of the updated environmental management plans available to MSC, EPA, DMR and the CCC within fourteen days of approval by the Director-General.</p>			
DA7	S2 C2.3	<p><b>Bushfire and other Fire Controls</b></p> <p>The Applicant shall maintain the existing fire protection works on site at Drayton rail loading facility, including the availability of trained personnel, water tankers and fire fighting equipment and annual hazard reduction measures with particular attention to boundaries of adjoining landholdings.</p>	<p>A 10m APZ was generally observed around key infrastructure and along boundary fences (within approved disturbance areas) to areas inspected during the site inspection. As per the Bushfire Management Plan fire trails are monitored annually in August with the first report not within the audit period.</p> <p>Fire-fighting equipment observed on site, available for use in the event of a bushfire included fire trailer, fire hose reels and pumps, and fire extinguishers on all mobile plant and light vehicles.</p> <p>There were no bushfires recorded at the Maxwell UG Project and no requests from the RFS and emergency services for assistance during the audit period</p>	Compliant	
<b>3. WATER MANAGEMENT AND MONITORING</b>					
DA8	S2 C3.1	<b>Surface &amp; Ground Water Management and Monitoring</b>	Water Management Plan (WMP)	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>The Applicant shall:</p> <p>a. Prepare a site water management plan and monitoring system for the Drayton rail loading facility to include the revised coal transport operations in consultation with DLWC prior to commencement of operations, and to the satisfaction of the Director-General. The plan shall include but not be limited to the following matters:</p> <ul style="list-style-type: none"> <li>i. details of the integration of the revised coal transport operations with the existing Drayton mine water management plan and monitoring system.;</li> <li>ii. management of the quality and quantity of surface and groundwater within the areas covered by the Site Water Management Plan, which shall include preparation of monitoring programs;</li> <li>iii. management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water;</li> <li>iv. measures to prevent the quality of any surface waters being degraded due to the revised coal transport operations, below that identified in Table 2.5 of the EIS</li> <li>v. contingency plans for managing adverse impacts of the development on surface or ground water quality and quantity below that identified in Table 2.5 of the EIS;</li> <li>vi. identification of any possible adverse effects on water supply sources of surrounding land holders as a result of the revised coal transport operations, and implementation of mitigation measures as necessary; and</li> <li>vii. a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the this water management plan.</li> </ul> <p><u>Pollution of waters</u></p> <p>Note: Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of</p>	<p>Document number MXC_MP_EC_08 Version: 1 Effective: 25/11/2021 Approved by Jessie Evans on 29/11/2021.</p> <p>Approval granted the appointment of suitably qualified persons Noel Merrick to prepare the WMP for SSD-9526-PA-9. A copy of this endorsement is contained in Appendix 8 of the WMP.</p> <p>Appendix 1 details of the integration of the revised coal transport operations with the existing Drayton mine water management plan and monitoring system</p> <p>Appendix 3/4 describes management of the quality and quantity of surface and groundwater within the areas covered by the Site Water Management Plan</p> <p>Appendix 2 describes management of stormwater and general surface runoff diversion</p> <p>Appendix 3 describes measures to prevent the quality of any surface waters being degraded due to the revised coal transport operations</p> <p>Appendix 3/4 describes contingency plans for managing adverse impacts of the development on surface or ground water</p> <p>Appendix 4 of WMP describes identification of any possible adverse effects on water supply sources of surrounding land holders</p> <p>Appendix 5.2 of WMP describes program for reporting on the</p>		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in connection with the carrying out of the development.	effectiveness of the water management systems and performance.		
<b>4. WASTE MANAGEMENT</b>					
DA9	S2 C1	The applicant shall ensure that the waste management system, including the management of wastewater, is maintained and applied to the proposed increase coal transport operations along the Drayton rail loop and Antiene rail spur as detailed in Section 5.2.5 of the EIS.	Site inspection verified the waste management system is maintained and used for the Drayton rail loop.	Compliant	
<b>5. NOISE AND AIR QUALITY MANAGEMENT AND MONITORING</b>					
DA10	S2 C5.1	<p><b>Air Quality Management and Monitoring</b>  <b>Dust Management Plan</b></p> <p>a. The Applicant shall, within 3 months of this consent, prepare a Dust Management Plan for the Drayton rail loading facility, detailing air quality safeguards and procedures for dealing with dust emissions to the satisfaction of the Director-General. The Plan shall be prepared in consultation with the owners of the Bayswater rail loading facilities with the aim of achieving a consistent approach in the preparation of the Dust Management Plans for the Drayton and Bayswater rail facilities respectively. The Plan shall include, but not be limited to, details of:</p> <ul style="list-style-type: none"> <li>the identification of dust affected properties and the relevant dust limits consistent with the EIS;</li> <li>specifications of the procedures for the dust monitoring program for the purpose of undertaking independent dust investigations, including joint investigations with the owners of the Bayswater rail loading facility and rail loop where necessary;</li> <li>outline the procedure to notify property owners and occupiers likely to be affected by dust from the operations;</li> </ul>	<p>Air Quality and Greenhouse Gas Management Plan (AQGGMP)  Document Number: MXC_MP_EC_02  Version: 2  Effective: 3/02/2022  Approved by Wayne Jones as nominee to the Secretary on 04/02/2022.  In accordance with Schedule 2, Part A, Condition A24(a) of SSD 9526, this AQGGMP has been prepared for stage 1 activities only. Stage 1 activities include early preparatory works, construction and first workings (as defined in SSD 9526).  Approval granted by Matthew Sprout on 22/02/21 as nominee to the Secretary for the AQGGMP and Water Management Plan to be stage.  Section 2.3 outlines that Philip Henschke and Aleks Todoroski assisted with the preparation of the plan. A copy of the endorsement by the Planning Secretary is included in Appendix 4 of the plan.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• the establishment of a protocol for handling dust complaints that include recording, reporting and acting on complaints;</li> <li>• appropriate mechanisms for community consultation;</li> <li>• outlining mitigation measures to be employed to minimise dust emissions;</li> <li>• equipment to be available and used to control dust generation;</li> <li>• methods to determine when and how operations are to be modified to minimise the potential for dust emissions if the relevant criteria are exceeded;</li> <li>• identification of longer term strategies directed towards mitigating dust levels that exceed the relevant EPA dust amenity criteria;</li> <li>• details of locations for dust monitoring and deposition gauges (including existing Drayton monitoring locations if proposed to be used.) at residential areas and frequency of monitoring, as agreed with the EPA;</li> <li>• a program to continue baseline monitoring undertaken prior to development consent; and</li> <li>• details of the integration of this plan with the Drayton mine dust management plan, and this plan's inter-relationship with the Bayswater rail facilities dust management plan.</li> </ul> <p><u>Air Quality and Dust Monitoring</u></p> <p>e. The Applicant shall:</p> <ul style="list-style-type: none"> <li>a. undertake monitoring at locations described in the Dust Management Plan (Condition 5.1(a));</li> <li>ii. use existing relevant Drayton dust deposition and total suspended particulate (TSP) monitoring gauges for the Drayton Rail Loop and Antiene Rail Spur operations, including sites for monitoring impacts of dust at the nearest non-mined owned residences, and any additional locations as may be determined</li> </ul>	<p>Section 3.2 and 3.3 describe the measures to be implemented to ensure compliances, minimise air quality impacts, and best practise management.</p> <p>The air quality management system is described in Section 3.2.</p> <p>The Centralised Gas Management Plan is not required as part of Stage 1 works. The plan will be required prior to the start of Stage 2 works.</p> <p>The air quality monitoring program is outlined in Section 4.3 of the plan. A summary of the monitoring undertaken is outlined in Table 3.</p> <p>A protocol for distinguishing the dust emissions of the development from any neighbouring developments is outlined in Section 4.4.</p> <p>Incident and Non-Compliance Notification protocol is outlined in Section 4.5.</p>		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>by the Dust Management Plan referred to in Condition 5.1(a); and</p> <ul style="list-style-type: none"> <li>iii. provide all results and analysis of air quality monitoring in the AEMR including a determination of the annual dust deposition rate in gm/m<sup>2</sup>/month, which shall be plotted in the AEMR.</li> </ul> <p>b. Monitoring of dust deposition and the concentration of PM<sub>10</sub> particulate matter in ambient air must be carried out at locations agreed to in consultation with the EPA. The sampling method, units of measure, interval and frequency of monitoring will be as set out in the "Approved Methods for Sampling and Analysis of Air Pollutants in NSW", or its latest version.</p> <p>c. In the event that a landowner or occupier considers that dust from the project at their dwelling or over more than 25% of their vacant land is in excess of the relevant EPA dust amenity criteria, and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:</p> <ul style="list-style-type: none"> <li>i. consult with the landowner or occupants affected to determine their concerns;</li> <li>ii. make arrangements for and bear the cost of, in consultation with the owner of the Bayswater rail loading facility and rail loop, 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;</li> <li>iii. modify the operation in accordance with the Dust Management Plan if exceedences are demonstrated to result from the operation. This shall include: <ul style="list-style-type: none"> <li>• 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; and / or,</li> <li>• enter into an agreement with the landowner, or provide such forms of benefit or amelioration as may be agreed</li> </ul> </li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>between the parties as providing acceptable amelioration/benefit for the dust levels experienced. The agreement may also be made in consultation with the owner of the Bayswater rail loading facility and rail loop and</p> <ul style="list-style-type: none"> <li>conduct follow up investigations to the satisfaction of the Director-General, where necessary.</li> </ul> <p>Note: Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.</p> <p>f. If the independent dust investigations in sub-clause (e) above confirm that dust limits are in excess of the relevant EPA dust amenity 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 Condition 10.1, 10.2 and 10.3.</p> <p>d. Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits or relevant EPA dust amenity criteria are not being exceeded and are unlikely to be exceeded in the future.</p>			
DA11	S2 C5.2	<p><b>Dust Suppression and Control</b></p> <p>Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.</p>	<p>The Air Quality and Greenhouse Gas Management Plan (AQGGMP) addresses the following:</p> <p>Sections 3.2 – 3.5 outline the reasonable steps taken to:</p> <ul style="list-style-type: none"> <li>Minimise odour, fume and particulate matter</li> <li>Eliminate or minimise the risk of spontaneous combustion</li> <li>Improve energy efficiency and reduce fugitive GGE</li> <li>Implement greenhouse gas abatement measures</li> <li>Minimise any visible off-site air pollution</li> </ul>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			<ul style="list-style-type: none"> <li>Minimise, to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site</li> </ul> <p>Malabar has committed to purchasing mobile diesel equipment that complies with any applicable exhaust emission standards specified under an EPL.</p> <p>Section 3.2 outlines the comprehensive air quality management system that operates for the development along with the measures implemented to minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events.</p> <p>Coordination of air quality management and the minimisation of cumulative air quality is outlined in Section 4.4, with particular consideration given to MAC.</p> <p>Malabar monitors air quality in accordance with the frequencies outlined in Table 3.</p> <p>There is currently limited operations occurring at the site that would require modification to comply with the specified limits. Procedures to manage this during operation are outlined in Section 3.2.3 and utilise the real-time air quality monitoring system.</p>		
DA12	S2 C5.3.1	<p><b>Noise Control</b> <u>Noise Levels</u></p> <p>a. For three years from the date of this consent, the applicant shall cooperate with the relevant mining operators to limit the cumulative noise contributions from the operation of Drayton rail loop and Antiene rail spur such that these</p>	No complaints received during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																		
		<p>noise levels in conjunction with the total cumulative noise emissions from the operations of the Drayton coal mine, Bayswater rail loading facility and rail loop, Bayswater mine, Antiene rail spur, and proposed Mount Arthur North project if approved, do not exceed the dB(A) Leq(9 hour/4 hour/11 hour) noise limits in Table 1 at any non-mine owned dwellings (refer also condition 10.1). The applicant shall also ensure that the noise levels from the Drayton rail loop and Antiene rail spur alone shall not exceed the dB(A) Leq(15 minute) noise limits also shown in Table 1 for the first three years from the date of this consent.</p> <p style="text-align: center;"><u>Table 1: Noise limits</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Night time (10pm-7am)</th> <th style="text-align: center;">Evening time (6pm-10pm)</th> <th style="text-align: center;">Day time (7am-6pm)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">42 dB(A) L<sub>eq</sub>(9 hour)</td> <td style="text-align: center;">42 dB(A) L<sub>eq</sub>(4 hour)</td> <td style="text-align: center;">42 dB(A) L<sub>eq</sub>(11 hour)</td> </tr> <tr> <td style="text-align: center;">40 dB(A) L<sub>eq</sub>(15 minute)</td> <td style="text-align: center;">40 dB(A) L<sub>eq</sub>(15 minute)</td> <td style="text-align: center;">40 dB(A) L<sub>eq</sub>(15 minute)</td> </tr> </tbody> </table> <p>b. After three years from the date of this consent, the applicant shall cooperate with the relevant mining operators to limit the cumulative noise contributions from the Drayton rail loop and Antiene rail spur such that these noise levels in conjunction with the total cumulative noise contributions from the operations of the Drayton coal mine, Bayswater rail loading facility and rail loop, Bayswater mine and the Antiene rail spur, and proposed Mount Arthur North project if approved, do not exceed the dB(A) Leq(9 hour/4 hour/11 hour) noise limits in Table 2 at any non-mine owned dwellings (refer also condition 10.1). The applicant shall also ensure that the noise levels from the Drayton rail loop and Antiene rail spur alone do not exceed the dB(A) Leq(15 minute) noise limits also shown in Table 2 after three years from the date of this consent.</p> <p style="text-align: center;"><u>Table 2: Noise limits</u></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Night time</th> <th style="text-align: center;">Evening Time</th> <th style="text-align: center;">Day time</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">40 L<sub>eq</sub>(9 hour) dB(A)</td> <td style="text-align: center;">40 L<sub>eq</sub>(4 hour) dB(A)</td> <td style="text-align: center;">40 L<sub>eq</sub>(11 hour) dB(A)</td> </tr> <tr> <td style="text-align: center;">38 L<sub>eq</sub>(15 minute) dB(A)</td> <td style="text-align: center;">38 L<sub>eq</sub>(15 minute) dB(A)</td> <td style="text-align: center;">38 L<sub>eq</sub>(15 minute) dB(A)</td> </tr> </tbody> </table> <p>c. Notwithstanding condition 5.3.1 (b) above, the Director-General may otherwise agree to a request from the</p>	Night time (10pm-7am)	Evening time (6pm-10pm)	Day time (7am-6pm)	42 dB(A) L <sub>eq</sub> (9 hour)	42 dB(A) L <sub>eq</sub> (4 hour)	42 dB(A) L <sub>eq</sub> (11 hour)	40 dB(A) L <sub>eq</sub> (15 minute)	40 dB(A) L <sub>eq</sub> (15 minute)	40 dB(A) L <sub>eq</sub> (15 minute)	Night time	Evening Time	Day time	40 L <sub>eq</sub> (9 hour) dB(A)	40 L <sub>eq</sub> (4 hour) dB(A)	40 L <sub>eq</sub> (11 hour) dB(A)	38 L <sub>eq</sub> (15 minute) dB(A)	38 L <sub>eq</sub> (15 minute) dB(A)	38 L <sub>eq</sub> (15 minute) dB(A)			
Night time (10pm-7am)	Evening time (6pm-10pm)	Day time (7am-6pm)																					
42 dB(A) L <sub>eq</sub> (9 hour)	42 dB(A) L <sub>eq</sub> (4 hour)	42 dB(A) L <sub>eq</sub> (11 hour)																					
40 dB(A) L <sub>eq</sub> (15 minute)	40 dB(A) L <sub>eq</sub> (15 minute)	40 dB(A) L <sub>eq</sub> (15 minute)																					
Night time	Evening Time	Day time																					
40 L <sub>eq</sub> (9 hour) dB(A)	40 L <sub>eq</sub> (4 hour) dB(A)	40 L <sub>eq</sub> (11 hour) dB(A)																					
38 L <sub>eq</sub> (15 minute) dB(A)	38 L <sub>eq</sub> (15 minute) dB(A)	38 L <sub>eq</sub> (15 minute) dB(A)																					

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations								
		<p>applicant to maintain the noise criteria of Table 1, provided that the Director- General is satisfied that the applicant can justify that it cannot achieve the noise criteria in Table 2 by:</p> <ul style="list-style-type: none"> <li>i. providing full detail of whatever means are required to achieve the noise levels in Table 2, and a quantitative analysis of the cost effectiveness of such means to the satisfaction of the EPA; and</li> <li>ii. following the analysis at (i) above, the applicant is required to determine, to the satisfaction of the EPA, the best alternative mitigation measures that might not achieve the levels in Table 2, but are considered reasonable and feasible and will be put in place by the applicant.</li> </ul> <p>d. Notwithstanding sub clauses (a), (b) and (c) above, the area of noise affectation for the cumulative operation of the Drayton rail loop, Antiene rail spur, Drayton coal mine, Bayswater rail loading facility and rail loop, Bayswater mine, Antiene rail spur, and proposed Mount Arthur North project if approved, is defined by demonstrated exceedence of noise levels at any non-mine owned dwellings of the dB(A) Leq(9 hour/4 hour/11 hour) noise limits shown in Table 3 below. The area of noise affectation for the Drayton rail loop and Antiene spur is defined by demonstrated exceedence of noise levels at any non-mine owned dwellings of the dB(A) Leq(15 minute) noise limits also shown in Table 3 below.</p> <p style="text-align: center;"><u>Table 3: Noise Affectation Criteria</u></p> <table border="1" data-bbox="374 1110 1093 1193"> <thead> <tr> <th data-bbox="374 1110 613 1134">Night Time</th> <th data-bbox="613 1110 853 1134">Evening Time</th> <th data-bbox="853 1110 1093 1134">Day time</th> </tr> </thead> <tbody> <tr> <td data-bbox="374 1134 613 1161">45 dB(A)<math>L_{eq}(9hour)</math></td> <td data-bbox="613 1134 853 1161">45 dB(A)<math>L_{eq}(4hour)</math></td> <td data-bbox="853 1134 1093 1161">45 dB(A)<math>L_{eq}(11hour)</math></td> </tr> <tr> <td data-bbox="374 1161 613 1193">43 dB(A)<math>L_{eq}(15\ minute)</math></td> <td data-bbox="613 1161 853 1193">43 dB(A)<math>L_{eq}(15\ minute)</math></td> <td data-bbox="853 1161 1093 1193">43 dB(A)<math>L_{eq}(15\ minute)</math></td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>e. In the event that a landowner or occupier considers that noise from the project at their dwelling is in excess of: <ul style="list-style-type: none"> <li>• the noise levels depicted in Table 1 within the first three years from the date of this consent; or</li> </ul> </li> </ul>	Night Time	Evening Time	Day time	45 dB(A) $L_{eq}(9hour)$	45 dB(A) $L_{eq}(4hour)$	45 dB(A) $L_{eq}(11hour)$	43 dB(A) $L_{eq}(15\ minute)$	43 dB(A) $L_{eq}(15\ minute)$	43 dB(A) $L_{eq}(15\ minute)$		
Night Time	Evening Time	Day time											
45 dB(A) $L_{eq}(9hour)$	45 dB(A) $L_{eq}(4hour)$	45 dB(A) $L_{eq}(11hour)$											
43 dB(A) $L_{eq}(15\ minute)$	43 dB(A) $L_{eq}(15\ minute)$	43 dB(A) $L_{eq}(15\ minute)$											

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• the noise levels depicted in Table 2 after the first three years from the date of this consent (or as agreed by the Director-General); or</li> <li>• the noise levels depicted in Table 3; or</li> <li>• that a landowner considers that the noise levels depicted in Table 3 is being exceeded over more than 25% of their vacant land,</li> </ul> <p>and the Director-General is satisfied that an investigation is required, the Applicant shall upon the receipt of a written request:</p> <ol style="list-style-type: none"> <li>i. consult with the landowner or occupants affected to determine their concerns;</li> <li>ii. make arrangements for and bear the costs of, in consultation with the owner's of Bayswater rail loading facility and rail loop, appropriate independent noise investigations in accordance with the noise management plan, and to the satisfaction of the Director-General, to quantify the impact and determine the source of the effect and contribution of the Drayton rail loop and Antiene rail spur;</li> <li>iii. modify the coal transportation activity in accordance with a noise reduction plan prepared as part of the noise management plan, if exceedences are demonstrated to result from the coal transportation activity. This shall include: <ul style="list-style-type: none"> <li>– introduction of additional controls, either on noise emission from individual sources on the site or on site operations or modify operations, to ensure that the criteria in the Table 2 above are achieved;</li> <li>– with the agreement of the landowner, undertaking of noise control at the dwelling to achieve acceptable internal noise levels;</li> <li>– entering into an agreement with the owner of Bayswater rail loading facility and rail loop and the landowner, or provide such other forms of benefit or amelioration as may be agreed between the parties as providing acceptable amelioration/benefit for the noise levels experienced;</li> </ul> </li> </ol>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>iv. conduct follow up investigations to the satisfaction of the Director-General, where necessary.</p> <p>f. If the independent noise investigations in sub-clause (e) above confirm that noise limits in Table 3 are being exceeded, 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 Condition 10.2 and 10.3.</p> <p>g. If continued complaints and noise investigations confirm that noise limits in Table 1 and/or 2 are being exceeded, but are less than the noise levels in Table 3, the Applicant shall continue to negotiate with the owner of the Bayswater rail loading facility and rail loop and the landowner until an acceptable resolution is reached.</p> <p>h. Further independent investigations shall cease if the Director-General is satisfied that the relevant consent limits are not being exceeded and are unlikely to be exceeded in the future.</p> <p>Note:</p> <ol style="list-style-type: none"> <li>1. The noise emission limits in this condition apply for adverse weather conditions. "Adverse" weather conditions means the presence of winds up to 3 metres per second, and/or temperature inversions for up to 4 degrees C per 100 metres.</li> <li>2. Vacant land in this condition means the whole of the lot in a current plan registered at the Land Titles Office as at the date of this consent that does not have a dwelling situated on the lot and is permitted to have a dwelling on that lot.</li> </ol>			
DA13	S2 C5.3.2	<p><b>Noise Control</b> <u>Noise Management Plan</u></p> <p>a. The Applicant shall within three months of the date of this consent, prepare a Noise Management Plan for the Drayton rail loading facility and Antiene rail spur, to the satisfaction of the Director-General. The Plan shall be prepared in consultation with the owner of Bayswater rail loading facility with the aim of achieving a consistent approach in the preparation of the Drayton rail loading facility noise management plan. The Plan shall:</p>	<p>Noise and Blasting Management Plan (NBMP). Document number: MXC_MP_EC_04 Version: 2 Effective: 07/02/2022 Approved by Stephen O'Donoghue on 10/02/2022.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>include details of the conduct of noise investigations at three monthly intervals (unless otherwise agreed by the Director-General) to evaluate, assess and report the both the <math>L_{eq}(15 \text{ minute})</math> (project alone) and <math>L_{eq}(9 \text{ hour}/4 \text{ hour}/11 \text{ hour})</math> (cumulative) noise emission levels due to normal coal transport operations under adverse weather conditions;</li> <li>details of the proposed methodologies including establishing the Drayton rail loop and Antiene rail spur operating configuration; determining survey intervals; weather conditions and seasonal variations; selecting variations, locations, periods and times of measurements;</li> <li>outline the design of any noise monitoring and noise modelling or other studies including the means for determining the noise levels emitted by the operations;</li> <li>particularly focus on the management of night time noise (10.00pm – 7.00am) for each year of operation;</li> <li>identify noise affected properties and the relevant noise limits consistent with the EIS, the additional noise information requested by the EPA and supplied by Umwelt (Australia Pty Limited) in a letter dated 15 June 2000; with results of extended noise monitoring and in a letter dated 20 July 2000 and accompanying report titled “Response to EPA Submission of 5 July 2000; and the Drayton Coal Pty Ltd Response to Summary of Submissions received from DUAP on 2 June 2000, prepared by Umwelt (Australia) Pty Ltd, August 2000;</li> <li>specify the procedures for a noise monitoring program for the purpose of undertaking independent noise investigations, in consultation with the owners of Basyswater mine, as necessary;</li> <li>outline the procedure to notify property owners and occupiers likely to be affected by noise from the operations;</li> <li>establish a protocol for handling noise complaints that include recording, reporting and acting on complaints;</li> </ul>	<p>In accordance with Schedule condition B12 of SSD 9526 a NBMP has been prepared.</p> <p>Approval granted the appointment of suitably qualified persons Neil Gross – Senior Technical Director/Associate Principal at RDWI and John Wasserman (Director at RWDI) to prepare NBMP for SSD 9526. A copy of this endorsement is contained in Appendix 3 of the NBMP.</p> <p>Noise Management System shown in Section 3.3 outlines noise control measures applied to mobile plant, infrastructure rail, and all other areas.</p> <p>Section 3.3.2 outlines Noise-enhancing meteorological conditions for consideration in respect to noise receiver locations.</p> <p>Section 3.3.3 outlines Pro-Active noise management systems including meteorological forecasting.</p> <p>Section 3.3.4 Mitigation upon request outlines additional mitigation measures applicable upon receiving written request for mitigation from the owner of any of the four properties predicted to experience “marginal” exceedances of noise criteria.</p>		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• record appropriate mechanisms for community consultation;</li> <li>• outline mitigation measures to be employed on the site to limit noise emissions;</li> <li>• identify longer term strategies directed towards mitigating noise levels that exceed the noise criteria in Table 2 under adverse meteorological conditions;</li> <li>• outline measures to be used to reduce the impact of intermittent, low frequency and tonal noise (including any truck reversing alarms);</li> <li>• specify measures to be taken to document any higher level of impacts or patterns of temperature inversions, and detail actions to quantify and ameliorate enhanced impacts if they lead to exceedence of the relevant noise criteria;</li> <li>• survey and investigate noise reduction measures, if required, from plant and equipment annually, subject to noise monitoring results and/or complaints received, and report in the AEMR at the conclusion of the first 12 months of operations and set targets for noise reduction taking into consideration valid noise complaints in the previous year. The Report shall also include remedial measures to achieve compliance with the specified noise goals; and</li> <li>• include details of the integration of this plan with the existing Drayton mine Noise Management Plan, and its inter-relationship with the Bayswater rail facility noise management plan.</li> </ul> <p>b. Prior to the commencement of operations the applicant shall ensure cladding is added to the northern side of the Drayton Coal Handling Facility, extending from ground level to the top of the conical section of both loading bins, with an internal facing of absorbing material and vibration isolated from the existing structure as described in the EIS.</p> <p>c. The Applicant shall also:</p>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>i. make copies of the Plans available to the EPA, MSC and CCC within fourteen days of approval, or as otherwise agreed to be the Director-General; and</li> <li>ii. include a summary of noise monitoring results in the AEMR .</li> </ul>			
DA14	S2 C5.3.3	<p><b>Noise Control</b> <u>Noise Monitoring</u></p> <ul style="list-style-type: none"> <li>a. The levels of noise emitted from the premises must be monitored for 72 hrs every 3 months unless otherwise agreed by the Director-General at locations agreed to in consultation with the EPA. The monitoring must determine the LAeq,9hour, LAeq,15min, LA10,15min, LA90, 15min, and LA1,1min and include an assessment of the impact of operational noise on adjoining residents.</li> <li>b. Noise monitoring at the specified locations must be undertaken during daytime (7.00am- 6.00pm), evening (6.00pm-10.00pm) and night time (10.00pm-7.00am).</li> </ul>	Condition has been superseded by SSD9526. Attended noise monitoring is performed every month and is conducted for day, evening and night-time periods to assess the site against the limits set out in the Development Consent SSD 9526 and EPL 1323.	Compliant	
DA15	S2 C5.4	<p><b>Light Emissions</b></p> <p>The Applicant shall screen or direct all on-site lighting away from residences and roadways, or manage such lighting to the satisfaction of MSC</p>	There are no active night works at the site during the audit period. No new lighting was noted to have been installed during the audit period that would impact off site lighting impacts.	Compliant	
<b>6. TRANSPORT</b>					
DA16	S2 C6.1	<p><b>Limits on Transportation of Coal</b></p> <ul style="list-style-type: none"> <li>a. Coal transported along the Drayton Rail Loop is limited to seven (7) million tonnes per annum.</li> <li>b. Coal transported along the Antiene Rail Spur is limited to twenty (20) million tonnes per annum.</li> <li>c. The peak number of train movements along the Drayton Rail Loop are limited to 12 per day.</li> <li>d. The peak number of train movements along the Antiene Rail Spur are limited to 30 per day.</li> <li>e. The maximum annual rate of coal haulage shall be calculated from the date of commencement of this consent. The Applicant shall submit a statement every six (6)</li> </ul>	Not triggered. No coal exported from the site during the audit period. The peak number of train movements along the Drayton Rail Loop were within the specified limit.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>months regarding the number of daily train movements, quantities and destination of product hauled on the Drayton rail loop and Antiene rail spur in that period to the Director-General unless otherwise agreed by the Director-General, commencing from the date of commencement of this consent.</p> <p>f. To ensure residents access on the northern side of Antiene Road is not restricted, the Applicant shall consult with RAC to ensure amendment of the RAC signal procedures manual is undertaken so that the signal located to the west of the level crossing near the junction of the Antiene rail spur and the Main Northern Railway (signal 60) is the priority signal for access to the Main Northern Railway as discussed in section 4.3.2.2 of the EIS.</p> <p>Note: Condition 6.1 shall be read in conjunction with condition 6.1 Limits on Transportation of Coal of the consent issued by the Minister for Urban Affairs and Planning to Coal Operations Australia Limited (COAL) for the construction and operation of the Bayswater Rail Loading Facility and Rail Loop. Condition 6.1 of the COAL consent is as follows:</p> <p>a. Coal transported along the Bayswater Rail Loop is limited to 13 million tonnes per annum during the simultaneous operation of the Drayton Rail Loop at 7 million tonnes per annum.</p> <p>b. Coal transported along the Bayswater Rail Loop can only exceed 13 million tonnes per annum where the combined annual tonnage of operations along the Bayswater Rail Loop and Drayton Rail Loop do not exceed 20 million tonnes per annum.</p> <p>c. The peak number of train movements along the Bayswater Rail Loop are limited to 18 per day, except in the event that Drayton mine does not utilise all of its 7 million tonnes per annum, the applicant may take up the spare capacity, with a total limit of 30 train movements per day along the Bayswater rail loop and Antiene rail spur.</p> <p>d. The maximum annual rate of coal haulage shall be calculated from the date of commencement of rail haulage. The Applicant shall submit a statement every six (6) months regarding the</p>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		quantities, number of daily train movements and destination of product hauled on Bayswater rail loop in that period to the Director-General unless otherwise agreed by the Director-General, commencing from the date of commencement of rail haulage.			
DA17	S2 C6.2	<b>Road Transport</b> No coal shall be hauled on public roads except under emergency or special situations and only with the prior written permission of the Director-General, RTA and MSC.	Not triggered. No coal was hauled on public roads during the audit period.	Not triggered	
DA18	S2 C6.3	<b>Rail Scheduling</b> Note: A commercial agreement is in place between the owners of the Bayswater and Drayton rail facility proposals respectively which requires the applicant to advise the owners of the Bayswater rail facility, no less than sixty (60) business days before the commencement of each year, of its proposed Estimated Annual Tonnage and its planned shipping schedule for coal haulage on the Antiene Spur. On the first business day of each month, the applicant will advise the owners of Bayswater mine of its planned shipping schedule for coal haulage for each of the then ensuing three months.	Malabar Coal is not using the Antiene Spur, with the site going into care and maintenance in October 2016. Maxwell and Mt Arthur Coal CCC hold two meetings each year where the environmental performance of the rail spur is discussed and reviewed, together with any environmental enquiries and other issues. Annual Rail Activity Statements are attached to AEMRs.	Compliant	
<b>7. MONITORING/AUDITING</b>					
DA19	S2 C7	<p>a. In addition to the requirements contained elsewhere in this consent, the Director-General may, at any time in consultation with the relevant government authorities and Applicant, require the monitoring programs in Conditions 3 and 5 to be revised/updated to reflect changing environmental requirements or changes in technology/operational practices. 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 MSC within two weeks of approval of the relevant government authority.</p> <p>b. 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. Only</p>	Monitoring programs in Conditions 3 and 5 have been superseded by the monitoring requirements of SSD9552 and the EPL.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		laboratories with a nationally recognised relevant accreditation shall be used for laboratory analysis.			
DA20	S2 C7.1	<p><b>Third Party Monitoring/Auditing</b>  <u>Independent Environmental Audit</u></p> <p>a. Every three years from the date of this consent until completion of coal transportation in the DA area, or as otherwise directed by the Director-General, the Applicant shall conduct an environmental audit of the Drayton Rail loop operation and Antiene rail spur operation in accordance with ISO 14010 - Guidelines and General Principles for Environmental Auditing, and ISO 14011 - Procedures for Environmental Auditing (or the current versions), and in accordance with any specifications required by the Director-General. The audit shall be co-ordinated as far as possible with the audit for the Bayswater rail loading facility and rail loop as directed by the Director-General. Copies of the report shall be submitted by the Applicant to the Director-General, MSC, EPA, DMR, and CCC within two weeks of the report's completion for comment.</p> <p>b. The audit shall:</p> <ul style="list-style-type: none"> <li>i. assess compliance with the requirements of this consent, licences and approvals;</li> <li>ii. assess the development against the predictions made in the EIS;</li> <li>iii. review the effectiveness of the environmental management of the coal transportation operations, including any mitigation works;</li> <li>iv. be carried out at the Applicant's expense; and</li> <li>v. be conducted by a duly qualified independent person or team approved by the Director-General in consultation with MSC.</li> </ul> <p>c. The Director-General may, after considering any submission made by the relevant government agencies, MSC and CCC on the report, notify the Applicant of any requirements with regard to any recommendations in the report. The Applicant shall comply with those reasonable</p>	<p>Coal transport ceased during the audit period on 9 November 2016.</p> <p>Independent Environmental Audits have occurred every three (3) years as required by the condition with the previous audit undertaken by SLR Consulting in 2018.</p> <p>The previous IEA was reported to the satisfaction of the Planning Secretary.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		requirements within such time as the Director-General may require.			
DA21	S2 C7.2	<p><b>Meteorological</b></p> <p>The applicant shall utilise the existing meteorological station at Drayton mine or establish an alternative meteorological station at a relevant location, in accordance with the requirements of AS 2922 1987 "Ambient Air Guide for Siting of Sampling Units" or updated version. The meteorological station must be capable of recording wind direction and speed, temperature and sigma theta and be operated in accordance with the requirements of AS 2923-1987 "Ambient Air Guide Horizontal Wind for Air Quality Application", or subsequent relevant standards.</p>	<p>Meteorological monitoring stations have been installed north of the infrastructure area (AWS-1) and south of the mine entry area (AWS-2).</p> <p>The MET stations were observed to be capable of measuring meteorological conditions in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007) and in accordance with the NSW Noise Policy for Industry (EPA, 2017).</p>	Compliant	
<b>8. REPORTING</b>					
DA22	S2 C8.1	<p><b>Environmental Reporting</b></p> <p><u>Annual Environmental Management Report (AEMR)</u></p> <p>a. The Applicant shall, throughout the life of the rail loading facility and rail loop and for a period of at least three years after the completion of operations in the DA area, prepare and submit an Annual Environmental Management Report (AEMR), which may be incorporated into the existing Drayton AEMR to the satisfaction of the Director- General. The AEMR shall include a review of the performance of coal transportation against the Environmental Management Strategy, the conditions of this consent, and other licences and approvals relating to the coal transport operations. To enable ready comparison with the predictions of the EIS, diagrams and tables, the report shall include, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> <li>i. an annual compliance review of the performance of the project against conditions of this consent and statutory approvals;</li> <li>ii. a review of the effectiveness of the environmental management of the coal transport operations in terms of EPA, DMR, and MSC requirements;</li> </ul>	<p>Review of the Annual Reviews for the audit period indicated that they included the information required under this condition.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>iii. results of all environmental monitoring required under this consent or other approvals, including interpretations and discussion by a suitably qualified person;</li> <li>iv. identify trends in monitoring results over the life of coal transport operations;</li> <li>v. a listing of any variations obtained to approvals applicable to the subject area during the previous year; and</li> <li>vi. environmental management targets and strategies for the next year, taking into account identified trends in monitoring results.</li> </ul> <p>b. In preparing the AEMR, the Applicant shall:</p> <ul style="list-style-type: none"> <li>i. respond to any request made by the Director-General for any additional requirements; and</li> <li>ii. comply with any requirements of the Director-General or other relevant government agencies.</li> <li>iii. ensure that the first report is completed and submitted within twelve months of this consent; or at a date determined by the Director-General in consultation with the DMR and the EPA; or in the next Drayton mine AEMR after the date of this consent.</li> </ul>			
<b>9. COMMUNITY CONSULTATION/OBLIGATIONS</b>					
DA23	S2 C9.1	<p><b>Community Consultative Committee</b></p> <ul style="list-style-type: none"> <li>i. The Applicant shall, at its own expense: <ul style="list-style-type: none"> <li>a. provide to the existing Drayton Community Consultative Committee (CCC), or its equivalent, regular information on the progress of coal transport operations and monitoring results;</li> <li>b. promptly provide to the Committee such other information as the Chair of the Committee may reasonably request concerning the environmental performance of the coal transport operations; and</li> </ul> </li> </ul>	<p>Malabar has formed a CCC (known as the Maxwell CCC) in accordance with the Guidelines before the commencement of construction for SSD9552. The inaugural meeting was held on 22 September 2021. Prior CCC meetings were held during the audit period in accordance with the conditions of consent.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>c. provide access for site inspections by the Committee.</li> <li>ii. The Applicant shall co-ordinate with Bayswater mine joint meetings of the Drayton and Bayswater CCCs, or their equivalents, on a basis to be agreed by the two CCCs, to discuss the management of the joint user rail facility.</li> </ul>			
DA24	S2 C9.2	<p><b>Community Consultation</b></p> <p><u>Complaints</u></p> <ul style="list-style-type: none"> <li>a. The environmental coordinator employed by Drayton mine (refer condition 2.1) shall be responsible: <ul style="list-style-type: none"> <li>i. for recording complaints with respect to coal transport operations along the Drayton rail loop and Antiene rail spur in accordance with the existing Drayton mine complaints handling procedures, or its equivalent, including use of the dedicated and publicly advertised telephone line, 24 hours per day 7 days per week, entering complaints or comments in an up to date log book, or other suitable data base, and ensuring that a response is provided to the complainant within 24 hours;</li> <li>ii. for providing a report of complaints received with respect to the Drayton coal transportation operations every six months throughout the life of the project to the Director-General, MSC, EPA, DMR, and CCC, or as otherwise agreed by the Director-General. A summary of this report shall be included in the AEMR (condition 8.1(a)).</li> <li>iii. consult with the environmental officer employed by the Bayswater mine to coordinate a response to any complaints received regarding the operation of the joint user rail facility .</li> </ul> </li> </ul>	No complaints received in regard to the Drayton rail loop during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>10. PROPONENTS OBLIGATIONS</b>					
DA25	S2 C10.1	<p><b>Cumulative Impact Assessment</b></p> <p>a. In the event that the cumulative impact of noise or dust contributed by the operation of the Drayton rail loading facility, rail loop and Antiene rail spur and other nearby mining/industrial activities, including the Bayswater rail loop, Bayswater mine, Drayton mine, and Mount Arthur North Project if approved, at dwellings, or vacant land (as described in Condition 6.3.1(e)), in the vicinity of the operation, is in excess of the noise or dust criteria contained in these conditions of consent, the Applicant shall negotiate with the other mining companies appropriate arrangements to reasonably contribute to the management of the identified cumulative impacts to the satisfaction of the Director- General.</p> <p>b. If it is identified from subclause (a) above that an industrial operator, other than a mining company, is the cause of an exceedence, the applicant shall provide a report to the Director-General the reasons for the cumulative criteria exceedences with demonstration that the applicant's activities are not the sole cause of the exceedences.</p> <p>c. If agreement on appropriate contributions towards mitigation measures/ acquisition cannot be reached from negotiations undertaken in accordance with subclause (a), then the Director-General may appoint an independent panel to resolve the matter. The membership of the independent panel shall be as determined by the Director-General. The independent panel shall determine the responsibilities of each of the mining companies. The decision of the independent panel shall be final and binding on all parties. The responsibilities of the mining companies and the landowner as described in Condition and 10.3 will apply.</p> <p>d. Prior to the appointment of the independent panel, the applicant shall provide the Director-General a report detailing the applicant's reasons for being unable to get agreement with the other parties, and the reasons for the</p>	Cumulative noise and dust impacts were below the specified limits outlined in SSD9552.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		cumulative criteria exceedences with demonstration that the applicant's activities are not the sole cause of the exceedences.			
DA26	S2 C10.2	<p><b>Area of Affection-Land Acquisition</b></p> <p>Note: In Condition 10.2 (a)-(h) "land" means the whole of a lot in a current plan registered at the Land Titles Office as at the date of this consent.</p> <ul style="list-style-type: none"> <li>a. The Applicant shall negotiate and purchase a property, as identified in conditions 5.1, 5.3 and/or 10.1, within six (6) months of a written request from the affected land owner.</li> <li>b. In respect of a request to purchase land arising under this condition, the Applicant shall pay the owner the acquisition price which shall take into account and provide payment for: <ul style="list-style-type: none"> <li>i. a sum not less than the current market value of the owner's interest in the land at the date of this consent, as if the land was unaffected by coal transport operations along the Drayton rail loop and Antiene rail spur the subject of this DA, having regard to: <ul style="list-style-type: none"> <li>• the existing use and permissible use of the land in accordance with the applicable planning instruments at the date of the written request; and</li> <li>• the presence of improvements on the land and/or any Council approved building or structure which although substantially commenced at the date of request is completed subsequent to that date.</li> </ul> </li> <li>ii. the owner's reasonable compensation for disturbance allowance and relocation costs within the Muswellbrook or Singleton Local Government Area, or within such other location as may be determined by the Director-General in exceptional circumstances;</li> <li>iii. the owner's reasonable costs for obtaining legal advice and expert witnesses for the purposes of determining the acquisition price of the land and the terms upon which it is to be acquired.</li> </ul> </li> </ul>	No acquisition requested during the audit period for DA106-04-00.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>Notwithstanding any other condition of this consent, the landowner and the Applicant may, upon request of the landowner, acquire any property affected by the project during the course of this consent on terms agreed to between the Applicant and the landowner.</p> <ul style="list-style-type: none"> <li>d. In the event that the Applicant and any owner referred to in this condition cannot agree within the time limit upon the acquisition price of the land and/or the terms upon which it is to be acquired, then: <ul style="list-style-type: none"> <li>i. either party may refer the matter to the Director-General, who shall request the President of the Australian Institute of Valuers and Land Economists to appoint a qualified independent valuer or Fellow of the Institute, who shall determine, after consideration of any submissions from the owners, a fair and reasonable acquisition price for the land as described in sub-clause (c) and/or terms upon which it is to be acquired;</li> <li>ii. in the event of a dispute regarding outstanding matters that cannot be resolved, the independent valuer shall refer the matter to the Director-General, recommending the appointment of a qualified panel. The Director-General, if satisfied that there is need for a qualified panel, shall arrange for the constitution of the panel. The panel shall consist of: <ol style="list-style-type: none"> <li>1) the appointed independent valuer,</li> <li>2) the Director-General or nominee, and</li> <li>3) the President of the Law Society of NSW or nominee.</li> </ol> </li> </ul> </li> </ul> <p>The qualified panel shall determine a fair and reasonable acquisition price as described in sub-clause (c) above and/or the terms upon which the property is to be acquired.</p> <ul style="list-style-type: none"> <li>e. The Applicant shall bear the costs of any valuation or survey assessment requested by the independent valuer, panel, or the Director-General and the costs of determination referred to in sub clauses (c) and (d).</li> <li>f. Upon receipt of a determination pursuant to sub-clauses (c) and (d), the Applicant shall, within 14 days, offer in</li> </ul>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>writing to acquire the relevant land at a price not less than the determination. Should the Applicant's offer to acquire not be accepted by the owner within six (6) months of the date of such offer, the Applicant's obligations to purchase the property shall cease, unless otherwise agreed by the Director-General.</p> <p>g. In the event that only part of the land is to be transferred to the Applicant, the Applicant shall pay all reasonable costs associated with obtaining Council approval to any plan of subdivision and registration of the plan at the Office of the Registrar-General</p> <p>h. The provisions of this condition do not apply to a land owner who is the holder of an authority under the Mining Act, 1992.</p>			
DA27	S2 C10.3	<p><b>Joint Acquisition Management Plan</b></p> <p>The Applicant shall prior to commencement of the increased operations of the Drayton rail loop and Antiene rail spur, prepare a Joint Acquisition Management Plan with the owner of Bayswater rail loading facility and rail loop, to the satisfaction of the Director-General. The plan shall:</p> <ul style="list-style-type: none"> <li>Provide details of a joint approach to be adopted by the Applicant and the owner of the Bayswater rail loading facility and rail loop in regard to meeting the acquisition procedure requirements outlined in condition 10.2 of this consent relating to the cumulative impacts of the Drayton rail loop and Antiene rail spur, Drayton coal mine Bayswater rail loading facility and rail loop, Bayswater mine and the Mount Arthur North project if approved, should acquisition be required.</li> </ul>	Condition triggered outside of the audit period.	Not triggered	
<b>11. FURTHER APPROVALS AND AGREEMENTS</b>					
DA28	S2 C11.1	<p><b>Statutory Requirements</b></p> <p>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, and all other relevant legislation,</p>	The rail loop is currently in care and maintenance. There is no evidence of operations not being in accordance with the general operating requirements.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		Regulations, Australian Standards, Codes, Guidelines and Notices, Conditions, Directions, Notices and Requirements issued pursuant to statutory powers by the MSC, EPA, DLWC, DMR, and RAC, are fully met.			

## **B.3 PA 06\_0202 Audit Checklist**

# PA 06\_0202 AUDIT CHECKLIST- MALABAR RESOURCES IEA 2022

<b>PA 06_0202 AUDIT CHECKLIST- MALABAR RESOURCES IEA 2022 .....</b>	<b>1</b>
<b>SCHEDULE 2 – ADMINISTRATIVE CONDITIONS .....</b>	<b>2</b>
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT .....	2
TERMS OF APPROVAL .....	2
LIMITS ON APPROVAL .....	3
SURRENDER OF CONSENTS .....	3
STAGED SUBMISSION OF MANAGEMENT PLANS/MONITORING PROGRAMS .....	3
STRUCTURAL ADEQUACY .....	4
DEMOLITION .....	4
OPERATION OF PLANT AND EQUIPMENT .....	4
PLANNING AGREEMENT .....	5
<b>SCHEDULE 3 – SPECIFIC ENVIRONMENTAL CONDITIONS .....</b>	<b>5</b>
NOISE .....	5
BLASTING AND VIBRATION .....	11
AIR QUALITY .....	14
METEOROLOGICAL MONITORING .....	20
SURFACE AND GROUND WATER .....	20
REHABILITATION AND LANDSCAPE MANAGEMENT .....	24
ABORIGINAL CULTURAL HERITAGE .....	31
TRANSPORT .....	32
VISUAL IMPACT .....	32
GREENHOUSE & ENERGY EFFICIENCY .....	33
WASTE MINIMISATION .....	34
<b>SCHEDULE 4 – ADDITIONAL PROCEDURES .....</b>	<b>35</b>
NOTIFICATION OF LANDOWNERS .....	35
INDEPENDENT REVIEW .....	35
LAND ACQUISITION .....	37
<b>SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING &amp;</b>	
REPORTING .....	39
ENVIRONMENTAL MANAGEMENT STRATEGY .....	39
ENVIRONMENTAL MONITORING PROGRAM .....	39
REPORTING .....	40
INDEPENDENT ENVIRONMENTAL AUDIT .....	41
COMMUNITY CONSULTATIVE COMMITTEE .....	42
ACCESS TO INFORMATION .....	42

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>SCHEDULE 2 – ADMINISTRATIVE CONDITIONS</b>					
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>					
PA1	S2 C1	The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.	Following review of available information provided and the site inspection Malabar was observed to be implementing all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the project.	Compliant	
<b>TERMS OF APPROVAL</b>					
PA2	S2 C2	The Proponent shall carry out the project generally in accordance with the: <ul style="list-style-type: none"> <li>a. EA;</li> <li>b. statement of commitments;</li> <li>c. EA (Mod 1);</li> <li>d. EA (Mod 2); and</li> <li>e. conditions of this approval.</li> </ul> Note: The general layout of the project is shown in Appendix 2.	Malabar was observed to be carrying out the development in general accordance with the EA, EIS, and conditions of consent. It is noted that the conditions of SSD9526 and directions of the Planning Secretary prevail over PA 06_0202. Non-compliance with Schedule 3, Condition 21.  Multiple exceedances of the 24hr PM10 criteria in 2018 (November), 2019, and 2020 due to regional dust events. A number of bushfires were noted to have occurred throughout NSW during these exceedances.	Non-compliant	<b>OFI – Relinquish PA 06_0202</b>
PA3	S2 C3	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.	Noted. It is noted that the conditions of SSD9526 and directions of the Planning Secretary prevail over PA 06_0202.	Compliant	
PA4	S2 C4	The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:	Malabar was observed to have complied with any reasonable requirement/s of the Planning Secretary arising from the	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>a. any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and</li> <li>b. the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence.</li> </ul>	Department's assessments during the audit period.		
PA5	S2 C4A	Within 3 months of any modification to this approval, the Proponent shall review and if necessary revise any strategies/plans/programs required under this approval which are relevant to the modification to the satisfaction of the Director-General.	There have been no modifications during the audit period.	Not triggered	
<b>LIMITS ON APPROVAL</b>					
PA6	S2 C5	<p>Mining operations may take place on the site until 31 December 2017.</p> <p>Note: Under this approval, the Proponent is required to rehabilitate the site and provide offsets to the satisfaction of the Director-General. Consequently, this approval will continue to apply in all other respects other than the right to conduct mining operations until the site has been rehabilitated and the offset provided to a satisfactory standard.</p>	No mining operations (which is defined in PA 06_0202 as coal extraction, processing and transportation) has occurred after 31 December 2017 and during the audit period. Drayton ceased operations in October 2016.	Not triggered	
PA7	S2 C6	The Proponent shall not extract or process more than 8 million tonnes of ROM coal a year on site.	No coal extracted or processed during the audit period.	Compliant	
PA8	S2 C7	The Proponent shall only transport coal from the site by rail or overland conveyor.	No coal transported during the audit period.	Not triggered	
<b>SURRENDER OF CONSENTS</b>					
PA9	S2 C8	Within 12 months of this approval, the Proponent shall surrender all previous development consents for the Drayton coal mine to the satisfaction of the Director-General.	Triggered prior to the current audit period.	Not triggered	
<b>STAGED SUBMISSION OF MANAGEMENT PLANS/MONITORING PROGRAMS</b>					
PA10	S2 C9	With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.	Multiple management plans were updated and approved by the Department in response to the approval of SSD9526.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>STRUCTURAL ADEQUACY</b>					
PA11	S2 C10	<p>The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p>Notes: Under Part 4A of the EP&amp;A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&amp;A Regulation sets out the requirements for the certification of development.</p>	No new buildings and structures, or any alterations or additions to existing buildings and structures occurred during the audit period.	Not triggered	
<b>DEMOLITION</b>					
PA12	S2 C11	The Proponent shall ensure that all demolition work is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	Malabar indicated that there has been no demolition during the audit period.	Not triggered	
<b>OPERATION OF PLANT AND EQUIPMENT</b>					
PA13	S2 C12	<p>The Proponent shall ensure that all plant and equipment used at the site is:</p> <ul style="list-style-type: none"> <li>a. maintained in a proper and efficient condition; and</li> <li>b. operated in a proper and efficient manner.</li> </ul>	<p>Minimal plant and equipment is currently utilised on site due to the phase of the project.</p> <p>Plant and equipment used onsite is maintained and operated in a proper and efficient manner. Maintenance schedules are used to track when plant and equipment require maintenance. These maintenance schedules also include details of any repairs that are required outside of the planned maintenance schedules. This information is then used to monitoring other plant and machinery for similar breakdown issues.</p> <p>Inductions and formal training is required to operate both heavy and light vehicles on site.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>PLANNING AGREEMENT</b>					
PA14	S2 C13	<p>Within 12 months of this approval, the Proponent shall enter into a planning agreement with Council and the Minister, in accordance with:</p> <ul style="list-style-type: none"> <li>a. Division 6 of Part 4 of the EP&amp;A Act; and</li> <li>b. the terms of the Proponent's offer to the Council on 19 January 2007, which includes the matters set out in Appendix 4.</li> </ul>	Triggered prior to the current audit period.	Not triggered	
<b>SCHEDULE 3 – SPECIFIC ENVIRONMENTAL CONDITIONS</b>					
<b>NOISE</b>					
PA15	S3 C1	<p><b>Noise Impact Assessment Criteria</b></p> <p>The Proponent shall ensure that the noise generated by the project does not exceed the noise impact assessment criteria in Table 1 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land.</p>	There were no exceedances of the noise impact assessment criteria in Table 1 during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																																																																																																																						
		<p>Table 1: Noise impact assessment criteria dB(A)</p> <table border="1"> <thead> <tr> <th rowspan="2">Land Number</th> <th>Day</th> <th>Evening</th> <th colspan="2">Night</th> </tr> <tr> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>Aeq</sub>(15 min)</th> <th>L<sub>A1</sub>(1 min)</th> </tr> </thead> <tbody> <tr><td>34</td><td>35</td><td>35</td><td>36</td><td>45</td></tr> <tr><td>29</td><td>35</td><td>35</td><td>36</td><td>47</td></tr> <tr><td>31</td><td>35</td><td>35</td><td>37</td><td>47</td></tr> <tr><td>33, 86</td><td>35</td><td>35</td><td>38</td><td>45</td></tr> <tr><td>32</td><td>35</td><td>35</td><td>40</td><td>47</td></tr> <tr><td>71, 75</td><td>35</td><td>35</td><td>41</td><td>47</td></tr> <tr><td>70</td><td>35</td><td>36</td><td>41</td><td>47</td></tr> <tr><td>76</td><td>35</td><td>36</td><td>42</td><td>47</td></tr> <tr><td>28</td><td>35</td><td>37</td><td>40</td><td>47</td></tr> <tr><td>69</td><td>35</td><td>37</td><td>41</td><td>47</td></tr> <tr><td>13</td><td>36</td><td>36</td><td>35</td><td>45</td></tr> <tr><td>12</td><td>36</td><td>36</td><td>36</td><td>47</td></tr> <tr><td>25</td><td>36</td><td>37</td><td>37</td><td>47</td></tr> <tr><td>26</td><td>36</td><td>37</td><td>38</td><td>47</td></tr> <tr><td>27</td><td>36</td><td>37</td><td>39</td><td>47</td></tr> <tr><td>72</td><td>36</td><td>37</td><td>42</td><td>47</td></tr> <tr><td>17</td><td>37</td><td>38</td><td>36</td><td>47</td></tr> <tr><td>21, 22</td><td>38</td><td>38</td><td>38</td><td>45</td></tr> <tr><td>18</td><td>38</td><td>39</td><td>38</td><td>47</td></tr> <tr><td>20, 61</td><td>39</td><td>40</td><td>39</td><td>45</td></tr> <tr><td>14</td><td>40</td><td>39</td><td>38</td><td>47</td></tr> <tr><td>19</td><td>40</td><td>40</td><td>39</td><td>47</td></tr> <tr><td>16</td><td>41</td><td>41</td><td>39</td><td>47</td></tr> <tr><td>23</td><td>35</td><td>35</td><td>35</td><td>47</td></tr> <tr><td>All other privately-owned land</td><td>35</td><td>35</td><td>35</td><td>45</td></tr> </tbody> </table> <p>However, if the Proponent has a written negotiated noise agreement with any landowner of the land listed in Table 1, and a copy of this agreement has been forwarded to the Department and OEH, then the Proponent may exceed the noise limits in Table 1 in accordance with the negotiated noise agreement.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>For information on the numbering and identification of properties used in this approval, see Appendix 5.</li> <li>To determine compliance with the LAeq(15 minute) noise limits, noise from the project is to be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of a dwelling (rural situations) where the</li> </ul>	Land Number	Day	Evening	Night		L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1 min)	34	35	35	36	45	29	35	35	36	47	31	35	35	37	47	33, 86	35	35	38	45	32	35	35	40	47	71, 75	35	35	41	47	70	35	36	41	47	76	35	36	42	47	28	35	37	40	47	69	35	37	41	47	13	36	36	35	45	12	36	36	36	47	25	36	37	37	47	26	36	37	38	47	27	36	37	39	47	72	36	37	42	47	17	37	38	36	47	21, 22	38	38	38	45	18	38	39	38	47	20, 61	39	40	39	45	14	40	39	38	47	19	40	40	39	47	16	41	41	39	47	23	35	35	35	47	All other privately-owned land	35	35	35	45			
Land Number	Day	Evening		Night																																																																																																																																							
	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>Aeq</sub> (15 min)	L <sub>A1</sub> (1 min)																																																																																																																																							
34	35	35	36	45																																																																																																																																							
29	35	35	36	47																																																																																																																																							
31	35	35	37	47																																																																																																																																							
33, 86	35	35	38	45																																																																																																																																							
32	35	35	40	47																																																																																																																																							
71, 75	35	35	41	47																																																																																																																																							
70	35	36	41	47																																																																																																																																							
76	35	36	42	47																																																																																																																																							
28	35	37	40	47																																																																																																																																							
69	35	37	41	47																																																																																																																																							
13	36	36	35	45																																																																																																																																							
12	36	36	36	47																																																																																																																																							
25	36	37	37	47																																																																																																																																							
26	36	37	38	47																																																																																																																																							
27	36	37	39	47																																																																																																																																							
72	36	37	42	47																																																																																																																																							
17	37	38	36	47																																																																																																																																							
21, 22	38	38	38	45																																																																																																																																							
18	38	39	38	47																																																																																																																																							
20, 61	39	40	39	45																																																																																																																																							
14	40	39	38	47																																																																																																																																							
19	40	40	39	47																																																																																																																																							
16	41	41	39	47																																																																																																																																							
23	35	35	35	47																																																																																																																																							
All other privately-owned land	35	35	35	45																																																																																																																																							

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations						
		<p>dwelling is more than 30 metres from the boundary. Where it can be demonstrated that direct measurement of noise from the project is impractical, the OEH may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.</p> <ul style="list-style-type: none"> <li>To determine compliance with the LA1(1 minute) noise limits, noise from the project is to be measured at 1 metre from the dwelling façade. Where it can be demonstrated that direct measurement of noise from the project is impractical, the OEH may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy).</li> <li>The noise emission limits identified in the above table apply under meteorological conditions of: <ul style="list-style-type: none"> <li>wind speeds of up to 3 m/s at 10 metres above ground level; or</li> <li>temperature inversion conditions of up to 3°C/100m, and wind speeds of up to 2 m/s at 10 metres above ground level.</li> </ul> </li> </ul>									
PA16	S3 C2	<p><b>Land Acquisition Criteria</b></p> <p>If the noise generated by the project exceeds the criteria in Table 2 at any residence on privately- owned land or on more than 25 percent of any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of Schedule 4.</p> <p><i>Table 2: Land acquisition criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th>Land Number</th> <th>Day/Evening/Night L<sub>Aeq</sub>(15min)</th> </tr> </thead> <tbody> <tr> <td>12, 14, 16, 17, 18, 19, 23, 25, 26, 27, 28, 29, 31, 32, 69, 70, 71, 72, 75, 76</td> <td>42</td> </tr> <tr> <td>All other private land owners not listed in Table 1, or on more than 25 percent of, any privately owned land.</td> <td>40</td> </tr> </tbody> </table> <p>Note: Noise generated by the project is to be measured in accordance with the notes to Table 1.</p>	Land Number	Day/Evening/Night L <sub>Aeq</sub> (15min)	12, 14, 16, 17, 18, 19, 23, 25, 26, 27, 28, 29, 31, 32, 69, 70, 71, 72, 75, 76	42	All other private land owners not listed in Table 1, or on more than 25 percent of, any privately owned land.	40	No land acquisition occurred in relation to this approval during the audit period.	Not triggered	
Land Number	Day/Evening/Night L <sub>Aeq</sub> (15min)										
12, 14, 16, 17, 18, 19, 23, 25, 26, 27, 28, 29, 31, 32, 69, 70, 71, 72, 75, 76	42										
All other private land owners not listed in Table 1, or on more than 25 percent of, any privately owned land.	40										
PA17	S3 C3	<p><b>Cumulative Noise Criteria</b></p> <p>The Proponent shall take all reasonable and feasible measures to ensure that the noise generated by the project combined with the noise generated by other mines does not exceed the following</p>	Maxwell cooperates with MAC to limit the cumulative noise contributions from the Maxwell Infrastructure rail loop and Antiene rail spur such that these noise levels, in conjunction with the total	Compliant							

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		amenity criteria at any residence on privately-owned land or on more than 25 percent of any privately owned land: <ul style="list-style-type: none"> <li>• <math>L_{Aeq}(11 \text{ hour})</math> 50 dB(A) – Day;</li> <li>• <math>L_{Aeq}(4 \text{ hour})</math> 45 dB(A) – Evening;</li> <li>• <math>L_{Aeq}(9 \text{ hour})</math> 40 dB(A) – Night.</li> </ul>	cumulative noise contributions from the operations of Maxwell UG Project, MAC rail loading facility and rail loop, MAC mine and the Antiene rail spur, do not exceed the specified noise limits. Cumulative noise is reported in the Annual Review and was below the specified limits.		
PA18	S3 C4	<b>Cumulative Noise Criteria</b> If the noise generated by the project combined with the noise generated by other mines exceeds the following amenity criteria at any residence on privately owned-land or on more than 25 percent of any privately owned land, then upon receiving a written request from the landowner, the Proponent shall acquire the land on as equitable basis as possible with the relevant mines in accordance with the procedures in conditions 8-10 of Schedule 4: <ul style="list-style-type: none"> <li>• <math>L_{Aeq}(11 \text{ hour})</math> 53 dB(A) – Day;</li> <li>• <math>L_{Aeq}(4 \text{ hour})</math> 48 dB(A) – Evening;</li> <li>• <math>L_{Aeq}(9 \text{ hour})</math> 43 dB(A) – Night.</li> </ul> Notes: The cumulative noise generated by the project combined with the noise generated by other mines is to be measured in accordance with the relevant procedures in the NSW Industrial Noise Policy.	Cumulative noise is reported in the Annual Review and was below the specified limits. No requests received during the audit period.	Not triggered	
PA19	S3 C5	<b>Noise Mitigation</b> Within 12 months of this approval, unless otherwise agreed by the Director-General, the Proponent shall implement the noise mitigation measures outlined in Section 4.5 of the noise impact assessment, of the EA (see Appendix 6). Note: Any request to vary the noise mitigation measures must be accompanied by a noise assessment that demonstrates that the proposed variation would not result in any increase of the noise levels as predicted in the EA.	Not triggered within the audit period.	Not triggered	
PA20	S3 C6	<b>Noise Mitigation</b> Upon receiving a written request from the owner of: <ul style="list-style-type: none"> <li>• the following land: 14, 16, 19, 20, 21, 22, 28, 32, 33, 61, 69, 70, 71, 72, 75, 76, 86; or</li> </ul>	Noise levels below criteria at all monitoring locations. No written requests received.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations						
		<ul style="list-style-type: none"> <li>any residence on privately-owned land where subsequent noise monitoring shows the noise generated by the project is greater than or equal to the relevant criteria in Table 3,</li> </ul> <p>the Proponent 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.</p> <p><i>Table 3: Land acquisition criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th><i>L<sub>Aeq</sub>(15min)</i></th> <th><i>Land Number</i></th> </tr> </thead> <tbody> <tr> <td>40</td> <td>12, 17, 18, 23, 25, 26, 27, 29, 31</td> </tr> <tr> <td>38</td> <td>All other private land owners</td> </tr> </tbody> </table> <p>These additional mitigation measures must be reasonable and feasible.</p> <p>If within 3 months of receiving this request from the landowner, the Proponent 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.</p> <p>Within 3 months of this approval, the Proponent shall notify all applicable landowners that they are entitled to receive additional noise mitigation measures.</p>	<i>L<sub>Aeq</sub>(15min)</i>	<i>Land Number</i>	40	12, 17, 18, 23, 25, 26, 27, 29, 31	38	All other private land owners			
<i>L<sub>Aeq</sub>(15min)</i>	<i>Land Number</i>										
40	12, 17, 18, 23, 25, 26, 27, 29, 31										
38	All other private land owners										
PA21	S3 C7	<p><b>Continuous Improvement</b></p> <p>The Proponent shall:</p> <ol style="list-style-type: none"> <li>implement all reasonable and feasible noise mitigation measures;</li> <li>investigate ways to reduce the noise generated by the project, including maximum noise levels which may result in sleep disturbance; and</li> <li>report on these investigations and the implementation and effectiveness of these measures in the AEMR.</li> </ol>	Feedback from the monitoring results and any complaints are used to assess impacts and determine where improvements or mitigation measures are required. These measures are reported on in the Annual Review.	Compliant							
PA22	S3 C8	<p><b>Monitoring</b></p> <p>(Deleted)</p>	Noted	Not triggered							

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
PA23	S3 C8	<p><b>Noise Management Plan</b></p> <p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ol style="list-style-type: none"> <li>be submitted to the Director-General by 31 October 2012 for approval;</li> <li>describe the measures that would be implemented (including a real-time noise management system that employs both reactive and proactive mitigation measures) to ensure: <ul style="list-style-type: none"> <li>best management practice is being employed;</li> <li>compliance with the relevant conditions of this approval;</li> </ul> </li> <li>describe the proposed noise management system in detail;</li> <li>include a noise monitoring program that: <ul style="list-style-type: none"> <li>uses a combination of real-time and supplementary attended monitoring measures to evaluate the performance of the project;</li> <li>adequately supports the proactive and reactive noise management system on site;</li> <li>includes a protocol for determining exceedances of the relevant conditions in this approval;</li> <li>evaluates and reports on the effectiveness of the noise management system on site;</li> <li>provides for the annual validation of the noise model for the project; and</li> </ul> </li> <li>include a protocol that has been prepared in consultation with the owners of nearby mines (including the Mt Arthur mine) to minimise the cumulative noise impacts of the mines.</li> </ol>	<p>Noise and Blasting Management Plan (NBMP).</p> <p>Document number: MXC_MP_EC_04 Version: 2 Effective: 07/02/2022</p> <p>Approved by Stephen O'Donoghue on 10/02/2022.</p> <p>In accordance with Schedule condition B12 of SSD 9526 a NBMP has been prepared.</p> <p>Approval granted the appointment of suitably qualified persons Neil Gross – Senior Technical Director/Associate Principal at RDWI and John Wasserman (Director at RWDI) to prepare NBMP for SSD 9526. A copy of this endorsement is contained in Appendix 3 of the NBMP.</p> <p>Noise Management System shown in Section 3.3 outlines noise control measures applied to mobile plant, infrastructure rail, and all other areas.</p> <p>Section 3.3.2 outlines Noise-enhancing meteorological conditions for consideration in respect to noise receiver locations.</p> <p>Section 3.3.3 outlines Pro-Active noise management systems including meteorological forecasting.</p> <p>Section 3.3.4 Mitigation upon request outlines additional mitigation measures applicable upon receiving written request for mitigation from the owner of any of the four properties predicted to experience “marginal” exceedances of noise criteria.</p>	Compliant	Duplication of condition number-suggest updating to 8A

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations						
			Maxwell has committed to cooperation with MAC to limit cumulative noise generation.								
<b>BLASTING AND VIBRATION</b>											
PA24	S3 C9	<p><b>Airblast Overpressure Criteria</b></p> <p>The Proponent shall ensure that the airblast overpressure level from blasting at the project does not exceed the criteria in Table 4 at any residence on privately-owned land.</p> <p><i>Table 4: Airblast overpressure impact assessment criteria</i></p> <table border="1"> <thead> <tr> <th>Airblast overpressure level (dB(Lin Peak))</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>115</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>120</td> <td>0%</td> </tr> </tbody> </table>	Airblast overpressure level (dB(Lin Peak))	Allowable exceedance	115	5% of the total number of blasts over a period of 12 months	120	0%	No blasting during the audit period.	Not triggered	
Airblast overpressure level (dB(Lin Peak))	Allowable exceedance										
115	5% of the total number of blasts over a period of 12 months										
120	0%										
PA25	S3 C10	<p><b>Ground Vibration Impact Assessment Criteria</b></p> <p>The Proponent shall ensure that the ground vibration level from blasting at the project does not exceed the criteria in Table 5 at any residence on privately-owned land.</p> <p><i>Table 5: Ground vibration impact assessment criteria</i></p> <table border="1"> <thead> <tr> <th>Peak particle velocity (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>10</td> <td>0%</td> </tr> </tbody> </table>	Peak particle velocity (mm/s)	Allowable exceedance	5	5% of the total number of blasts over a period of 12 months	10	0%	No blasting during the audit period.	Not triggered	
Peak particle velocity (mm/s)	Allowable exceedance										
5	5% of the total number of blasts over a period of 12 months										
10	0%										
PA26	S3 C11	<p><b>Blasting Hours</b></p> <p>The Proponent shall only carry out blasting on the site between 9am and 5pm Monday to Saturday (EST), and 9am to 6pm Monday to Saturday (DST) inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of OEH.</p>	No blasting during the audit period.	Not triggered							
PA27	S3 C12	<p><b>Blasting Frequency</b></p> <p>The Proponent may carry out a maximum of:</p> <ul style="list-style-type: none"> <li>a. 2 blasts a day; and</li> <li>b. 8 blasts a week, averaged over a 12 month period.</li> </ul>	No blasting during the audit period.	Not triggered							

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
PA28	S3 C13	<p><b>Operating Conditions</b></p> <p>During mining operations, the Proponent shall:</p> <ul style="list-style-type: none"> <li>a. implement best blasting practice to: <ul style="list-style-type: none"> <li>• protect the safety of people and livestock in the area surrounding blasting operations;</li> <li>• protect public or private infrastructure/property in the area surrounding blasting operations from blasting damage; and</li> <li>• minimise the dust and fume emissions from blasting at the project; and</li> </ul> </li> <li>b. co-ordinate blasting on site with the blasting at the adjoining Mt Arthur coal mine to minimise the potential cumulative blasting impacts of the two mines, to the satisfaction of the Director-General.</li> </ul>	No blasting during the audit period.	Not triggered	
PA29	S3 C14	<p><b>Operating Conditions</b></p> <p>The Proponent shall not undertake blasting within 500 metres of:</p> <ul style="list-style-type: none"> <li>a. Thomas Mitchell Drive without the approval of Council; and</li> <li>b. any privately-owned land or land not owned by the Proponent, unless suitable arrangements have been made with the landowner and any tenants to minimise the risk of flyrock-related impact to the property to the satisfaction of the Director-General.</li> </ul>	No blasting during the audit period.	Not triggered	
PA30	S3 C15	<p><b>Road Closure</b></p> <p>(Deleted)</p>	Noted	Not triggered	
PA31	S3 C16	<p><b>Public Notice</b></p> <p>During mining operations, the Proponent shall:</p> <ul style="list-style-type: none"> <li>a. notify the landowner/occupier of any residence within 2 kilometres of the site who registers an interest in being notified about the blasting schedule at the mine;</li> <li>b. operate a Blasting Hotline, or alternate system agreed to by the Director-General, to enable the public to get up-to-date information on the blasting schedule at the mine;</li> <li>c. advertise the blasting hotline number in a local newspaper at least 4 times each year; and</li> </ul>	No blasting during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		d. publicise an updated blasting schedule on its website, to the satisfaction of the Director-General.			
PA32	S3 C17	<b>Property Inspections</b> Within 6 months of this approval, the Proponent shall advise all landowners of privately-owned land within 2 kilometres of the project that they are entitled to a structural property inspection.	No blasting during the audit period.	Not triggered	
PA33	S3 C18	<b>Property Inspections</b> If the Proponent receives a written request for a structural property inspection from any of these land owners, the Proponent shall within 3 months of receiving this request: a. commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to inspect the condition of any building or structure on the land, and recommend measures to mitigate any potential blasting impacts; and b. give the landowner a copy of the property inspection report.	No blasting during the audit period.	Not triggered	
PA34	S3 C19	<b>Property Investigations</b> If any landowner of privately owned land within 2 kilometres of the site claims that buildings and/or structures on his/her land have been damaged as a result of blasting at the project, the Proponent shall within 3 months of receiving this claim: a. commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, 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 Proponent shall repair the damages to the satisfaction of the Director-General.	No blasting during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.</p> <p>If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 10).</p>			
PA35	S3 C20	<b>Blast Monitoring Program</b> (Deleted)	Noted	Not triggered	
PA36	S3 C20	<p><b>Blast Management Plan</b></p> <p>The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ol style="list-style-type: none"> <li>be submitted to the Director-General for approval by 31 October 2012;</li> <li>describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> <li>best management practice is being employed;</li> <li>compliance with the relevant conditions of this approval;</li> </ul> </li> <li>include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with the RTA and Council;</li> <li>include a monitoring program for evaluating the performance of the project, including: <ul style="list-style-type: none"> <li>compliance with the applicable criteria</li> <li>minimising the fume emissions from the site; and</li> </ul> </li> <li>include a protocol that has been prepared in consultation with the owners of nearby mines (including the Mt Arthur mine) to minimise the cumulative blasting impacts of these mines and the project.</li> </ol>	<p>The blast management plan has been integrated into the Noise and Blasting Management Plan (NBMP) and supersedes the requirements for a standalone Blast management Plan. Document number: MXC_MP_EC_04 Version: 2 Effective: 07/02/2022 Approved by Stephen O'Donoghue on 10/02/2022.</p>	Compliant	Duplication of condition number-suggest updating to 20A
<b>AIR QUALITY</b>					
PA37	S3 C21	<p><b>Impact Assessment Criteria</b></p> <p>The Proponent shall ensure that the dust emissions generated by the project do not cause additional exceedances of the air quality</p>	Multiple exceedances of the 24hr PM10 criteria in 2018 (November), 2019, and 2020 due to regional dust	Non-compliant	It is noted that PA 06_0202 will be relinquished on 5 July 2022. No further action is required.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																							
		<p>impact assessment criteria listed in Tables 6, 7 and 8 at any residence, on privately-owned land, or on more than 25 percent of any privately-owned land.</p> <p><i>Table 6: Long term impact assessment criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td>30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 7: Short term impact assessment criterion for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 8: Long term impact assessment criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month	events. A number of bushfires were noted to have occurred throughout NSW during these exceedances.		
Pollutant	Averaging period	Criterion																										
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>																										
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>																										
Pollutant	Averaging period	Criterion																										
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>																										
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																									
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month																									
PA38	S3 C22	<p><b>Land Acquisition Criteria</b></p> <p>If the dust emissions generated by the project exceed the criteria in Tables 8, 9 and 10 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land, the Proponent shall, upon receiving a written request for acquisition from the landowner, acquire the land in accordance with the procedures in conditions 8-10 of Schedule 4.</p>	No request for acquisition received during the audit period.	Not triggered																								

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																
		<p><i>Table 8: Long term land acquisition criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td>30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><i>Table 9: Short term land acquisition criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> <th>Percentile<sup>1</sup></th> <th>Basis</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>150 µg/m<sup>3</sup></td> <td>99<sup>2</sup></td> <td>Total<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>50 µg/m<sup>3</sup></td> <td>98.6</td> <td>Increment<sup>4</sup></td> </tr> </tbody> </table> <p>Notes:</p> <p><sup>1</sup>Based on the number of block 24 hour averages in an annual period.</p> <p><sup>2</sup>Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with the DECC.</p> <p><sup>3</sup>Background PM<sub>10</sub> concentrations due to all other sources plus the incremental increase in PM<sub>10</sub> concentrations due to the mine alone.</p> <p><sup>4</sup>Incremental increase in PM<sub>10</sub> concentrations due to the mine alone.</p> <p><i>Table 10: Long term land acquisition criteria for deposited dust</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>Deposited dust</td> <td>Annual</td> <td>2 g/m<sup>2</sup>/month</td> <td>4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p>Note: Deposited dust is assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</p>	Pollutant	Averaging period	Criterion	Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>	Pollutant	Averaging period	Criterion	Percentile <sup>1</sup>	Basis	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	150 µg/m <sup>3</sup>	99 <sup>2</sup>	Total <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	98.6	Increment <sup>4</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month			
Pollutant	Averaging period	Criterion																																			
Total suspended particulate (TSP) matter	Annual	90 µg/m <sup>3</sup>																																			
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	30 µg/m <sup>3</sup>																																			
Pollutant	Averaging period	Criterion	Percentile <sup>1</sup>	Basis																																	
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	150 µg/m <sup>3</sup>	99 <sup>2</sup>	Total <sup>3</sup>																																	
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	98.6	Increment <sup>4</sup>																																	
Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level																																		
Deposited dust	Annual	2 g/m <sup>2</sup> /month	4 g/m <sup>2</sup> /month																																		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
PA39	S3 C23	<p><b>Operating Conditions</b> The Proponent shall:</p> <ul style="list-style-type: none"> <li>a. ensure any visible air pollution generated by the project is assessed regularly, and that mining operations are relocated, modified, and/or stopped as required to minimise air quality impacts on privately-owned land;</li> <li>b. ensure that the real-time air quality monitoring and meteorological monitoring data are assessed regularly, and that mining operations are relocated, modified and/or stopped as required to ensure compliance with the relevant air quality criteria; and</li> <li>c. implement all practicable measures to minimise the off-site odour and fume emissions generated by any spontaneous combustion on site,</li> </ul> <p>to the satisfaction of the Director-General.</p>	<p>The Air Quality and Greenhouse Gas Management Plan (AQGGMP) addresses the following: Sections 3.2 – 3.5 outline the reasonable steps taken to:</p> <ul style="list-style-type: none"> <li>• Minimise odour, fume and particulate matter</li> <li>• Eliminate or minimise the risk of spontaneous combustion</li> <li>• Improve energy efficiency and reduce fugitive GGE</li> <li>• Implement greenhouse gas abatement measures</li> <li>• Minimise any visible off-site air pollution</li> <li>• Minimise, to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site</li> </ul> <p>Malabar has committed to purchasing mobile diesel equipment that complies with any applicable exhaust emission standards specified under an EPL. Section 3.2 outlines the comprehensive air quality management system that operates for the development along with the measures implemented to minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events. Coordination of air quality management and the minimisation of cumulative air quality is outlined in Section 4.4, with particular consideration given to MAC.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			<p>Malabar monitors air quality in accordance with the frequencies outlined in Table 3.</p> <p>There is currently limited operations occurring at the site that would require modification to comply with the specified limits. Procedures to manage this during operation are outlined in Section 3.2.3 and utilise the real-time air quality monitoring system.</p>		
PA40	S3 C24	<p><b>Spontaneous Combustion</b></p> <p>The Proponent shall prepare and implement a Spontaneous Combustion Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> <li>a. prepared in consultation with OEH and DRE by suitably qualified expert/s whose appointment/s have been approved by the Director-General; and</li> <li>b. submitted to the Director-General for approval within 6 months of this approval.</li> </ul>	<p>Spontaneous Combustion Management Plan (SCMP) Document number: MXC_MP_EC_01 Version: 2 Effective: 10/02/2022 Approved by Stephen O'Donoghue On 22/02/2022.</p> <p>Approval granted the appointment of suitably qualified persons Dr Bevan Basil Beamish to prepare the SCMP for SSD 9526. A copy of this endorsement is contained in Appendix 4 of the SCMP.</p> <p>Section 3.3 describes the measures to be implemented to prevent spontaneous combustion outbreaks in overburden, including, compaction, capping, surface treatment and remediation.</p> <p>Coal Stockpiles will be monitored as detailed in Section 3.4 Coarse Rejects disposal and management is detailed in Section 3.5.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			Odour and Fume Management prevention and remediation actions are outlined in Section 3.6.		
PA41	S3 C25	<b>Monitoring</b> (Deleted)	Noted	Not triggered	
PA42	S3 C25	<p><b>Air Quality Management Plan</b></p> <p>The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ol style="list-style-type: none"> <li>be submitted to the Director-General by 31 October 2012 for approval;</li> <li>describe the measures that would be implemented (including a real-time air quality management system that employs both reactive and proactive mitigation measures) to ensure: <ul style="list-style-type: none"> <li>best management practice is being employed;</li> <li>compliance with the relevant conditions of this approval;</li> </ul> </li> <li>describe the proposed air quality management system;</li> <li>include an air quality monitoring program that: <ul style="list-style-type: none"> <li>uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the development;</li> <li>adequately supports the proactive and reactive air quality management system;</li> <li>includes PM2.5 monitoring (although this obligation may be satisfied by the regional air quality monitoring network if sufficient justification is provided);</li> <li>evaluates and reports on the effectiveness of the air quality management system;</li> <li>includes a protocol for determining any exceedances of the relevant conditions of this consent; and</li> </ul> </li> <li>include a protocol that has been prepared in consultation with the owners of nearby mines (including the Mt Arthur mine) to minimise the cumulative air quality impacts of the mines.</li> </ol>	<p>Air Quality and Greenhouse Gas Management Plan (AQGGMP) Document Number: MXC_MP_EC_02 Version: 2 Effective: 3/02/2022 Approved by Wayne Jones as nominee to the Secretary on 04/02/2022.</p> <p>In accordance with Schedule 2, Part A, Condition A24(a) of SSD 9526, this AQGGMP has been prepared for stage 1 activities only. Stage 1 activities include early preparatory works, construction and first workings (as defined in SSD 9526). The conditions of SSD9526 supersede those of PA 06_0202.</p> <p>Approval granted by Matthew Sprout on 22/02/21 as nominee to the Secretary for the AQGGMP and Water Management Plan to be stage.</p> <p>Section 2.3 outlines that Philip Henschke and Aleks Todoroski assisted with the preparation of the plan. A copy of the endorsement by the Planning Secretary is included in Appendix 4 of the plan.</p> <p>Section 3.2 and 3.3 describe the measures to be implemented to ensure compliances, minimise air quality impacts, and best practise management.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			<p>The air quality management system is described in Section 3.2.</p> <p>The Centralised Gas Management Plan is not required as part of Stage 1 works. The plan will be required prior to the start of Stage 2 works.</p> <p>The air quality monitoring program is outlined in Section 4.3 of the plan. A summary of the monitoring undertaken is outlined in Table 3.</p> <p>A protocol for distinguishing the dust emissions of the development from any neighbouring developments is outlined in Section 4.4.</p> <p>Incident and Non-Compliance Notification protocol is outlined in Section 4.5.</p>		
<b>METEOROLOGICAL MONITORING</b>					
PA43	S3 C26	During the life of the project, the Proponent shall ensure that there is a suitable meteorological station in the vicinity of the site that complies with the requirements in the Approved Methods for Sampling of Air Pollutants in New South Wales guideline.	<p>Meteorological monitoring stations have been installed north of the infrastructure area (AWS-1) and south of the mine entry area (AWS-2).</p> <p>The MET stations were observed to be capable of measuring meteorological conditions in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007) and in accordance with the NSW Noise Policy for Industry (EPA, 2017).</p>	Compliant	
<b>SURFACE AND GROUND WATER</b>					
PA44	S3 C27	<p><b>Surface Water Discharges</b></p> <p>The Proponent shall only discharge water from the site in accordance with the provisions of an EPL or the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.</p>	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek	Non-compliant	<b>OFI</b> – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			on 8 March 2022 not in accordance with EPL.		the capacity to minimise the risk of future discharges.
PA45	S3 C28	<p><b>Water Management Plan</b></p> <p>The Proponent shall prepare and implement a Site Water Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ol style="list-style-type: none"> <li>a. be prepared in consultation with OEH and NOW by suitably qualified expert/s whose appointment/s have been approved by the Director-General;</li> <li>b. be submitted to the Director-General for approval within 6 months of this approval; and</li> <li>c. include: <ul style="list-style-type: none"> <li>• a Site Water Balance;</li> <li>• an Erosion and Sediment Control Plan;</li> <li>• a Surface Water Monitoring Program;</li> <li>• a Ground Water Monitoring Program; and</li> <li>• a Surface and Ground Water Response Plan.</li> </ul> </li> </ol>	<p>Water Management Plan (WMP) Document number MXC_MP_EC_08 Version: 1 Effective: 25/11/2021 Approved by Jessie Evans on 29/11/2021.</p> <p>Approval granted the appointment of suitably qualified persons Noel Merrick to prepare the WMP for SSD-9526-PA-9. A copy of this endorsement is contained in Appendix 8 of the WMP.</p> <p>The general water management performance measures are outlines in section 3.1.</p> <p>Water management system overview is outlined in section 3.2.</p> <p>Section 3.3 outlines the site water balance and salt balance overview for the stage 1 activities.</p> <p>Erosion and sediment control overview in Section 3.4 outlines the main principles of erosion and sediment controls with additional details provided in Appendix 2 of the WMP.</p> <p>Section 3.5 outlines the Surface water management overview. Noting First working are not predicted to cause subsidence or impacts on channel stability and riparian health. Additional details contained in Appendix 3 of the WMP.</p> <p>Ground water management overview is outlined in Section 3.6 with additional detail in Appendix 4 of the WMP.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
PA46	S3 C29	<p><b>Site Water Balance</b></p> <p>The Site Water Balance must:</p> <ol style="list-style-type: none"> <li>a. include details of; <ul style="list-style-type: none"> <li>• sources and security of water supply;</li> <li>• water use on site;</li> <li>• water management on site;</li> <li>• off-site water transfers; and</li> </ul> </li> <li>b. investigate and describe measures to minimise water use by the project.</li> </ol>	Appendix 1 of the WMP describes the site water balance and salt balance for the site and includes the details outlined in this condition.	Compliant	
PA47	S3 C30	<p><b>Erosion and Sediment Control</b></p> <p>The Erosion and Sediment Control Plan must:</p> <ol style="list-style-type: none"> <li>a. be consistent with the requirements of the <i>Managing Urban Stormwater: Soils and Construction Manual</i> (Landcom 2004, or its latest version);</li> <li>b. identify activities that could cause soil erosion and generate sediment;</li> <li>c. describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters;</li> <li>d. describe the location, function, and capacity of erosion and sediment control structures; and</li> <li>e. describe what measures would be implemented to maintain the structures over time.</li> </ol>	<p>Appendix 2 of the WMP contains the Erosion and Sediment Control Plan for the site. The plan is consistent with the requirements of the <i>Managing Urban Stormwater: Soils and Construction Manual</i>.</p> <p>Potential Sources of Erosion and Sedimentation are described in Section 4.2.</p> <p>Measures to minimise soil erosion and the potential for the transport of sediment to downstream waters is described in Section 4.3.</p> <p>Section 4.4 describes the location, function, and capacity of erosion and sediment control structures.</p>	Compliant	
PA48	S3 C31	<p><b>Surface Water Monitoring</b></p> <p>The Surface Water Management and Monitoring Plan must include:</p> <ol style="list-style-type: none"> <li>a. detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project;</li> <li>b. surface water impact assessment criteria;</li> <li>c. a program to monitor the impact of the project on surface water flows and quality and downstream water users; and</li> </ol>	<p>A surface water management plan is contained in Appendix 3 of the WMP. Detailed baseline data on surface water flows and quality in creeks and other waterbodies that could be affected by the project are described in Section 3.</p> <p>The surface water impact assessment criteria are contained in Section 3.3.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		d. reporting procedures for the results of this monitoring.	A monitoring program is outlined in Section 5.		
PA49	S3 C32	<p><b>Groundwater Monitoring</b></p> <p>The Groundwater Monitoring Plan must include:</p> <ol style="list-style-type: none"> <li>detailed baseline data of groundwater levels, yield and quality in the region (including privately owned groundwater bores within the predicted drawdown impact zone identified in the EA);</li> <li>a program to augment the baseline data over the life of the project</li> <li>groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;</li> <li>a program to monitor: <ul style="list-style-type: none"> <li>regional groundwater levels and quality in the surrounding aquifers;</li> <li>impacts on the groundwater supply of potentially affected landowners;</li> <li>the volume of ground water seeping into the open cut mine workings;</li> <li>the groundwater pressure response in the surrounding coal measures;</li> <li>the seepage/leachate from any tailings dams, water storages or backfilled voids on site;</li> </ul> </li> <li>procedures for the verification of the groundwater model; and</li> <li>reporting procedures for the results of the monitoring program and model verification.</li> </ol>	<p>The Groundwater Monitoring Plan is contained in Appendix 4 of the WMP. Baseline data is contained in Section 3.</p> <p>Section 5.2.2 outlines a program to augment the baseline data over the life of the project.</p> <p>Groundwater assessment criteria including trigger levels and a program to monitor groundwater is contained in Section 5.</p> <p>Procedures for the verification of the groundwater model are described in Section 5.1 and 5.6.</p> <p>Reporting procedures for the results of the monitoring program and model verification are described in Sections 5.3. to 5.5.</p>	Compliant	
PA50	S3 C33	<p><b>Surface and Ground Water Response Plan</b></p> <p>The Surface and Ground Water Response Plan must include:</p> <ol style="list-style-type: none"> <li>a protocol for the investigation, notification and mitigation of any exceedances of the surface water and groundwater impact assessment criteria;</li> <li>measures to mitigate and/or compensate potentially affected landowners with privately owned groundwater</li> </ol>	A specific Surface and Ground Water Response Plan is not contained within the WMP and is not required under the SSD9552 requirements. However, sections of the WMP address the requirement of this condition.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>bores within the predicted drawdown impact zone identified in the EA, including provision of alternative supply of water to the affected landowner that is equivalent to the loss attributed to the project;</p> <p>c. the procedures that would be followed if any unforeseen impacts are detected during the project.</p>	<p>Section 4.1 outlines the Incident and non-compliance notification protocol with an adaptive management and contingency plan outlined in section 4.2.</p> <p>Section 5.5 describes the trigger action response plans – privately-owned bores and process for compensation if required.</p> <p>Section 6 outlines a procedure that would be followed if any unforeseen impacts are detected during the project.</p>		
<b>REHABILITATION AND LANDSCAPE MANAGEMENT</b>					
PA51	S3 C34	<p><b>Rehabilitation</b></p> <p>The Proponent shall progressively rehabilitate the site in a manner that is generally consistent with the final landform and proposed rehabilitation strategy in the EA (shown conceptually in Appendix 7) to the satisfaction of the DRE.</p>	<p>Rehabilitation is trending to compliance, see Section 9 2021 AR. Previously compliant during open cut operations.</p> <p>Several activities undertaken on site also display evidence of progressive rehabilitation (including temporary works to minimise impacts), such as the installation of sediment fence along proposed haul road to protect existing rehabilitated areas, Enhancement of existing rehabilitation areas including supplemental planting, nest box installations, weed management including spraying and thinning of non-desirable species.</p>	Compliant	
PA52	S3 C35	<p><b>Offset Strategy</b></p> <p>The Proponent shall:</p> <p>a. offset the following vegetation clearing of the project at a ratio of at least 2:1 to ensure there is a net improvement in the biodiversity value of the local area in the medium to long term:</p>	<p>Drayton Management System Standard - Offset Strategy</p> <p>Issue: 4</p> <p>Issue Date: 1 May 2016</p>	Compliant	<b>OFI –</b> Continue implementing weed control programs and pest management in all offset and rehabilitation areas.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• 36 ha of Narrow-leaved Ironbark woodland;</li> <li>• 1 ha of Spotted Gum-Grey Box open forest woodland; and</li> <li>• 1.3 ha of Forest Red Gum open forest and woodland (Hunter Lowland Redgum Forest EEC); and</li> <li>• 6 ha of revegetated Yellow Box and Grey Gum woodland;</li> </ul> <p>b. ensure that this offset is located in close proximity to the Natural Zone of the Drayton Wildlife Refuge (see Appendix 8); and</p> <p>c. make suitable arrangements to protect this offset from development in the long term, to the satisfaction of the Director-General.</p> <p>Note: This offset may include land that is currently part of the existing Grazing Zone of the Drayton Wildlife Refuge (see Appendix 8).</p>	<p>The offset strategy has been superseded by the Maxwell UG Project BMP and MOP.</p> <p>The 2021 AR indicated that invasive weeds remain moderate to high in the Southern Offset Area and the Northern rehabilitation areas, including woodland rehabilitation. It was noted that intensive weed control programs have been implemented during the audit period and was confirmed during the audit inspection.</p> <p>The 2021 AR also noted that the diversity of canopy and mid-storey species, particularly at the Southern Offset area and Northern rehabilitation area were not meeting the completion criteria targets mainly due to pest animals impacting on planting campaigns and weed infestations. Noted that infill planting and weed control programs have occurred during the audit period.</p>		
PA53	S3 C35A	<p><b>Offset Strategy</b></p> <p>By the end of December 2009, the Proponent shall:</p> <ul style="list-style-type: none"> <li>a. incorporate an offset of at least 12 hectares, generally consistent with the offset described in the 2009 EA, into the Drayton Wildlife Refuge; and</li> <li>b. establish mechanisms within the Offset Strategy for long-term conservation and management of this offset in accordance with condition 36.</li> </ul>	Not within the audit period.	Not triggered	
PA54	S3 C36	<p><b>Offset Strategy</b></p> <p>Within 6 months of this approval, the Proponent shall prepare an Offset Strategy for the project to the satisfaction of the Director-General. This strategy must:</p> <ul style="list-style-type: none"> <li>a. be prepared in consultation with the OEH;</li> </ul>	Not within the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>b. describe the measures that would be :</p> <ul style="list-style-type: none"> <li>• offset the specified vegetation clearing of the project;</li> <li>• ensure that adequate resources are dedicated towards the implementation of this offset;</li> <li>• demonstrate that the proposed offset is generally consistent with the principles in Appendix 9, and would result in a net improvement in the biodiversity value of the local area in the medium to long term; and</li> <li>• provide appropriate long term security for this offset.</li> </ul>			
PA55	S3 C37	<p><b>Thomas Mitchell Drive Tree Screens</b></p> <p>Within 2 years of this approval, the Proponent shall plant additional trees along the Thomas Mitchell Drive corridor to provide a mature tree screen for the project. These trees must be planted in consultation with Council, and subsequently monitored to the satisfaction of the Director-General.</p>	Compliant - Evidence provided in 2017 AR	Compliant	
PA56	S3 C38	<p><b>Landscape Management Plan</b></p> <p>The Proponent shall prepare and implement a detailed Landscape Management Plan for the project to the satisfaction of the DRE and the Director-General and. This plan must:</p> <ol style="list-style-type: none"> <li>be prepared in consultation with OEH, NOW and Council by suitably qualified expert/s whose appointment/s have been approved by the Director-General</li> <li>be submitted to the Director-General for approval within 12 months of this approval; and</li> <li>include a: <ul style="list-style-type: none"> <li>• Rehabilitation and Offset Management Plan;</li> <li>• Final Void Management Plan; and</li> <li>• Mine Closure Plan.</li> </ul> </li> </ol> <p>Note: The Department accepts that the initial Landscape Management Plan may not include the detailed Final Void Management Plan and Mine Closure Plan. However, if this occurs, the Proponent will be required to seek approval from the Director-General for an alternative timetable for the completion and approval of the Final Void Management Plan and Mine Closure Plan.</p>	<p>Landscape Management Plan Version 1</p> <p>Issue Date: 1 March 2016</p> <p>The Landscape Management Plan has been superseded by the MOP 2021-2023 under SSD9526.</p> <p>* Approval letter from DPE dated 9 June 2017;</p> <p>* DPE letter dated 30 October 2015 refers to Mining Operations Plan (MOP) approval letter from DRG.</p> <p>(a) Prepared in consultation with OEH, NOW and Council: Section 4.4 Rehabilitation &amp; Offset Management Plan, Section 1.5.2 of MOP;</p> <p>(b) N/A - Outside of audit period; and</p> <p>(c) include a:</p> <ul style="list-style-type: none"> <li>• Rehabilitation and Offset Management Plan: Requirement</li> </ul>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			<p>fulfilled by separate Rehabilitation and Offset Management Plan;</p> <ul style="list-style-type: none"> <li>- Final Void Management Plan: Requirement fulfilled by the MOP, dated 23 December 2016; and</li> <li>- Mine Closure Plan: Requirement fulfilled by the MOP, dated 23 December 2016.</li> </ul> <p>NOTE: these documents relate to previous operations, not the currently approved underground. The MOP referred to has since been replaced. However, this condition was met previously, so remains compliant.</p>		
PA57	S3 C39	<p><b>Rehabilitation and Offset Management Plan</b></p> <p>The Rehabilitation and Offset Management Plan must include:</p> <ol style="list-style-type: none"> <li>a. the objectives for the rehabilitation of the site and provisions of the offset;</li> <li>b. a detailed description of how the rehabilitation of the site and implementation of the Offset Strategy would be integrated with the rehabilitation and Offset Strategy for the Mt Arthur North mine and remnant vegetation on Macquarie Generation's land, to ensure there is a comprehensive integrated strategy for the restoration and enhancement of the local landscape over time;</li> <li>c. a description of the short, medium, and long term measures that would be implemented to: <ul style="list-style-type: none"> <li>• rehabilitate the site;</li> <li>• implement the Offset Strategy;</li> <li>• implement the Thomas Mitchell Drive Tree Screens; and</li> <li>• manage the remnant vegetation and habitat on the site; and</li> </ul> </li> <li>d. a detailed description of what measures would be implemented over the next 3 years to rehabilitate the site and implement the Offset Strategy and Thomas Mitchell</li> </ol>	<p>Rehabilitation at the Maxwell UG Project is managed in accordance with the BMP and MOP.</p> <p>The BMP was approved by DPE on 20 September 2021 in accordance with SSD9526 and supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site. The MOP was approved by the RR on the 25 June 2021.</p> <p>Previous administrative non-compliance regarding review period, but plan was completed and approved. However, the plan is from 2013, and not in relation to the currently approved underground operations SSD9526.</p> <p>The Rehabilitation and Offset Management Plan (ROMP), dated 1 October 2013. Administrative non-compliance relating to review period.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>Drive tree screens, including the procedures to be implemented for:</p> <ul style="list-style-type: none"> <li>• progressively rehabilitating areas disturbed by mining;</li> <li>• implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata;</li> <li>• managing the remnant vegetation and habitat on site;</li> <li>• managing impacts on fauna;</li> <li>• reducing the visual impacts of the project;</li> <li>• landscaping the site to minimise visual impacts;</li> <li>• protecting areas outside the disturbance areas conserving and reusing topsoil;</li> <li>• collecting and propagating seeds for rehabilitation works;</li> <li>• salvaging and reusing material from the site for habitat enhancement;</li> <li>• controlling weeds and feral pests;</li> <li>• controlling access;</li> <li>• bushfire management; and</li> <li>• managing any potential conflicts between the rehabilitation of the mine and Aboriginal cultural heritage;</li> </ul> <p>e. detailed performance and completion criteria for the rehabilitation of the site and implementation of the Offset Strategy and Thomas Mitchell Drive tree screens;</p> <p>f. a detailed description of how the performance of the rehabilitation of the site and implementation of the Offset Strategy and Thomas Mitchell Drive tree screens would be monitored over time to achieve the relevant objectives and completion criteria;</p> <p>g. 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</p>	<p>(a) Rehabilitation objectives &amp; provisions of the offset: Sections 1 &amp; 4.7;</p> <p>(b) Integration: Section 4.8;</p> <p>(c) Description of the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> <li>- Rehabilitate the site: Section 4;</li> <li>- Implement the Offset Strategy: Section 4;</li> <li>- Implement the Thomas Mitchell Drive Tree Screens: Section 4.9.6; and</li> <li>- manage the remnant vegetation and habitat on the site: Section 4.9.2; and</li> </ul> <p>(d) Measures:</p> <ul style="list-style-type: none"> <li>- Progressively rehabilitating areas disturbed by mining: Section 4.6;</li> <li>- Implementing revegetation and regeneration within the disturbance areas and offset areas: Sections 4.7, 4.9, 4.10 &amp; 4.11;</li> <li>- Managing the remnant vegetation and habitat on site: Section 4.9.2;</li> <li>- Managing impacts on fauna: Section 4.7.1;</li> <li>- Reducing the visual impacts of the project: Section 4.9.7;</li> <li>- Landscaping the site to minimise visual impacts: Section 4.9.7;</li> <li>- Protecting areas outside the disturbance areas conserving and reusing topsoil: Section 4.10.3;</li> <li>- Collecting and propagating seeds for rehabilitation works: Section 4.10.5;</li> </ul>		

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>h. details of who is responsible for monitoring, reviewing and implementing the plan.</p> <p>Note: Reference to "rehabilitation" in this approval includes all works associated with the rehabilitation and restoration of the site as described in the EA, and applies to all areas within the Mining Lease and Offsets Strategy.</p>	<ul style="list-style-type: none"> <li>· Salvaging and reusing material from the site for habitat enhancement: Section 4.10.7;</li> <li>· Controlling weeds and feral pests: Sections 4.11.3 &amp; 4.11.4;</li> <li>· Controlling access: 4.11.2;</li> <li>· Bushfire management: The ROMP references the Bushfire Management Plan; and</li> <li>· Managing any potential conflicts between the rehabilitation of the mine and Aboriginal cultural heritage: Section 4.9.8;</li> </ul> <p>(e) Performance and completion criteria: Section 4.13.  (f) Monitoring: Section 4.14;  (g) Potential risks &amp; contingency measures: Section 4.9.9 &amp; 4.9.10;  (h) Details of who is responsible for monitoring, reviewing and implementing the plan: Section 4.1.</p>		
PA58	S3 C39A	<p><b>Rehabilitation Offset Management Plan</b></p> <p>Within 6 months of the modification approval (06_0202 MOD 2) the Proponent shall review and update the Rehabilitation and Offset Management Plan referred to in Condition 39 with consideration of the Muswellbrook Shire Council Mining Rehabilitation Policy, in consultation with Council, DRE and to the satisfaction of the Director General.</p>	Condition was triggered prior to the current audit period.	Not triggered	
PA59	S3 C40	<p><b>Final Void Management</b></p> <p>The Final Void Management Plan must:</p> <ul style="list-style-type: none"> <li>a. justify the planned final location and future use of the final voids;</li> <li>b. incorporate design criteria and specifications for the final voids based on verified groundwater modelling predictions and a re-assessment of post-mining groundwater equilibration;</li> </ul>	<p>Final void management captured in the previous MOP (2016) for the open cut operations. See below:</p> <ul style="list-style-type: none"> <li>a) Justify planned final location and future use of the final voids: Sections 3.2.9, 4.2, 5.1, 5.2 &amp; 7.2.11;</li> <li>(b) Design criteria and specifications for the final voids: Section 3.2.15 &amp; 5.1;</li> </ul>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>c. assess the potential interactions between creeks on the site and the final voids; and</li> <li>d. describe what actions and measures would be implemented to: <ul style="list-style-type: none"> <li>• minimise any potential adverse impacts associated with the final voids; and</li> <li>• manage and monitor the potential impacts of the final voids over time.</li> </ul> </li> </ul>	<p>(c) Potential interactions between creeks on the site and the final voids: Section 3.2.15; and</p> <p>(d) Actions and measures to:</p> <ul style="list-style-type: none"> <li>· Minimise any potential adverse impacts associated with the final voids: Section 7.2.11; and</li> <li>· Manage and monitor the potential impacts of the final voids over time: Section 12.2.</li> </ul>		
PA60	S3 C41	<p><b>Mine Closure Plan</b></p> <p>The Mine Closure Plan must:</p> <ul style="list-style-type: none"> <li>a. define the objectives and criteria for mine closure;</li> <li>b. investigate options for the future use of the site, including the final voids;</li> <li>c. investigate ways to minimise the adverse socio-economic effects associated with mine closure, including reduction in local employment levels;</li> <li>d. describe the measures that would be implemented to minimise or manage the ongoing environmental effects of the project; and</li> <li>e. describe how the performance of these measures would be monitored over time.</li> </ul>	<p>Mine Closure Plan normally captured in MOP, and this condition was previously compliant based on the current MOP at time of that audit.</p> <p>a) Objectives and criteria for mine closure: Section 4.3, 5.2 &amp; 6;</p> <p>(b) Investigate options for the future use of the site, including the final voids: Sections 3.2.9, 4.2, 4.2.1, 5 and 7.2.11;</p> <p>(c) Minimise adverse socio-economic effects: Section 3.2.13;</p> <p>(d) Measures to minimise or manage the ongoing environmental effects of the project: Section 3.2; and</p> <p>(e) Describe how the performance of these measures would be monitored over time: Section 8.</p> <p>However, the current MOP has little in terms of closure, as it is an interim MOP concerned with the initial development phase of the underground mine, and is only applicable until 2023.</p> <p>Addressed in the current MOP to some extent in sections 4.2, 4.3, and 4.4.</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
PA61	S3 C41A	<p><b>Mine Closure Plan</b></p> <p>By 31 December 2012, the Proponent shall review the Rehabilitation and Offset Management Plan, Final Void Management Plan and Mine Closure Plan in consultation with Council and DRE and to the satisfaction of the Director General. This review must take Council's Mining Rehabilitation Policy into account.</p>	Not triggered in the current audit period.	Not triggered	
PA62	S3 C42	<p><b>Conservation and Biodiversity Bond</b></p> <p>Within 3 months of the approval of the Landscape Management Plan, the Applicant shall lodge a conservation and biodiversity bond with either DRE or the Department to ensure that the Offset Strategy is implemented in accordance with the performance and completion criteria of the Landscape Management Plan. The sum of the bond shall be determined by:</p> <ol style="list-style-type: none"> <li>a. calculating the full cost of implementing the Offset Strategy; and</li> <li>b. employing a suitably qualified quantity surveyor to verify the calculated costs.</li> </ol> <p>Notes:</p> <ul style="list-style-type: none"> <li>• If the Offset Strategy is completed to the satisfaction of the Director-General, the DRE or the Department will release the conservation bond.</li> <li>• If the Offset Strategy is not completed to the satisfaction of the Director-General, all or part of the conservation bond will be used to ensure the satisfactory completion of the relevant works.</li> <li>• The conservation bond may be incorporated into rehabilitation bonding arrangements under the Mining Act 1993.</li> </ul>	Not triggered in the current audit period.	Not triggered	
<b>ABORIGINAL CULTURAL HERITAGE</b>					
PA63	S3 C43	<p><b>Aboriginal Heritage Plan</b></p> <p>The Proponent shall prepare and implement an Aboriginal Heritage Plan to the satisfaction of the Director-General. This plan must:</p>	Aboriginal Cultural Heritage Management Plan (ACHMP) Document number MXC_MP_EC_03 Version: 2	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>a. be prepared in consultation with OEH and relevant Aboriginal communities;</p> <p>b. be submitted to the Director-General for approval within 6 months of this approval or prior to the disturbance of any Aboriginal object or site, whichever is the soonest; and</p> <p>c. include a:</p> <ul style="list-style-type: none"> <li>detailed salvage program and management plan for all Aboriginal sites within the project disturbance area;</li> <li>detailed description of the measures that would be implemented to protect Aboriginal sites outside the project disturbance area;</li> <li>description of the measures that would be implemented if any new Aboriginal objects or skeletal remains are discovered during the project; and</li> <li>protocol for the ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site.</li> </ul>	<p>Effective: 09/02/2022</p> <p>Approved by Stephen O'Donoghue on 22/02/2022.</p> <p>In accordance with Schedule 2 condition B57 of SSD 9526 a BMP has been prepared.</p> <p>Approval granted the appointment of suitably qualified persons Geordie Oakes to prepare the ACHMP for SSD-9526-PA-3. A copy of this endorsement is contained in Appendix 4 of the ACHMP.</p>		
<b>TRANSPORT</b>					
PA64	S3 C44	<p><b>Monitoring of Coal Transport</b></p> <p>The Proponent shall:</p> <p>a. keep records of the:</p> <ul style="list-style-type: none"> <li>amount of coal transported from the site each year; and</li> <li>number of coal haulage train movements generated by the project (on a daily basis);</li> <li>date and time of each train movement generated by the project; and</li> </ul> <p>b. include these records in the AEMR.</p>	No coal has been transported from the site during the audit period.	Not triggered	
PA65	S3 C44A	By 31 June 2012, the Proponent shall contribute \$50,000 to Council towards the Council's costs for a Route and Upgrade Assessment of Thomas Mitchell Drive.	Triggered outside of the audit period.	Not triggered	
<b>VISUAL IMPACT</b>					
PA66	S3 C45	<p>The Proponent shall:</p> <p>a. ensure that all external lighting associated with the development complies with Australian Standard AS4282</p>	There has been no nightwork during the audit period with minimal light generated by the site. There have	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting,</p> <ul style="list-style-type: none"> <li>b. take all practicable measures to mitigate off-site lighting impacts from the development; and</li> <li>c. minimise the visual impacts of the development to the satisfaction of the Director-General, to the satisfaction of the Director-General.</li> </ul>	<p>been no complaints relating to visual impacts during the audit period.</p>		
<b>GREENHOUSE &amp; ENERGY EFFICIENCY</b>					
PA67	S3 C46	<p>The Proponent shall prepare and implement a Greenhouse and Energy Efficiency Plan for the project to the satisfaction of the Director-General. This plan must:</p> <ul style="list-style-type: none"> <li>a. be prepared generally in accordance with the <i>Guidelines for Energy Savings Action Plans</i></li> <li>b. (DEUS 2005, or its latest version);</li> <li>c. be submitted to the Director-General for approval within 6 months of the date of this approval;</li> <li>d. include a program to monitor greenhouse gas emissions and energy use generated by the project;</li> <li>e. include a framework for investigating and implementing measures to reduce greenhouse gas emissions and energy use associated with the project; and</li> <li>f. describe how the performance of these measures would be monitored over time.</li> </ul>	<p>Air Quality and Greenhouse Gas Management Plan (AQGGMP) Document Number: MXC_MP_EC_02 Version: 2 Effective: 3/02/2022 Approved by Wayne Jones as nominee to the Secretary on 04/02/2022. In accordance with Schedule 2, Part A, Condition A24(a) of SSD 9526, this AQGGMP has been prepared for stage 1 activities only. Stage 1 activities include early preparatory works, construction and first workings (as defined in SSD 9526). Approval granted by Matthew Sprout on 22/02/21 as nominee to the Secretary for the AQGGMP and Water Management Plan to be stage. Section 2.3 outlines that Philip Henschke and Aleks Todoroski assisted with the preparation of the plan. A copy of the endorsement by the Planning Secretary is included in Appendix 4 of the plan. Section 3.2 and 3.3 describe the measures to be implemented to ensure compliances, minimise air quality</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			<p>impacts, and best practise management.</p> <p>The air quality management system is described in Section 3.2.</p> <p>The Centralised Gas Management Plan is not required as part of Stage 1 works. The plan will be required prior to the start of Stage 2 works.</p> <p>Incident and Non-Compliance Notification protocol is outlined in Section 4.5.</p>		
<b>WASTE MINIMISATION</b>					
PA68	S3 C47	<p>The Proponent shall:</p> <ol style="list-style-type: none"> <li>monitor the amount of waste generated by the project;</li> <li>investigate ways to minimise waste generated by the project;</li> <li>implement reasonable and feasible measures to minimise waste generated by the project;</li> <li>ensure irrigation of treated wastewater is undertaken in accordance with OEH's <i>Environmental Guideline for the Utilisation of Treated Effluent</i>; and</li> <li>report on waste management and minimisation in the AEMR,</li> </ol> <p>to the satisfaction of the Director-General.</p>	<p>There has been no mining during the audit period requiring the management of coal rejects and tailings during the audit period.</p> <p>Waste is reported in the AEMR with waste disposal has generally decreased during the audit period with the exception of 2019 due to a focus in on removing unused resources on site.</p> <p>The Maxwell Infrastructure Project has an existing sewage treatment plant (STP) for effluent generated on-site. This is located at the Maxwell Infrastructure site. From the STP, treated effluent is pumped to settlement ponds. Previously, overflow from the ponds was applied to land.</p> <p>However, due to the low number of people on site and reduced volume of effluent, the treated effluent now evaporates from the first pond.</p> <p>Review of onsite waste bins and waste tracking indicates that the site is separating waste streams and disposing at appropriately licensed</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			waste facilities or as permitted in an applicable EPL.		
<b>SCHEDULE 4 – ADDITIONAL PROCEDURES</b>					
<b>NOTIFICATION OF LANDOWNERS</b>					
PA69	S4 C1	Within 3 months of this approval, the Proponent shall notify the landowners of the land listed in Table 1 that they have the right to request an independent review of the impacts of the project in accordance with condition 3 of Schedule 4 if they believe the project is exceeding the relevant impact assessment criteria in this approval.	Triggered outside the of audit period.	Not triggered	
PA70	S4 C2	If the results of the monitoring required in Schedule 3 identify that the impacts of the project are greater than the relevant impact assessment criteria in Schedule 3, except where a negotiated agreement has been entered into in relation to that impact, then the Proponent shall notify the Director-General and the affected landowners and/or existing or future tenants (including tenants of mine owned properties) accordingly, and provide quarterly monitoring results to each of these parties until the results show that the project is complying with the criteria in Schedule 3.	Triggered outside the of audit period.	Not triggered	
<b>INDEPENDENT REVIEW</b>					
PA71	S4 C3	<p>If a landowner considers the project to be exceeding the impact assessment criteria in Schedule 3 then he/she may ask the Director-General in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Director-General is satisfied that an independent review is warranted, the Proponent shall within 3 months of the Director-General's decision:</p> <ul style="list-style-type: none"> <li>a. consult with the landowner to determine his/her concerns;</li> <li>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: <ul style="list-style-type: none"> <li>• determine whether the project is complying with the relevant impact assessment criteria in Schedule 3; and</li> </ul> </li> </ul>	There has been no request for independent review of the impacts of the project on private land during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>• identify the source(s) and scale of any impact on the land, and the project's contribution to this impact; and</li> <li>c. give the Director-General and landowner a copy of the independent review.</li> </ul>			
PA72	S4 C4	If the independent review determines that the project is complying with the relevant impact assessment criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.	There has been no request for independent review of the impacts of the project on private land during the audit period.	Not triggered	
PA73	S4 C5	<p>If the independent review determines that the project is not complying with the relevant impact assessment criteria in Schedule 3, and that the project is primarily responsible for this non-compliance, then the Proponent shall:</p> <ul style="list-style-type: none"> <li>a. take all reasonable and feasible measures, in consultation with the landowner, to ensure that the project complies with the relevant criteria; and</li> <li>b. conduct further monitoring to determine whether these measures ensure compliance.</li> </ul> <p>If the additional monitoring referred to above subsequently determines that the project is complying with the relevant criteria in Schedule 3, or the Proponent and landowner enter into a negotiated agreement to allow these exceedances, then the Proponent may discontinue the independent review with the approval of the Director-General.</p>	There has been no request for independent review of the impacts of the project on private land during the audit period.	Not triggered	
PA74	S4 C6	<p>If the independent review determines that the relevant criteria in Schedule 3 are being exceeded, but that more than one mine is responsible for this non-compliance, then the Proponent shall, together with the relevant mine/s:</p> <ul style="list-style-type: none"> <li>a. take all reasonable and feasible measures, in consultation with the landowner, to ensure that the relevant criteria are complied with; and</li> <li>b. conduct further monitoring to determine whether these measures ensure compliance; or</li> <li>c. secure a written agreement with the landowner and other relevant mines to allow exceedances of the criteria in Schedule 3.</li> </ul>	There has been no request for independent review of the impacts of the project on private land during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		If the additional monitoring referred to above subsequently determines that the noise generated by the project combined with the noise generated by other mines is complying with the relevant criteria in Schedule 3, then the Proponent may discontinue the independent review with the approval of the Director-General.			
PA75	S4 C7	If the landowner disputes the results of the independent review, either the Proponent or the landowner may refer the matter to the Director-General for resolution. If the matter cannot be resolved within 21 days, the Director-General shall refer the matter to an Independent Dispute Resolution Process (see Appendix 10).	There has been no request for independent review of the impacts of the project on private land during the audit period.	Not triggered	
<b>LAND ACQUISITION</b>					
PA76	S4 C8	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:</p> <p>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 project the subject of the project application, having regard to the:</p> <ul style="list-style-type: none"> <li>• existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and</li> <li>• 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 conditions 5 and 6 of Schedule 3;</li> </ul> <p>b. the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>• relocating within the Muswellbrook local government area, or to any other local government area determined by the Director-General;</li> <li>• obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is required; and</li> </ul>	There has been no request for acquisition during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>c. reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the Proponent 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.</p> <p>Upon receiving such a request, the Director-General shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer or Fellow of the Institute, to consider submissions from both parties, and determine a fair and reasonable acquisition price for the land, and/or terms upon which the land is to be acquired.</p> <p>Within 14 days of receiving the independent valuer's determination, the Proponent shall make a written offer to purchase the land at a price not less than the independent valuer's determination.</p> <p>If the landowner refuses to accept this offer within 6 months of the Proponent's offer, the Proponent's obligations to acquire the land shall cease, unless otherwise agreed by the Director-General.</p>			
PA77	S4 C9	The Proponent shall bear the costs of any valuation or survey assessment requested by the independent valuer, or the Director-General, and the costs of determination referred above.	There has been no request for acquisition during the audit period.	Not triggered	
PA78	S4 C10	If the Proponent and landowner agree that only part of the land shall be acquired, then the Proponent 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.	There has been no request for acquisition during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>SCHEDULE 5 – ENVIRONMENTAL MANAGEMENT, MONITORING, AUDITING &amp; REPORTING</b>					
<b>ENVIRONMENTAL MANAGEMENT STRATEGY</b>					
PA79	S5 C1	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General within 6 months of this approval, and:</p> <ol style="list-style-type: none"> <li>a. provide the strategic framework for environmental management of the project;</li> <li>b. identify the statutory requirements that apply to the project;</li> <li>c. describe in general how the environmental performance of the project would be monitored and managed;</li> <li>d. describe the procedures that would be implemented to: <ul style="list-style-type: none"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the project;</li> <li>• receive, handle, respond to, and record complaints;</li> <li>• resolve any disputes that may arise during the course of the project;</li> <li>• respond to any non-compliance;</li> <li>• manage cumulative impacts; and</li> <li>• respond to emergencies; and</li> </ul> </li> <li>e. describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project.</li> </ol>	<p>Environmental Management Strategy (EMS)  Document number MXC_MP_EC_12  Version: 1  Effective: 02/07/2021  Approved by Matthew Sprout as nominee to the secretary on 8 July 2021.</p> <p>Section 3.1 describes the strategic framework for environmental management of the development. Section 2.1 identifies the statutory approvals that apply to the development.</p> <p>The procedure to keep the local community and relevant agencies informed about the operation and environmental performance of the development is outlined in Section 5.2.</p> <p>The procedures for complaints, dispute resolution, and respond to any non-compliances, incidents, and emergencies is outlined in Section 4.</p> <p>Table 2 references strategies, plans and programs approved under the conditions of this consent.</p> <p>Table 3 contains a plan depicting all the monitoring to be carried out under the conditions of this consent.</p>	Compliant	
<b>ENVIRONMENTAL MONITORING PROGRAM</b>					
PA80	S5 C2	The Proponent shall prepare and implement an Environmental Monitoring Program for the project to the satisfaction of the	Malabar was observed to be implementing the Environmental	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		Director-General. This program must be submitted to the Director-General within 6 months of this approval, and consolidate the various monitoring requirements in Schedule 3 of this approval into a single document, and be submitted to the Director-General concurrently with the submission of the relevant monitoring programs/plans.	Monitoring Program for the project to the satisfaction of the Director-General.		
<b>REPORTING</b>					
PA81	S5 C3	<b>Incident Reporting</b> Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.	Malabar was observed to have reported all known non-compliances to the Department in writing via the Department's Major Projects Website and identify the development during the audit period.  The majority of non-compliances were notified as an incident does not need to also be notified as a non-compliance.	Compliant	
PA82	S5 C4	<b>Incident Reporting</b> Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that: <ol style="list-style-type: none"> <li>a. describes the date, time, and nature of the exceedance/incident;</li> <li>b. identifies the cause (or likely cause ) of the exceedance/incident;</li> <li>c. describes what action has been taken to date ; and</li> <li>d. describes the proposed measures to address the exceedance/incident.</li> </ol>	Malabar was observed to have reported all known incidents and non-compliances to the Department in writing via the Department's Major Projects Website and identify the development during the audit period.  The majority of non-compliances were notified through the incident notification process.	Compliant	
PA83	S5 C5	<b>Annual Reporting</b> Within 12 months of this approval, and annually thereafter, the Proponent shall submit an AEMR to the Director-General and relevant agencies. This report must: <ol style="list-style-type: none"> <li>a. identify the standards and performance measures that apply to the project;</li> <li>b. describe the works carried out in the last 12 months;</li> </ol>	Review of the Annual Reviews for the audit period indicated that they included the information required under this condition.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>c. describe the works that will be carried out in the next 12 months;</li> <li>d. include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;</li> <li>e. include a summary of the monitoring results for the project during the past year;</li> <li>f. include an analysis of these monitoring results against the relevant: <ul style="list-style-type: none"> <li>• limits/criteria in this approval;</li> <li>• monitoring results from previous years; and</li> <li>• predictions in the EA;</li> </ul> </li> <li>g. identify any trends in the monitoring results over the life of the project;</li> <li>h. identify and discuss any non-compliance during the previous year; and</li> <li>i. describe what actions were, or are being, taken to ensure compliance.</li> </ul>			
<b>INDEPENDENT ENVIRONMENTAL AUDIT</b>					
PA84	S5 C6	<p>Within 2 years of this approval, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> <li>a. be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;</li> <li>b. assess the environmental performance of the project, and its effects on the surrounding environment;</li> <li>c. assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;</li> <li>d. review the adequacy of any strategy/plan/program required under this approval; and, if necessary,</li> </ul>	<p>Independent Environmental Audits have occurred every three (3) years as required by the condition with the previous audit undertaken by SLR Consulting in 2018.</p> <p>The previous IEA was reported to the satisfaction of the Planning Secretary. The 2022 Independent Environmental Audit (IEA) of the development (this IEA) was completed in accordance with requirements of this Condition.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>e. recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.</p> <p>Note: This audit team must be led by a suitably qualified auditor, and include experts in the field of noise, and mine rehabilitation and closure.</p>			
PA85	S5 C7	Within 6 weeks of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.	The previous audit was submitted in accordance with the timing requirements outlined in this condition.	Compliant	
PA86	S5 C8	<p>Within 3 months of submitting the audit report to the Director-General, the Proponent shall review and if necessary revise the:</p> <p>a. strategies/plans/programs required under this consent; and</p> <p>b. Conservation and Biodiversity Conservation Bond, to the satisfaction of the Director-General.</p>	Plans have been progressively updated during the audit period. Noting there is no requirement to keep a record of reviews.	Compliant	
<b>COMMUNITY CONSULTATIVE COMMITTEE</b>					
PA87	S5 C9	The Proponent shall operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Director-General, in general accordance with the Guideline for Establishing and Operating Community Consultative Committees for Mining Projects.	Malabar has formed a CCC (known as the Maxwell CCC) in accordance with the Guidelines before the commencement of construction for SSD9552. The inaugural meeting was held on 22 September 2021. Prior CCC meetings were held during the audit period in accordance with the conditions of consent.	Compliant	
<b>ACCESS TO INFORMATION</b>					
PA88	S5 C10	<p>Within 3 months of the approval of any plan/strategy/program required under this approval (or any subsequent revision of these plans/strategies/programs), or the completion of the audits or AEMRs required under this approval, the Proponent shall:</p> <p>a. provide a copy of the relevant document/s to the relevant agencies and CCC; and</p> <p>b. put a copy of the relevant document/s on its website.</p>	Review of the project website and CCC minutes indicates that plans, strategies, and programs were uploaded or made available within 3 months.	Compliant	
PA89	S5 C11	During the development, the Proponent shall:	Malabar operates a project website that contains the required information	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>a. include a copy of this approval, as may be modified from time to time, on its website;</li> <li>b. provide a full summary of monitoring results required under this approval on its website; and</li> <li>c. update these results on a regular basis (at least every 3 months).</li> </ul>	<p>and documents outlined in this condition. Information and documents are split between the Maxwell UG Mine Project and Maxwell Infrastructure Project sections of the website.  <a href="https://malabarresources.com.au/">https://malabarresources.com.au/</a></p>		

## **B.4 EPL1323 Audit Checklist**

# EPL1323 AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022

<b>EPL1323 AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022</b> .....	<b>1</b>
1 – Administrative Conditions.....	2
A1 What the licence authorises and regulates.....	2
A2 Premises or plant to which this licence applies.....	2
A3 Other activities.....	2
A4 Information supplied to the EPA.....	3
2 – Discharges to Air and Water and Applications to Land.....	3
P1 Location of monitoring/discharge points and areas.....	3
3 – Limit Conditions.....	5
L1 Pollution of waters.....	5
L2 Volume and mass limits.....	6
L3 Noise limits.....	6
L4 Blasting.....	10
4 – Operating Conditions.....	11
O1 Activates must be carried out in a competent manner.....	11
O2 Maintenance of plant and equipment.....	12
O3 Dust.....	12
O4 Other operating conditions.....	13
5 – Monitoring and Recording Conditions.....	16
M1 Monitoring records.....	16
M2 Requirement to monitor concentration of pollutants discharged.....	17
M3 Testing methods - concentration limits.....	17
M4 Weather monitoring.....	18
M5 Recording of pollution complaints.....	18
M5 Telephone complaints line.....	19
M5 Blasting.....	19
M8 Other monitoring and recording conditions.....	20
M9 Noise monitoring.....	20
6 – Reporting Conditions.....	20
R1 Annual return documents.....	20
R2 Notification of environmental harm.....	22
R3 Written report.....	23
7 – General Conditions.....	25
G1 Copy of licence kept at the premises or plant.....	25
8 – Pollution Studies and Reduction Programs.....	26
U1 V Notch Weir Monitoring Program.....	26
9 – Special Conditions.....	26
E1 Spontaneous combustion control program.....	26

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations									
<b>1 – Administrative Conditions</b>														
<b>A1 What the licence authorises and regulates</b>														
EPL1	A1.1	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>0 - 2000000 T annual handing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>0 - 500000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	0 - 2000000 T annual handing capacity	Mining for coal	Mining for coal	0 - 500000 T annual production capacity	No mining occurred during the audit period.	Not triggered	
Scheduled Activity	Fee Based Activity	Scale												
Coal works	Coal works	0 - 2000000 T annual handing capacity												
Mining for coal	Mining for coal	0 - 500000 T annual production capacity												
<b>A2 Premises or plant to which this licence applies</b>														
EPL2	A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>MAXWELL UNDERGROUND COAL MINE PROJECT</td> </tr> <tr> <td>THOMAS MITCHELL DRIVE</td> </tr> <tr> <td>MUSWELLBROOK</td> </tr> <tr> <td>NSW 2333</td> </tr> <tr> <td>PREMISES BOUNDARY AS SHOWN ON DRAWING TITLED "MAXWELL UG PROJECT EPL PREMISES BOUNDARY" DATED 21/05/2021 (DOC21/462356-4)</td> </tr> </tbody> </table>	Premises Details	MAXWELL UNDERGROUND COAL MINE PROJECT	THOMAS MITCHELL DRIVE	MUSWELLBROOK	NSW 2333	PREMISES BOUNDARY AS SHOWN ON DRAWING TITLED "MAXWELL UG PROJECT EPL PREMISES BOUNDARY" DATED 21/05/2021 (DOC21/462356-4)	Review of the provided evidence indicated that activities appear to have been completed within the defined area.	Compliant				
Premises Details														
MAXWELL UNDERGROUND COAL MINE PROJECT														
THOMAS MITCHELL DRIVE														
MUSWELLBROOK														
NSW 2333														
PREMISES BOUNDARY AS SHOWN ON DRAWING TITLED "MAXWELL UG PROJECT EPL PREMISES BOUNDARY" DATED 21/05/2021 (DOC21/462356-4)														
<b>A3 Other activities</b>														
EPC3	A3.1	<p>This licence applies to all other activities carried on at the premises, including:</p> <table border="1"> <thead> <tr> <th>Ancillary Activity<sup>□</sup></th> </tr> </thead> <tbody> <tr> <td>Extractive activities<sup>□</sup></td> </tr> </tbody> </table>	Ancillary Activity <sup>□</sup>	Extractive activities <sup>□</sup>	Noted. No extractive activities occurred during the audit period.	Compliant								
Ancillary Activity <sup>□</sup>														
Extractive activities <sup>□</sup>														

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																								
<b>A4 Information supplied to the EPA</b>																													
EPL4	A4.1	<p>Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <ol style="list-style-type: none"> <li>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</li> <li>the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</li> </ol>	Review of available evidence and following the site inspection it was observed that works and activities are generally being carried out in accordance with the proposal contained in the licence application.	Compliant																									
<b>2 – Discharges to Air and Water and Applications to Land</b>																													
<b>P1 Location of monitoring/discharge points and areas</b>																													
EPL5	P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <table border="1"> <thead> <tr> <th colspan="4"><i>Air</i></th> </tr> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>Particulate Matter Monitoring</td> <td></td> <td>Monitoring location "ES-01" at coordinates 303404, 6420313 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.</td> </tr> <tr> <td>9</td> <td>Particulate Matter Monitoring</td> <td></td> <td>Monitoring location "ES-02" at coordinates 305573, 6415968 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.</td> </tr> <tr> <td>10</td> <td>Particulate Matter Monitoring</td> <td></td> <td>Monitoring location "ES-03" at coordinates 305162, 6419038 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.</td> </tr> <tr> <td>11</td> <td>Particulate Matter Monitoring</td> <td></td> <td>Monitoring location "ES-04" at coordinates 304203, 6417889 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.</td> </tr> </tbody> </table>	<i>Air</i>				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	8	Particulate Matter Monitoring		Monitoring location "ES-01" at coordinates 303404, 6420313 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.	9	Particulate Matter Monitoring		Monitoring location "ES-02" at coordinates 305573, 6415968 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.	10	Particulate Matter Monitoring		Monitoring location "ES-03" at coordinates 305162, 6419038 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.	11	Particulate Matter Monitoring		Monitoring location "ES-04" at coordinates 304203, 6417889 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.	Table 3 of the AQGGMP outlines the monitoring points as required by this condition.	Compliant	
<i>Air</i>																													
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																										
8	Particulate Matter Monitoring		Monitoring location "ES-01" at coordinates 303404, 6420313 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.																										
9	Particulate Matter Monitoring		Monitoring location "ES-02" at coordinates 305573, 6415968 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.																										
10	Particulate Matter Monitoring		Monitoring location "ES-03" at coordinates 305162, 6419038 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.																										
11	Particulate Matter Monitoring		Monitoring location "ES-04" at coordinates 304203, 6417889 (Easting, Northing) as shown on plan titled "Maxwell UG Project Air Quality Monitoring Locations" dated 11 May 2021.																										
EPL6	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	Noted	Compliant																									

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations								
		setting of limits for any application of solids or liquids to the utilisation area.											
EPL7	P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <p style="text-align: center;"><i>Water and land</i></p> <table border="1"> <thead> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Discharge to utilisation area. Effluent volume monitoring.</td> <td>Discharge to utilisation area. Effluent volume monitoring.</td> <td>Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.</td> </tr> </tbody> </table>	EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Discharge to utilisation area. Effluent volume monitoring.	Discharge to utilisation area. Effluent volume monitoring.	Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 not in accordance with EPL.	Non-compliant	<b>OFI</b> – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges.
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description										
3	Discharge to utilisation area. Effluent volume monitoring.	Discharge to utilisation area. Effluent volume monitoring.	Utilisation area as shown on Drayton Coal Pty Ltd's Map No. ENV-0005, dated 12-MAR-2009.										
EPL8	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.	<p>No blasting occurred during the audit period. Evidence of meteorological station, including monitoring summary in the Annual Review and calibration certificates.</p> <p>NM1 Site representative of northern receiver 411.</p>	Compliant									

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																		
		<p style="text-align: center;"><i>Noise/Weather</i></p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of monitoring point</th> <th>Location description</th> </tr> </thead> <tbody> <tr> <td>12</td> <td>Meteorological Station</td> <td>Monitor labelled "Met Station" at coordinates 305436 6420494 as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.</td> </tr> <tr> <td>13</td> <td>Air blast overpressure &amp; ground vibration peak particle velocity monitoring</td> <td>Monitoring location BM1 (EPA Monitoring Location 13) at coordinates 304200, 6422371 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.</td> </tr> <tr> <td>14</td> <td>Air blast overpressure &amp; ground vibration peak particle velocity monitoring</td> <td>Monitoring location BM2 (EPA Monitoring Location 14) at coordinates 298813, 6407512 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.</td> </tr> <tr> <td>15</td> <td>Air blast overpressure &amp; ground vibration peak particle velocity monitoring</td> <td>Monitoring location BM3 (EPA Monitoring Location 15) at coordinates 292895, 6410964 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.</td> </tr> <tr> <td>16</td> <td>Noise monitoring</td> <td>Monitoring location NM1 (EPA Monitoring Location 16) at coordinates 306016, 6420858 (Easting, Northing) as shown on plan titled "Maxwell UG Project Noise Monitoring Locations V3" dated 28 July 2021. Representative of receiver 411 as outlined in "Maxwell Project Appendix I Noise Impact Assessment" dated 13 June 2019.</td> </tr> </tbody> </table>	EPA identification no.	Type of monitoring point	Location description	12	Meteorological Station	Monitor labelled "Met Station" at coordinates 305436 6420494 as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.	13	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM1 (EPA Monitoring Location 13) at coordinates 304200, 6422371 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.	14	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM2 (EPA Monitoring Location 14) at coordinates 298813, 6407512 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.	15	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM3 (EPA Monitoring Location 15) at coordinates 292895, 6410964 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.	16	Noise monitoring	Monitoring location NM1 (EPA Monitoring Location 16) at coordinates 306016, 6420858 (Easting, Northing) as shown on plan titled "Maxwell UG Project Noise Monitoring Locations V3" dated 28 July 2021. Representative of receiver 411 as outlined in "Maxwell Project Appendix I Noise Impact Assessment" dated 13 June 2019.			
EPA identification no.	Type of monitoring point	Location description																					
12	Meteorological Station	Monitor labelled "Met Station" at coordinates 305436 6420494 as shown on plan titled "Anglo American Drayton Mine Air Quality Monitoring Locations" dated November 2016.																					
13	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM1 (EPA Monitoring Location 13) at coordinates 304200, 6422371 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.																					
14	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM2 (EPA Monitoring Location 14) at coordinates 298813, 6407512 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.																					
15	Air blast overpressure & ground vibration peak particle velocity monitoring	Monitoring location BM3 (EPA Monitoring Location 15) at coordinates 292895, 6410964 (Easting, Northing) as shown on plan titled "Maxwell UG Project Blast Monitoring Locations" dated 21 May 2021.																					
16	Noise monitoring	Monitoring location NM1 (EPA Monitoring Location 16) at coordinates 306016, 6420858 (Easting, Northing) as shown on plan titled "Maxwell UG Project Noise Monitoring Locations V3" dated 28 July 2021. Representative of receiver 411 as outlined in "Maxwell Project Appendix I Noise Impact Assessment" dated 13 June 2019.																					
<b>3 – Limit Conditions</b>																							
<b>L1 Pollution of waters</b>																							
EPL9	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.	Generally, the site has complied with section 120 of the Protection of the Environment Operations Act 1997. Although there was 1 discharge event during the audit period. However, no evidence of material harm based on the information provided as part of the audit.	Compliant																			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations						
EPL10	L1.2	<p>The proponent must install works and operate them to ensure that the Access Road and Rail Loop Dams do not overflow or discharge saline water from the Premises; or that they only discharge saline water from the Premises in accordance with the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002).</p> <p>Note: Saline water is defined in the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002).</p>	Discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022.	Non-compliant	<b>OFI</b> – Ensure that installation of additional pumping infrastructure on DC2 dam is completed. Verify that upgraded pumping infrastructure will have the capacity to minimise the risk of future discharges.						
<b>L2 Volume and mass limits</b>											
EPL11	L2.1	<p>For each discharge point or utilisation area specified below (by a point number), the volume/mass of:</p> <p>a. liquids discharged to water; or;</p> <p>b. solids or liquids applied to the area; must not exceed the volume/mass limit specified for that discharge point or area.</p> <table border="1"> <thead> <tr> <th>Point</th> <th>Unit of Measure</th> <th>Volume/Mass Limit</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>kilolitres per day</td> <td>140</td> </tr> </tbody> </table>	Point	Unit of Measure	Volume/Mass Limit	3	kilolitres per day	140	The total effluent amount and area applied to the utilisation area was outlined within the Annual Reviews. The site was well below these limits.	Compliant	
Point	Unit of Measure	Volume/Mass Limit									
3	kilolitres per day	140									
<b>L3 Noise limits</b>											
EPL12	L3.1	Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.	No noise exceedance recorded during the audit period.	Compliant							

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																																												
		<p><b>POINT 16</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>45</td> </tr> <tr> <td>Evening</td> <td>Evening-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>41</td> </tr> <tr> <td>Night</td> <td>Night-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>41</td> </tr> <tr> <td>Night</td> <td>L<sub>Amax</sub></td> <td>Monthly</td> <td>52</td> </tr> </tbody> </table> <p><b>POINT 17</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>44</td> </tr> <tr> <td>Evening</td> <td>Evening-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>40</td> </tr> <tr> <td>Night</td> <td>Night-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>40</td> </tr> <tr> <td>Night</td> <td>L<sub>Amax</sub></td> <td>Monthly</td> <td>52</td> </tr> </tbody> </table> <p><b>POINT 18</b></p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>Day-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>40</td> </tr> <tr> <td>Evening</td> <td>Evening-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Night</td> <td>Night-L<sub>Aeq</sub> (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Night</td> <td>L<sub>Amax</sub></td> <td>Monthly</td> <td>52</td> </tr> </tbody> </table>	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-L <sub>Aeq</sub> (15 minute)	Monthly	45	Evening	Evening-L <sub>Aeq</sub> (15 minute)	Monthly	41	Night	Night-L <sub>Aeq</sub> (15 minute)	Monthly	41	Night	L <sub>Amax</sub>	Monthly	52	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-L <sub>Aeq</sub> (15 minute)	Monthly	44	Evening	Evening-L <sub>Aeq</sub> (15 minute)	Monthly	40	Night	Night-L <sub>Aeq</sub> (15 minute)	Monthly	40	Night	L <sub>Amax</sub>	Monthly	52	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	Day-L <sub>Aeq</sub> (15 minute)	Monthly	40	Evening	Evening-L <sub>Aeq</sub> (15 minute)	Monthly	35	Night	Night-L <sub>Aeq</sub> (15 minute)	Monthly	35	Night	L <sub>Amax</sub>	Monthly	52			
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																														
Day	Day-L <sub>Aeq</sub> (15 minute)	Monthly	45																																																														
Evening	Evening-L <sub>Aeq</sub> (15 minute)	Monthly	41																																																														
Night	Night-L <sub>Aeq</sub> (15 minute)	Monthly	41																																																														
Night	L <sub>Amax</sub>	Monthly	52																																																														
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																														
Day	Day-L <sub>Aeq</sub> (15 minute)	Monthly	44																																																														
Evening	Evening-L <sub>Aeq</sub> (15 minute)	Monthly	40																																																														
Night	Night-L <sub>Aeq</sub> (15 minute)	Monthly	40																																																														
Night	L <sub>Amax</sub>	Monthly	52																																																														
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																																																														
Day	Day-L <sub>Aeq</sub> (15 minute)	Monthly	40																																																														
Evening	Evening-L <sub>Aeq</sub> (15 minute)	Monthly	35																																																														
Night	Night-L <sub>Aeq</sub> (15 minute)	Monthly	35																																																														
Night	L <sub>Amax</sub>	Monthly	52																																																														
EPL13	L3.2	<p>For the purposes of condition L3.1:</p> <ol style="list-style-type: none"> <li>Day is defined as the period from 7 am to 6 pm Monday to Saturday and 8 am to 6 pm Sunday and Public Holidays;</li> <li>Evening is defined as the period 6 pm to 10 pm (all days); and</li> <li>Night is defined as the period from 10 pm to 7 am Monday to Saturday and 10 pm to 8 am Sunday and Public Holidays</li> </ol>	Review of the available noise monitoring data indicates monitoring has been undertaken in accordance with this condition. Section 4.1.1 outlines the operational noise criteria requirements.	Compliant																																																													
EPL14	L3.3	The noise limits set out in condition L3.1 apply under the following meteorological conditions:	Noise-Enhancing Meteorological Conditions are outlined in Section 3.3.2 of the NBMP.	Compliant																																																													

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																								
		<table border="1"> <thead> <tr> <th>Receiver</th> <th>Assessment Period</th> <th>NP1 Meteorological Condition</th> <th>Description fo Meteorological Parameters</th> </tr> </thead> <tbody> <tr> <td>Northern</td> <td>Daytime</td> <td>Noise-enhancing</td> <td>3 m/s wind in ESE, SE, SSE, W, WNW, NW &amp; NNW directions; stability categories A-D</td> </tr> <tr> <td>Northern</td> <td>Daytime</td> <td>Standard</td> <td>0.5 m/s wind in source-to-receiver direction; stability categories A-D</td> </tr> <tr> <td>Northern</td> <td>Evening</td> <td>Standard</td> <td>0.5 m/s wind in source-to-receiver direction; stability categories A-D</td> </tr> <tr> <td>Northern</td> <td>Night</td> <td>Noise-enhancing</td> <td>Stability category F; no wind component</td> </tr> <tr> <td>Northern</td> <td>Night</td> <td>Standard</td> <td>0.5 m/s wind in source-to-receiver direction; stability categories A-D</td> </tr> <tr> <td>Southern</td> <td>Daytime</td> <td>Standard</td> <td>0.5 m/s wind in source-to-receiver direction; stability categories A-D</td> </tr> <tr> <td>Southern</td> <td>Evening</td> <td>Standard</td> <td>0.5 m/s wind in source-to-receiver direction; stability categories A-D</td> </tr> <tr> <td>Southern</td> <td>Night</td> <td>Noise-enhancing</td> <td>Stability category F; no wind component</td> </tr> <tr> <td>Southern</td> <td>Night</td> <td>Standard</td> <td>0.5 m/s wind in source-to-receiver direction; stability categories A-D</td> </tr> </tbody> </table> <p>Note: ESE = East southeast, SE = Southeast, SSE = South southeast, W = West, WNW = West northwest, NW = Northwest, NNW = North northwest</p> <p>Wind in source-to-receiver direction was considered using the closest direction in a 16-direction compass to the source-to-receiver direction.</p>	Receiver	Assessment Period	NP1 Meteorological Condition	Description fo Meteorological Parameters	Northern	Daytime	Noise-enhancing	3 m/s wind in ESE, SE, SSE, W, WNW, NW & NNW directions; stability categories A-D	Northern	Daytime	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D	Northern	Evening	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D	Northern	Night	Noise-enhancing	Stability category F; no wind component	Northern	Night	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D	Southern	Daytime	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D	Southern	Evening	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D	Southern	Night	Noise-enhancing	Stability category F; no wind component	Southern	Night	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D			
Receiver	Assessment Period	NP1 Meteorological Condition	Description fo Meteorological Parameters																																										
Northern	Daytime	Noise-enhancing	3 m/s wind in ESE, SE, SSE, W, WNW, NW & NNW directions; stability categories A-D																																										
Northern	Daytime	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D																																										
Northern	Evening	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D																																										
Northern	Night	Noise-enhancing	Stability category F; no wind component																																										
Northern	Night	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D																																										
Southern	Daytime	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D																																										
Southern	Evening	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D																																										
Southern	Night	Noise-enhancing	Stability category F; no wind component																																										
Southern	Night	Standard	0.5 m/s wind in source-to-receiver direction; stability categories A-D																																										
EPL15	L3.4	For those meteorological conditions not referred to in condition L3.1, the noise limits that apply are the noise limits in condition L3.1 plus 5 dB.	Section 3.3.2 of the NBMP outlines for those meteorological conditions not referred to in Table 3 of the NBMP, the noise limits that apply are the noise limits in condition L3.1 of EPL1323 plus 5 dB.	Compliant																																									

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ELP16	L3.5	For the purposes of condition L3.3 to be determined from meteorological data obtained from the meteorological weather station identified as Maxwell Infrastructure CHPP AWS and b) Stability Category shall be determined by the sigma theta method referred to in Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017).	Meteorological data obtained from the meteorological weather station identified as AWS-1 and Stability Category shall be determined by the sigma theta method referred to in Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017).	Compliant	
ELP17	L3.6	To determine compliance: a) with the Leq(15 minute) noise limits in condition L3.1, the noise measurement equipment must be located: i) approximately on the property boundary, where any dwelling is situated 30 m or less from the property boundary closest to the Premises; or ii) within 30 m of a dwelling façade, but not closer than 3 m, where any dwelling on the property is situated more than 30 m from the property boundary closest to the Premises; or, where applicable iii) within approximately 50 m of the boundary of a National Park or a Nature Reserve.  b) with the Leq(15 minute)noise limits in condition L3.1, the noise measurement equipment must be located: i) at the most affected point at a location where there is no dwelling at the location; or ii) at the most affected point within an area at a location prescribed by condition L3.6 a).	Review of the monitoring locations indicates that noise limits are being measured at locations generally compliant with this condition.	Compliant	
EPL18	L3.7	A non-compliance of condition L3.1 will still occur where noise generated from the Premises is measured in excess of the noise limit at: a. a location other than an area prescribed by conditions L3.6 a) and L3.6 b); and/or b. a point other than the most affected point at a location.  Note: The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the Premises.	No exceedance of the specified limits at a location other than an area prescribed by conditions L3.6 a) and L3.6 b); and/or a point other than the most affected point at a location.	Compliant	
EPL19	L3.8	For the purposes of determining the noise generated at the Premises, the modification factors in Table C1 in Fact Sheet C of the Noise Policy	Modifying factors are applied to noise from the source under	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		for Industry (NSW EPA, 2017) must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	investigation to determine whether a factor of +5 dB to a maximum of +10 dB needs to be applied to the measured level to result in a reportable level. For a site that is not operating, there is no noise production and no possibility of assessing quantifiable modification factors. Similarly for an operating site, where the noise is not measurable, there is no possibility of applying the methodology of assessing the factors. Once operational and in the event of any measurable noise attributable to the Maxwell site, the assessment of modifying factors will be conducted.		
EPL20	L3.9	Noise measurements must not be undertaken during rain or where wind speed at microphone level will affect the acquisition of valid sound pressure level measurements.	Noise measurements were noted to not be undertaken during rain or where wind speed at microphone level would affect the acquisition of valid sound pressure level measurements. A Kestrel 2000 Hand-held Wind Meter to check wind speed at monitoring locations.	Compliant	<b>OFI</b> – Include equipment details, serial number, and wind speed levels on noise measurement reports.
<b>L4 Blasting</b>					
EPL21	L4.1	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 13, 14 or 15 in Condition P1.4.	No blasting occurred during the audit period.	Not triggered	
EPL22	L4.2	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 13, 14 or 15 in Condition P1.4.	No blasting occurred during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
EPL23	L4.3	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 13, 14 or 15 in Condition P1.4.	No blasting occurred during the audit period.	Not triggered	
EPL24	L4.4	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 13, 14 or 15 in Condition P1.4.	No blasting occurred during the audit period.	Not triggered	
EPL25	L4.5	Blasting in or on the Premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday (inclusive). Blasting in or on the Premises must not take place on Sundays or Public Holidays without the prior written approval of the EPA.	No blasting occurred during the audit period.	Not triggered	
EPL26	L4.6	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 blasting occurred during the audit period.	Not triggered	
<b>4 – Operating Conditions</b>					
<b>O1 Activates must be carried out in a competent manner</b>					
EPL27	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.	The processing, handling, movement and storage of coal has not occurred during the audit period. Waste management was generally effective at site with minor volumes recorded dur to the current status of the site.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>O2 Maintenance of plant and equipment</b>					
EPL28	O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: <ul style="list-style-type: none"> <li>a. must be maintained in a proper and efficient condition; and</li> <li>b. must be operated in a proper and efficient manner.</li> </ul>	Plant and equipment appeared to be maintained and operated in a proper and efficient condition/ manner during the site inspection. Evidence of regular servicing of plant equipment. Noted that fuel cart was leaking fuel within the workshop hardstand area during the site inspection.	Compliant	<b>OFI</b> – Ensure fuel cart is regularly serviced and checked to ensure vales do not leak.
<b>O3 Dust</b>					
EPL29	O3.1	Activities occurring at the Premises must be carried out in a manner that minimises the generation of dust at the Premises.	Review of the AQGGMP and Annual reviews indicates that the operation is carrying out activities in a manner that minimises the generation of dust. It is noted that there have been limited dust generating activities during the audit period.	Compliant	<b>OFI</b> – Ensure water truck is available as construction activities increase in the next audit period.
EPL30	O3.2	The Premises must be maintained in a condition which prevents the emission of dust from the Premises	During the site inspection the Premises was observed to be maintained in a condition which prevents the emission of dust through maintenance of haul roads and active rehabilitation of exposed surfaces in accordance with the AQGGMP and MOP.	Compliant	
EPL31	O3.3	No material, including sediment or oil is permitted to be tracked from the Premises.	No complaints received during the audit period indicating sediment or oil was tracked from the site. No evidence of tracked sediment or oil was observed during the site inspection with light and heavy vehicle wash bays in place.	Compliant	<b>OFI</b> – Update AQGGMP to directly reference management measures to ensure sediment or oil are not tracked from the premises. In particular mitigation measures for vehicles leaving from access

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
					points where wash bays are not available.
<b>O4 Other operating conditions</b>					
EPL32	O4.1	There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.	There has been no incineration or open burning of any material(s) on site during the audit period.	Not triggered	
EPL33	O4.2	The Licensee must not cause or permit the emission of offensive odour beyond the boundary of the Premises.	Evidence of offensive odour was noted from within the premises during the site inspection. However, the emission of offensive odour beyond the boundary of the Premises was not noted during the site inspection or as a result of a complaint during the audit period.	Compliant	<b>OFI</b> – Ensure spontaneous combustion is proactively managed in accordance with the Spontaneous Combustion Management Plan.
EPL34	O4.3	The construction of the ventilation shaft must include sampling ports built in accordance with the AS 4323.1-1995 (Stationary source emission, Method 1: Selection of sampling positions).	Not triggered.	Not triggered	
EPL35	O4.4	<p>The proponent must ensure that any item of non-road mobile diesel equipment commissioned into service and operating at the Premises after June 30 2020:</p> <ul style="list-style-type: none"> <li>i. complies with the US EPA Tier 4 final or equivalent exhaust emission standard; or</li> <li>ii. is otherwise approved, in writing, by the NSW EPA for use on the Premises</li> </ul> <p>Note:</p> <ol style="list-style-type: none"> <li>1. 'commissioned into service' is defined as the act of using the item of non-road mobile diesel equipment for commercial or industrial activities for the first time in Australia.</li> <li>2. US EPA Tier 4 final is defined by US EPA (2016), Non-road Compression-Ignition Engines: Exhaust Emission Standards, EPA-420-B-16-022, March 2016, U.S. Environmental Protection Agency, Office of Transport and Air Quality (6401A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460, United States. <a href="https://www.epa.gov/emission-standards-reference-guide/nonroad-engines-and-vehicles-emission-standards">https://www.epa.gov/emission-standards-reference-guide/nonroad-engines-and-vehicles-emission-standards</a>. Acceptable equivalent standards include EU stage V and any other international non-road emission standard with emission limits equal to or lower than the applicable US EPA Tier 4 standard.</li> <li>3. For the purpose of this condition, non-road mobile diesel equipment means: <ul style="list-style-type: none"> <li>i. equipment fitted with a diesel (compression ignition) engine, that is either self-propelled or portable and transportable as indicated by the presence</li> </ul> </li> </ol>	Not triggered.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>of wheels, skids, lifting handles/points, dolly, trailer or platform mounted; and</li> <li>ii. which is primarily designed for off-road use; and</li> <li>iii. is not an eligible vehicle under the NSW Road Transport (Vehicle Registration) Regulation 2007, but may be conditionally registered for the purpose of moving from one off-road work site to another; but does not include</li> <li>b. equipment primarily designed to be operated on public roads for the transportation of freight or passengers</li> <li>c. diesel locomotives</li> <li>d. diesel generators</li> <li>e. equipment principally designed and intended for use underground.</li> </ul>			
EPL36	O4.5	The proponent must construct, implement and utilise a wastewater management system to manage the collection, storage, treatment and disposal of all sewage effluent and related wastewater generated onsite.	Wastewater management system was observed during the site inspection and is used for to manage the collection, storage, treatment and disposal of all sewage effluent and related wastewater generated onsite.	Compliant	
EPL37	O4.6	The wastewater management system/s in use at the Premises must be inspected and assessed by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year and serviced as required.	Evidence supplied that wastewater management system has been inspected by a suitably qualified and experienced wastewater technician WGU Engineering at least once in each quarterly period and a minimum of four times per year and serviced as required.	Compliant	
EPL38	O4.7	In relation to condition O4.5, the Proponent must record details of each inspection undertaken (date and time), the actions required or recommended following each inspection, the date those actions were completed or detail the reasons if they were not completed and the results of any test performed on the wastewater management system by the technician.	The Maxwell Infrastructure site. Sewage Treatment System. Maintenance and Compliance Reports do not contain a record of the time of each inspection undertaken.	Non-compliant	<b>OFI</b> – Ensure Maxwell Infrastructure site Sewage Treatment System Maintenance and Compliance Reports contain the time of each inspection undertaken.
EPL39	O4.8	Spray from effluent application to the utilisation area(s) must not drift beyond the boundary of the utilisation area(s) to which it has been applied.	Spray was not observed to be drifting beyond the boundary of the utilisation area to which it has been applied during the site inspection.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
EPL40	O4.9	Effluent application to the utilisation area(s) must not occur in a manner that causes surface run-off from the utilisation area(s).	Surface run off was not observed during the site inspection.	Compliant	
EPL41	O4.10	The quality of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids. For the purposes of this condition, 'effectively utilise' includes the use of the effluent/solids for pasture or crop production, as well as the ability to absorb the nutrient, salt, hydraulic load and organic material.	From the STP, treated effluent is pumped to settlement ponds. Previously, overflow from the ponds was applied to land. However, due to the low number of people on site and reduced volume of effluent, the treated effluent now evaporates from the first pond.	Compliant	
EPL42	O4.11	The Proponent must, as far as reasonably possible, follow the waste hierarchy principles contained in the Waste Avoidance and Resource Recovery Act 2001 when dealing with any waste generated at the Premises.	Minimal waste generated from the site during the audit period. The waste hierarchy principles contained in the Waste Avoidance and Resource Recovery Act 2001 were noted to be generally complied with any waste generated at the Premises.	Compliant	
EPL43	O4.12	The Proponent must assess and classify any waste generated at the Premises in accordance with the 'Waste Classification Guidelines - Part 1: Classifying Waste' (EPA, 2014) and manage this waste in a lawful manner.	Noted. No instances of waste not being classified in accordance with the 'Waste Classification Guidelines - Part 1: Classifying Waste' (EPA, 2014). All waste was observed to be disposed of a suitably licenced facility.	Compliant	
EPL44	O4.13	The Proponent must maintain a waste register that tracks any waste received at or transported from the Premises that clearly identifies each entity and vehicle involved in the waste transaction and the Premises from which or to which the waste originated or was transported to.	Malabar maintains a waste tracking record for all waste transported from the Premises.	Compliant	
EPL45	O4.14	The Proponent must retain all waste related records in a legible form, or in a form that can be readily reduced to a legible form, for at least 4 years after the record was made.	Waste records observed to be retained from 2014 to 2022.	Compliant	
EPL46	O4.15	All above ground tanks and containers containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place. Bunds must:	A number of IBCs and fuel pods were not located within appropriately bunded areas or on	Non-compliant	<b>OFI</b> – Ensure all containers containing material that is likely to cause environmental harm

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>a. have wall and floors constructed of impervious materials;</li> <li>b. be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);</li> <li>c. have floors graded to a collection sump; and</li> <li>d. not have a drain valve incorporated in the bund structure, or be constructed and operated in a manner that achieves the same environmental outcome.</li> </ul>	a hardstand surface graded to a collection sump.		are contained in suitably banded areas. <b>OFI</b> – Minimise the number of open containers located within bunds to reduce the generation of oily/contaminated water generated from rain events.
EPL47	O4.16	The Proponent must have in place adequate procedures including notification requirements to the Appropriate Regulatory Authority and other relevant authorities for incidents that cause, or have the potential to cause, material harm to the environment (Part 5.7 of the POEO Act).	Malabar implements the EMS and PIRMP for notification requirements to the Appropriate Regulatory Authority and other relevant authorities for incidents that cause, or have the potential to cause, material harm to the environment (Part 5.7 of the POEO Act).	Compliant	
<b>5 – Monitoring and Recording Conditions</b>					
<b>M1 Monitoring records</b>					
EPL48	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.	Noted.	Compliant	
EPL49	M1.2	All records required to be kept by this licence must be: <ul style="list-style-type: none"> <li>a. in a legible form, or in a form that can readily be reduced to a legible form;</li> <li>b. kept for at least 4 years after the monitoring or event to which they relate took place; and</li> <li>c. produced in a legible form to any authorised officer of the EPA who asks to see them.</li> </ul>	Evidence of monitoring reports on the website during the audit period. This includes details of monitoring results. Evidence of monitoring summaries for key data in the Annual Reviews. See Appendices. Results available to SLR date back to 2013. Results available on the website.	Compliant	
EPL50	M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <ul style="list-style-type: none"> <li>a. the date(s) on which the sample was taken;</li> </ul>	Review of provided monitoring data and field sheets indicate that the required records are being	Compliant	<b>OFI</b> – Undertake regular audits of consultant field sheets/

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations								
		<ul style="list-style-type: none"> <li>b. the time(s) at which the sample was collected;</li> <li>c. the point at which the sample was taken; and</li> <li>d. the name of the person who collected the sample.</li> </ul>	collected for applicable monitoring.		reports to ensure required information is recorded.								
<b>M2 Requirement to monitor concentration of pollutants discharged</b>													
EPL51	M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Maxwell received an advisory letter from the EPA in July 2021 following submission of the 2020 Annual Return that showed EPA Identification Point No.11 (ES-04) had a data capture rate of 84 per cent. This occurred due to monitoring equipment failure from 30 June to 27 August 2020 which required the unit to be sent to the equipment manufacturer in the US for repairs. At the time, Maxwell was unable to source a replacement monitor. The monitor has since been repaired and is operational.	Non-compliant	<b>OFI</b> – Undertake a review of the reliability of the current E-samplers and if appropriate, request an EPL variation to allow more flexibility in the type of monitoring equipment that can be used.								
EPL52	M2.2	<p>Air Monitoring Requirements POINT 8,9,10,11</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>Special Method 1</td> </tr> </tbody> </table> <p>Note: Special Method 1 requires the Licensee to undertake the monitoring of PM10 concentration in strict accordance with the manufacturer's operating manual supplied with the continuous monitoring equipment and titled "E-Sampler Particulate Monitor Operation Manual - Revision J".</p>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	Special Method 1	Monitoring generally undertaken in accordance with special Method 1 during the audit period.	Compliant	
Pollutant	Units of measure	Frequency	Sampling Method										
PM10	micrograms per cubic metre	Continuous	Special Method 1										
<b>M3 Testing methods - concentration limits</b>													
EPL53	M3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <ul style="list-style-type: none"> <li>a. any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</li> <li>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</li> </ul>	Monitoring was generally undertaken in accordance with the methodologies outlined in this condition.	Compliant									

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations																																								
		<p>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.</p> <p>Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 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".</p>																																											
<b>M4 Weather monitoring</b>																																													
EPL54	M4.1	<p>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.</p> <p><b>POINT 12</b></p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Sampling method</th> <th>Units of measure</th> <th>Averaging period</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Rainfall</td> <td>AM-4</td> <td>millimetres per hour</td> <td>1 hour</td> <td>Continuous</td> </tr> <tr> <td>Sigma Theta</td> <td>AM-2 &amp; AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 2 metres</td> <td>AM-4</td> <td>Celsius</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 10 metres</td> <td>AM-4</td> <td>Celsius</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Wind Direction at 10 metres</td> <td>AM-2 &amp; AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Wind Speed at 10 metres</td> <td>AM-2 &amp; AM-4</td> <td>metres per second</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Relative humidity</td> <td>AM-4</td> <td>percent</td> <td>1 hour</td> <td>Continuous</td> </tr> </tbody> </table>	Parameter	Sampling method	Units of measure	Averaging period	Frequency	Rainfall	AM-4	millimetres per hour	1 hour	Continuous	Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous	Temperature at 2 metres	AM-4	Celsius	15 minutes	Continuous	Temperature at 10 metres	AM-4	Celsius	15 minutes	Continuous	Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous	Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous	Relative humidity	AM-4	percent	1 hour	Continuous	<p>Meteorological summary is outlined within the Annual Reviews.</p> <p>Evidence of monitoring for rainfall, temperature, wind speed and direction.</p> <p>Evidence of live meteorological station by Malabar Coal.</p> <p>Evidence of raw meteorological data sighted during the site inspection.</p> <p>Evidence of calibration certificates sighted for meteorological station.</p>	Compliant	
Parameter	Sampling method	Units of measure	Averaging period	Frequency																																									
Rainfall	AM-4	millimetres per hour	1 hour	Continuous																																									
Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous																																									
Temperature at 2 metres	AM-4	Celsius	15 minutes	Continuous																																									
Temperature at 10 metres	AM-4	Celsius	15 minutes	Continuous																																									
Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous																																									
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous																																									
Relative humidity	AM-4	percent	1 hour	Continuous																																									
EPL55	M4.2	The meteorological station identified as Maxwell Infrastructure CHPP AWS must be maintained so as to be capable of continuously monitoring the parameters specified in condition M4.1.	Evidence of calibration certificates sighted for meteorological station.	Compliant																																									
EPL56	M4.3	The Licensee must develop and implement a calibration, quality assurance, quality control and audit program for the meteorological monitoring station. The program must be approved by the EPA prior to the installation of any new monitoring equipment.	No new monitoring equipment installed during the audit period.	Not triggered																																									
<b>M5 Recording of pollution complaints</b>																																													
EPL57	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.	Complaints registers sighted during the site inspection. Minimal complaints received during the audit period.	Compliant																																									

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
EPL58	M5.2	The record must include details of the following: <ul style="list-style-type: none"> <li>a. the date and time of the complaint;</li> <li>b. the method by which the complaint was made;</li> <li>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;</li> <li>d. the nature of the complaint;</li> <li>e. the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</li> <li>f. if no action was taken by the licensee, the reasons why no action was taken.</li> </ul>	Review of complaints register indicates that the following information is detailed.	Compliant	
EPL59	M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Complaints register available on the project website for the previous 4 years.	Compliant	
EPL60	M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	No request from EPA to provide records during the audit period.	Not triggered	
<b>M5 Telephone complaints line</b>					
EPL61	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.	Community Hotline 1800 653 960 <a href="mailto:info@malabarresources.com.au">info@malabarresources.com.au</a>	Compliant	
EPL62	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.	The complaints line is contained and outlined on the project website <a href="https://malabarresources.com.au/contact">https://malabarresources.com.au/contact</a>	Compliant	
EPL63	M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Noted	Not triggered	
<b>M5 Blasting</b>					
EPL64	M7.1	To determine compliance with conditions L4.1, L4.2, L4.3 and L4.4: <ul style="list-style-type: none"> <li>a. Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points</li> </ul>	No blasting has occurred during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations												
		<p>13, 14 and 15 for the parameters specified in Column 1 of the table below; and</p> <p>b. The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns.</p> <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			
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														
<b>M8 Other monitoring and recording conditions</b>																	
EPL65	M8.1	<p><b>Requirement to Monitor Particulate Matter</b></p> <p>The Licensee must record the average PM10 concentration at Monitoring Points 8, 9, 10 and 11 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.</p>	Monitoring is being completed as per approved Noise Management Plan.	Compliant													
<b>M9 Noise monitoring</b>																	
EPL66	M9.1	<p>Attended noise monitoring must:</p> <p>a. occur monthly in a reporting period</p> <p>b. occur during each day, evening and night period for a minimum of:</p> <p>i. 1.5 hours during the day</p> <p>ii. 30 minutes during the evening; and</p> <p>iii. 1 hour during the night,</p> <p>c. occur for three consecutive operating days or as otherwise specified by the EPA</p>	Attended noise monitoring has been undertaken in accordance with this condition and the NMP during the audit period.	Compliant													
<b>6 – Reporting Conditions</b>																	
<b>R1 Annual return documents</b>																	
EPL67	R1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> <li>2. a Statement of Compliance,</li> <li>3. a Monitoring and Complaints Summary,</li> <li>4. a Statement of Compliance - Licence Conditions,</li> <li>5. a Statement of Compliance - Load based Fee,</li> </ol>	<p>Annual Returns submitted during the audit period included the required components of this condition.</p> <ul style="list-style-type: none"> <li>• 2020-2021 submitted 14-Jun-2021</li> </ul>	Compliant													

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>6. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</p> <p>7. a Statement of Compliance - Environmental Management Systems and Practices.</p> <p>At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.</p>	<ul style="list-style-type: none"> <li>2019-2020 submitted 22-Jun-2020</li> <li>2018-2019 submitted 25-Jun-2019</li> </ul>		
EPL68	R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>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.</p>	<p>Annual Returns submitted during the audit period:</p> <ul style="list-style-type: none"> <li>2020-2021 submitted 14-Jun-2021</li> <li>2019-2020 submitted 22-Jun-2020</li> <li>2018-2019 submitted 25-Jun-2019</li> </ul>	Compliant	
EPL69	R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	No transfer during the audit period.	Not triggered	
EPL70	R1.4	<p>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:</p> <ol style="list-style-type: none"> <li>in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</li> <li>in relation to the revocation of the licence - the date from which notice revoking the licence operates.</li> </ol>	The licence has not been surrendered by the licensee or revoked by the EPA or Minister during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
EPL71	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').	All Annual Returns have been submitted within 60days in the audit period.	Compliant	
EPL72	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.	Evidence supplied that Annual Returns have been retained for 4 years.	Compliant	
EPL73	R1.7	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: <ul style="list-style-type: none"> <li>a. the licence holder; or</li> <li>b. by a person approved in writing by the EPA to sign on behalf of the licence holder.</li> </ul>	Evidence provided that the Annual Return, the Statements of Compliance have been certified and the Monitoring and Complaints Summary have been signed in accordance with the condition.	Compliant	
EPL74	R1.8	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	No blasting during the audit period.	Not triggered	
<b>R2 Notification of environmental harm</b>					
EPL75	R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Malabar was observed to have implemented the PIRMP during the discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the Maxwell Underground Project to Ramrod Creek on 8 March 2022 and notified via telephoning the Environment Line service on 131 555.	Compliant	
EPL76	R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Malabar was observed to have provided a written notification within 7 days following the discharge and overflow of saline water from the DC2 Dam and Rail Loop Dam (respectively) at the	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			Maxwell Underground Project to Ramrod Creek on 8 March 2022.		
<b>R3 Written report</b>					
EPL77	R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: <ul style="list-style-type: none"> <li>c. where this licence applies to premises, an event has occurred at the premises; or</li> <li>d. 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.</li> </ul>	No request for a written report from the EPA during the audit period.	Not triggered	
EPL78	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.	No request for a written report from the EPA during the audit period.	Not triggered	
EPL79	R3.3	The request may require a report which includes any or all of the following information: <ul style="list-style-type: none"> <li>a. the cause, time and duration of the event;</li> <li>b. the type, volume and concentration of every pollutant discharged as a result of the event;</li> <li>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;</li> <li>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;</li> <li>e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;</li> <li>f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</li> <li>g. any other relevant matters.</li> </ul>	No request for a written report from the EPA during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
EPL80	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.	No request for a written report from the EPA during the audit period.	Not triggered	
EPL81	R3.5	<b>Reporting of exceedances of blasting limits</b> The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	No blasting during the audit period.	Not triggered	
EPL82	R3.6	<b>Spontaneous Combustion Control Program Reporting</b> The monthly summaries, assessments and maps prepared under the spontaneous combustion control program must be submitted to the EPA in the form of a half yearly report. The licensee must forward a copy of each report to the regional office of the EPA no later than (2) months after the half yearly period being reported.	Evidence supplied of half yearly reports being sent to the EPA during the audit period.	Compliant	
EPL83	R3.7	The monthly summaries, assessments and maps must be retained by the licensee for not less than three (3) years following the period under review. The records must be kept in a legible form and must be made available to any authorised officer of the EPA on request	Evidence of summaries and maps within the six-monthly reports. Covers entire audit period.	Compliant	
EPL84	R3.8	<b>Noise Monitoring Report</b> The Proponent must provide a Noise Compliance Assessment Report each year. The assessment must be prepared by a suitably qualified acoustic consultant and include: <ul style="list-style-type: none"> <li>a. an assessment of compliance with noise limits detailed in the limit conditions of this Licence; and</li> <li>b. an outline of any management actions taken within the monitoring period to address any exceedances of the limits detailed in limit conditions of this Licence.</li> </ul>	Evidence of Annual Noise Reports completed by Spectrum Acoustics submitted with Annual Return.	Compliant	
EPL85	R3.9	<b>Surface Water Report</b> The Proponent must provide a Surface Water Monitoring Report each year, which must include the following information during the respective monitoring period: <ul style="list-style-type: none"> <li>a. the date and time of the monitoring;</li> <li>b. the location of the monitoring consistent with those in Table 9.1 of the Surface Water Assessment (WRM, 2019);</li> </ul>	Condition was included in EPL variation on 30-July-2021. Report will be included in the next Annual Return due outside of the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li>c. analysis and trends for the monitoring parameters given in Table 9.1 of the Surface Water Assessment (WRM, 2019); and</li> <li>d. an explanation for changes in parameter concentrations with a summary of any investigations or mitigation actions undertaken.</li> </ul> <p>This information may be incorporated into the Annual Review required to be prepared under the conditions of Development Consent 9526.</p>			
EPL86	R3.10	<p><b>Groundwater Monitoring Report</b></p> <p>The Proponent must provide a Groundwater Monitoring Report each year, which must include the following information during the respective monitoring period:</p> <ul style="list-style-type: none"> <li>a. the date and time of the monitoring;</li> <li>b. the location of the monitoring consistent with those in Table 9.1 of the Groundwater Assessment (Hydro Simulations, 2019);</li> <li>c. analysis of trends for the monitoring parameters given in Table 9.1 of the Groundwater Assessment (Hydro Simulations, 2019);</li> <li>d. an explanation for changes in parameter concentrations with a summary of any investigations or mitigation actions undertaken.</li> </ul> <p>This information may be incorporated into the Annual Review required to be prepared under the conditions of Development Consent 9526.</p>	Condition was included in EPL variation on 30-July-2021. Report will be included in the next Annual Return due outside of the audit period.	Not triggered	
EPL87	R3.11	<p><b>Sewage Treatment System Maintenance Report</b></p> <p>The Proponent must provide a Sewage Treatment System Maintenance Report each year that provides details of the actions required by conditions O4.5 to O4.7.</p>	Condition was included in EPL variation on 30-July-2021. Report will be included in the next Annual Return due outside of the audit period.	Not triggered	
<b>7 – General Conditions</b>					
<b>G1 Copy of licence kept at the premises or plant</b>					
EPL88	G1.1	A copy of this licence must be kept at the premises to which the licence applies.	A copy of the EPL is available at site.	Compliant	
EPL89	G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	No request during the audit period.	Not triggered	
EPL90	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 at site.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>8 – Pollution Studies and Reduction Programs</b>					
<b>U1 V Notch Weir Monitoring Program</b>					
EPL91	U1.1	<p>The licensee must:</p> <ol style="list-style-type: none"> <li>Conduct a targeted V Notch weir ('the weir') monitoring program that includes: <ul style="list-style-type: none"> <li>Continued monthly monitoring of water quality at the V Notch Weir (the Weir) (pollutants/parameters to include those reported in the document titled 'Access Road Dam' dated 24 September 2014, pg 4).</li> <li>real-time flow monitoring at the weir and recording of daily flows (in L/day)</li> <li>rainfall monitoring (existing licence condition M4.1)</li> <li>monitoring at the groundwater monitoring bore (DS1) on a monthly basis for the following parameters: groundwater level, electrical conductivity, pH, total dissolved solids, and salinity.</li> <li>monitoring of electrical conductivity in the Access Road Dam (at least quarterly) at 3 different depths within the dam – 30cm, 4m and 8m depth.</li> </ul> </li> <li>Return all water draining to the Weir back to the Access Road Dam (or an alternate 'dirty' water dam on the premises) to ensure that saline water is not discharged from the premises. Pumping is to commence no later than 28 August 2015.</li> </ol>	Condition was included in EPL variation on 30-July-2021. Update on program will be included in the next Annual Return due outside of the audit period.	Not triggered	
<b>9 – Special Conditions</b>					
<b>E1 Spontaneous combustion control program</b>					
EPL92	E1.1	<p><b>Spontaneous combustion control program</b></p> <p>Carbonaceous material that is prone to self heating and which is not extracted as run of mine coal must be selectively removed and purposely disposed of in such a manner that will prevent the development of spontaneous combustion at the disposal site.</p> <p>The licensee must implement a Spontaneous Combustion Control Program which must include, but may not be limited to, the following:-</p> <ol style="list-style-type: none"> <li>A monthly summary of actions and procedures undertaken to prevent the development or to control the spread of spontaneous combustion at the premises.</li> </ol>	The site is currently not in operation. Malabar has implemented Spontaneous Combustion Management Plan during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<ul style="list-style-type: none"> <li data-bbox="421 312 1039 416">b. An assessment of the effectiveness of the actions and procedures undertaken every month in preventing the development and control of the spread of spontaneous combustion at the premises.</li> <li data-bbox="421 427 1128 560">c. Monthly mapping of the approximate location of the areas subject of spontaneous combustion at the premises. The map must show the respective areas in square metres of each area affected and must include a key to show the relative intensity of the heatings.</li> </ul>			

## **B.5 Exploration and Mining Lease Audit Checklists**

## **MINING AND EXPLORATION LEASES AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022**

<b>MINING AND EXPLORATION LEASES AUDIT CHECKLIST – MALABAR RESOURCES IEA 2022 .....</b>	<b>1</b>
A173 .....	2
CL229 .....	19
CL395 .....	31
ML1531 .....	42
ML1822 .....	54
ML1820 .....	56

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
<b>A173</b>					
EL1	C1	<p><b>CONDITIONS</b></p> <p><b>Prospecting operations permitted under this exploration licence</b></p> <p>The licence holder may conduct Category 1 prospecting operations on the exploration licence area subject to the conditions of this licence.</p> <p><i>Note. a) The licence holder must comply with the requirements of the Act and other relevant legislation.</i></p> <p><i>b) Category 1 prospecting operations:</i></p> <ul style="list-style-type: none"> <li><i>i) must be of minimal environmental impact;</i></li> <li><i>ii) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994); and</i></li> <li><i>iii) can not be carried out in a wilderness area (identified under the Wilderness Act 1987).</i></li> </ul>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL2	C2	<p><b>Prospecting operations requiring further approval</b></p> <p>The licence holder must obtain the Minister's written approval prior to carrying out any of the following prospecting operations on the exploration licence area:</p> <ul style="list-style-type: none"> <li>a) Category 2 prospecting operations; and</li> <li>b) Category 3 prospecting operations.</li> </ul> <p><i>Note: The information required to be submitted as part of the licence holder's request for written approval under this condition is set out in the "Note" following condition 3 below.</i></p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL3	C3	<p><b>Prospecting operations requiring further approval</b></p> <p>The licence holder must comply with the conditions of an approval under condition 2 when carrying out those prospecting operations.</p> <p><i>Note: In the case of prospecting operations identified in condition 2 as requiring approval by the Minister, the application for approval must be accompanied by a Surface Disturbance Notice (SON). A Review of Environmental Factors and Agricultural Impact Statement may be required for Category 2 prospecting operations if the Minister is of the opinion that the prospecting operations may result in more than minimal environmental impact.</i></p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>A Surface Disturbance Notice, Review of Environmental Factors and Agricultural Impact Statement are required for all Category 3 prospecting operations.</p> <p>If the impact of prospecting operations on the environment is determined as likely to significantly affect the environment (including critical habitat) or threatened species, populations or ecological communities, or their habitats, in terms of Part 5 of the EP&amp;A Act, then the licence holder will be required to submit an Environmental Impact Statement (EIS).</p> <p>Applications may also require a Groundwater Monitoring and Modelling Plan (see condition 12)).</p>			
EL4	C4	<p><b>Native Title</b> NOT USED</p>	Not triggered	Not triggered	
EL5	C5	<p><b>Community consultation</b> The licence holder must engage with the community in relation to the planning for and conduct of prospecting operations authorised under this exploration licence.</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL6	C6	<p><b>Community consultation</b> The consultation must be undertaken in accordance with the Guideline for community consultation requirements for the exploration of coal and petroleum, including coal seam gas (NSW Trade &amp; Investment, 2012) as amended from time to time.</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL7	C7	<p><b>Community consultation</b> An annual report on Community Consultation must be submitted to the Department within 28 days of the anniversary of this licence being granted, together with evidence that the consultation has been undertaken in accordance with the Guideline. <i>Note: Copies of the Guideline are available from <a href="http://www.resources.nsw.gov.au">www.resources.nsw.gov.au</a></i></p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL8	C8	<p><b>Access to exploration licence and relevant documents</b> The licence holder must ensure that a copy of this exploration licence and any relevant documentation relating to the conduct of prospecting operations is: a) accessible on the site of active prospecting operations authorised by this exploration licence; and</p>	A copy of this exploration licence and any relevant documentation relating to the conduct of prospecting operations is available on site.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>b) made available to all supervisors or other persons concerned in the day to day management of prospecting operations authorised by this exploration licence.</p> <p><i>Note: For the purposes of this condition, relevant documentation includes, but is not limited to:</i></p> <p>a) access arrangements required under Part 8 of the Act;  b) exempted area consents required under section 30 of the Act;  c) approvals under condition 2 of this exploration licence, and any document specified as forming part of that approval, such as a Review of Environmental Factors;  d) the approved Groundwater Monitoring and Modelling Plan under condition 12 of this exploration licence.</p>			
EL9	C9	<p><b>Environmental Harm</b></p> <p>The licence holder must implement all reasonably practicable measures to prevent and/or minimise harm to the environment that may result from the conduct of any prospecting operations under this exploration licence.</p>	Not triggered – no prospecting has been undertaken.	Not triggered	
EL10	C10	<p><b>Erosion and sediment control</b></p> <p>The licence holder must prevent erosion and pollution of watercourses resulting from the conduct of prospecting operations by implementing effective erosion and sediment control measures.</p>	Not triggered – no prospecting has been undertaken.	Not triggered	
EL11	C11	<p><b>Erosion and sediment control</b></p> <p>The planning, design and construction of erosion and sediment control measures must be conducted generally in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (DECC 2007), as amended or replaced from time to time.</p>	Not triggered – no prospecting has been undertaken.	Not triggered	
EL12	C12	<p><b>Groundwater Monitoring and Modelling Plan</b></p> <p>Prior to conducting prospecting operations involving the construction and use of boreholes, the licence holder must:</p> <p>a) Prepare a Groundwater Monitoring and Modelling Plan in consultation with the NSW Office of Water;  b) Ensure that the Groundwater Monitoring and Modelling Plan:  i) describes methods for identifying aquifers, their depths, behaviour, containing layers and connectivity with surrounding aquifers or surface water systems;</p>	Not triggered – no prospecting has been undertaken.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>ii) describes methods for collection of data relevant to the type, quantity and quality of water contained within aquifer systems likely to be encountered during prospecting operations;</p> <p>iii) provides for the future development of a conceptual model of regional groundwater behaviour;</p> <p>iv) provides for the future development of a calibrated computer model of regional groundwater behaviour, to enable the impacts of any proposed mining operations to be assessed;</p> <p>v) describes how records of all data collected will be maintained;</p> <p>vi) describes the staging process for implementation of the plan; and</p> <p>vii) is prepared in accordance with any additional requirements prescribed by the Director-General.</p> <p>c) The Groundwater Monitoring and Modelling Plan must address the requirements identified in b)i) to b)vii) in a level of detail commensurate with the scale, timing and potential impact of proposed operations;</p> <p>d) Have the Groundwater Monitoring and Modelling Plan approved by the Minister; and</p> <p>e) Implement and comply with the approved Groundwater Monitoring and Modelling Plan.</p> <p><i>Note: The Groundwater Monitoring and Modelling Plan is required to ensure:</i></p> <p><i>(a) there is sufficient groundwater data available to assess future operations against the Aquifer Interference Policy (NSW Office of Water, 2012), as amended or replaced from time to time; and</i></p> <p><i>(b) 2 years of baseline data is available prior to submitting an application for any future production operations.</i></p> <p><i>An application may be made to the Department at any time to vary an approved Groundwater Monitoring and Modelling Plan.</i></p>			
EL13	C13	<b>Use of Chemicals and Fuel</b>	Not triggered - Site not currently utilised.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		The licence holder must ensure that all chemicals, fuels and oils, excluding those contained within plant and equipment and those for personal use, are: a) stored and handled in accordance with the relevant Material Safety Data Sheet and Australian Standards for the material; b) stored in appropriate containers that are in good condition and labelled to clearly identify the stored product; and c) kept in a facility or area which is capable of containing at least 100% of the largest container capacity stored within that area; unless otherwise approved by the Minister.			
EL14	C14	<b>Use of Chemicals and Fuel</b> The licence holder must ensure that adequate spill prevention and oil absorbent materials required to manage spills and leaks for all chemicals, fuels and oils on site are readily available at all times where prospecting operations are being carried out. Equipment and/or materials to capture drips and spills must be used during transfer of chemicals, fuels and oils, and when maintaining oil or fuel filled components.	Not triggered – no prospecting operations are being undertaken.	Not triggered	
EL15	C15	<b>Noise</b> The licence holder must carry out operations in accordance with the requirements of the <i>Interim Construction Noise Guidelines</i> (DECC, 2009), as amended or replaced from time to time. Unless otherwise approved by the Minister, the licence holder must ensure that: a) noise levels during standard working hours do not exceed the Rating Background Level (RBL) +10dB at any residence or other sensitive receiver (as defined in the Interim Construction Noise Guidelines). b) noise levels outside of standard working hours do not exceed the RBL +5dB.	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL16	C16	<b>Noise</b> The noise limits identified in condition 15 will not apply where the licence holder has negotiated a written agreement with: a) the relevant landholder; or	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		b) in the case of a prospecting operation that will result in an exceedance of the criteria at a dwelling or other sensitive receiver, the resident of that dwelling or occupier of the sensitive receiver; c) to allow different limits and the licence holder complies with those limits.			
EL17	C17	<b>Vegetation Clearing</b> Vegetation clearing and vegetation disturbance must be limited to the minimum extent necessary to facilitate the conduct of prospecting operations authorised by this exploration licence. <i>Note: Any clearing of native vegetation which is not authorised under the Mining Act 1992 is subject to the Native Vegetation Act 2003.</i> <i>Additional approvals may also be required before using timber from Crown land.</i>	Not triggered – no prospecting operations are being undertaken.	Not triggered	
EL18	C18	<b>Fire prevention</b> The licence holder must take all reasonably practicable precautions against causing an outbreak of fire.	No prospecting activities were undertaken on this lease during the audit period. Bushfire Management Plan is currently in place for the site and any future works.	Not triggered	
EL19	C19	<b>Fire prevention</b> The licence holder must not burn off any grass, foliage or herbage without the consent of the landholder and the local fire authority.	No burn off undertaken during the audit period.	Not triggered	
EL20	C20	<b>Infrastructure</b> The licence holder must ensure that prospecting operations do not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility without the prior written approval of the infrastructure owner and subject to any conditions that may be stipulated by the infrastructure owner.	Not triggered – no prospecting operations are being undertaken.	Not triggered	
EL21	C21	<b>Passage of stock</b> The licence holder must permit the passage of stock through the exploration licence area and must conduct operations in a manner so as not to cause danger to travelling stock.	The site has not been approached to permit the passage of stock through this area during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
EL22	C22	<p><b>Passage of stock</b></p> <p>The licence holder must not interfere with or prevent the access of stock to any watering places or approaches to such watering places without the approval of the landholder.</p>	The site has not been approached to permit the passage of stock through this area during the audit period.	Not triggered	
EL23	C23	<p><b>Roads and Tracks</b></p> <p>Except where otherwise approved under condition 2, the licence holder must ensure that:</p> <p>a) Existing roads and tracks are used in preference to constructing new roads and tracks;</p> <p>b) The planning, design, construction and maintenance of unsealed roads and tracks is constructed generally in accordance with <i>Managing Urban Stormwater: Soils and Construction, Volume 2C, Unsealed Roads</i> (DECC 2007) as amended or replaced from time to time; and</p> <p>c) All water land and wetland crossing works are constructed in accordance with the requirements of the Policy and Guidelines for Fish Friendly Waterway Crossings (NSW DPI 2003) and Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003) as amended or replaced from time to time.</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL24	C24	<p><b>Roads and Tracks</b></p> <p>The licence holder must restrict the use of any unsealed road or track during wet weather to prevent damage to that road or track unless the road or track has been designed and constructed for use in wet weather.</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL25	C25	<p><b>Topsoil management</b></p> <p>The licence holder must ensure that all topsoil removed in the course of prospecting operations is stockpiled for later use in rehabilitating those operations.</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL26	C26	<p><b>Drilling</b></p> <p>The licence holder must:</p> <p>a) Construct, maintain and decommission all boreholes and petroleum wells in accordance with standards equivalent to or exceeding the <i>Minimum Construction Requirements for Water Bores in Australia</i> (NUDLC 2012), as amended or replaced from</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>time to time. Where this condition is inconsistent with other conditions set out in this exploration licence, those conditions prevail to the extent of that inconsistency.</p> <p>b) Ensure that the construction, operation, maintenance and decommissioning of boreholes does not cause or enhance:</p> <ul style="list-style-type: none"> <li>i) hydraulic connection between aquifers;</li> <li>ii) contamination or cross-contamination of aquifers;</li> <li>iii) the escape of natural or noxious gases;</li> <li>iv) the uncontrolled surface discharge of ground waters;</li> <li>v) collapse of the surrounding surface; or</li> <li>vi) hazards to persons, stock and wildlife;</li> </ul> <p>c) Before commencing any drilling within the exploration licence area, carry out an assessment of the risk of blowouts. Details of the assessment must be notified to the Department at least 7 days prior to the proposed commencement of drilling. If this assessment indicates that there is potential for a blowout to occur, blowout prevention equipment must be installed, in accordance with the <i>Schedule of Onshore Petroleum Exploration and Production Safety Requirements</i> (DMR 1992), as amended or replaced from time to time;</p> <p>d) Implement appropriate controls to manage any risks associated with natural or noxious gases, both during and after drilling;</p> <p>e) Contain all drill cuttings, fluids and groundwater returned to the surface as part of the drilling process in above-ground tanks or in-ground sumps pending re-circulation or disposal. In-ground sumps must be lined with an impermeable barrier where there is a potential risk of contamination from drill cuttings or fluids;</p> <p>f) Survey boreholes to a minimum of 0.5 metre accuracy at collar, with the survey to be carried out by a surveyor registered with the Board of Surveying and Spatial Information under the <i>Surveying and Spatial Information Act 2002</i>;</p> <p>g) Remove equipment and logging tools from the borehole prior to plugging and abandonment of the borehole, unless otherwise approved by the Minister; and;</p>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		h) Once a borehole ceases to be used, the borehole must be completely filled with cement grout during drill rod withdrawal and plugged, unless otherwise approved by the Minister.			
EL27	C27	<p><b>Drilling</b></p> <p>The licence holder must report any blowout associated with prospecting operations to the Department:</p> <p>a) immediately; and</p> <p>b) provide a written report within 24 hours.</p> <p><i>Note. The licence holder should have regard to any Director-General's guidelines related to the drilling, operation and abandonment of boreholes.</i></p>	The site is under care and maintenance and no drilling has occurred during the audit period.	Compliant	
EL28	C28	<p><b>Waste Management</b></p> <p>The licence holder must ensure that:</p> <p>a) the sites of prospecting operations are maintained in a clean and tidy condition at all times;</p> <p>b) all waste, including contaminated residues, must be collected, segregated and securely deposited in properly constructed containers and disposed lawfully;</p> <p>c) drilling by-products contaminated by chemicals, oils or fuels must be collected and remediated or disposed lawfully; and</p> <p>d) all drill cuttings and drilling fluids not being reused in drilling operations are disposed lawfully.</p> <p><i>Note: Alternative reuse of drill cuttings and treated fluids may be approved by the Minister under condition 2 of this exploration licence.</i></p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL29	C29	<p><b>Waste Management</b></p> <p>The licence holder must maintain records of:</p> <p>a) all waste generated as a result of prospecting operations under this exploration licence; and</p> <p>b) the means of disposal of all waste.</p> <p><i>Note: Waste is regulated under the Protection of the Environment Operations Act 1997 and the NSW Waste Regulations. Contact the Local Council or the Environment Protection Authority for details of those requirements.</i></p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL30	C30	<p><b>Safety</b></p> <p>The licence holder must notify the Department at least 7 days prior to the proposed commencement of any prospecting</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		operation involving any drilling, blasting or other potentially hazardous operation. This notification must be made in the form approved by the Director-General.			
EL31	C31	<b>Safety</b> The licence holder must carry out operations in a manner that ensures the safety of members of the public, stock and wildlife in the vicinity of the operations.	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL32	C32	<b>Safety</b> The licence holder must put in place measures to control safety hazards. These measures include, but are not limited to, the development of a Safety Management Plan prepared in accordance with relevant Departmental guidelines. <i>Note: Mining activities in NSW, including exploration, are subject to the Work Health and Safety Act 2011 which is the main Act dealing with the health, safety and welfare of persons at work. The Work Health and Safety Act 2011 is to be read in conjunction with the Coal Mine Health and Safety Act 2002 which deals with health, safety and welfare of people at work at coal operations or related places and puts in place special provisions necessary for the control of particular risks arising from the exploration for coal.</i>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL33	C33	<b>Technical Manager</b> The licence holder must ensure that prospecting operations are conducted, or directly supervised, by a Technical Manager, being: a) a person with tertiary qualifications in geoscience, petroleum or mining engineering; or b) a person having other qualifications or exploration experience approved by the Minister.	Not triggered – the subject area is under maintenance and care and no prospecting operations have been conducted in the audit period.	Not triggered	
EL34	C34	<b>Technical Manager</b> The licence holder must advise the Minister of the name and contact details of the Technical Manager(s) within ten (10) working days of any changes to the nominated Technical Manager or their contact details.	Not triggered – the subject area has not undertaken any prospecting operations during the audit period and no Technical Manager was needed.	Not triggered	
EL35	C35	<b>Cooperation with other title holders</b> The licence holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations	Malabar was observed to make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>under the <i>Mining Act 1992</i> or petroleum title under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> <li>a) access arrangements;</li> <li>b) operational interaction arrangements;</li> <li>c) dispute resolution;</li> <li>d) information exchange;</li> <li>e) location of prospecting operations;</li> <li>f) timing of drilling;</li> <li>g) potential resource extraction conflicts; and</li> <li>h) integrated rehabilitation activities.</li> </ul>	holder(s) of any overlapping authorisations during the audit period.		
EL36	C36	<p><b>Minister's approval of change in control</b></p> <p>a) It is a condition of this licence that, where the licence-holder is a corporation or a trust, the Minister's prior written approval is required before there occurs:</p> <ul style="list-style-type: none"> <li>(i) any change in the effective control of the licence-holder; or</li> <li>(ii) any foreign acquisition of substantial control in the licence-holder.</li> </ul> <p>b) Subject to Clause (d), for the purposes of this condition, there is a "change in effective control" where, after the imposition of this condition, any Third Party or Trustee of a Trust Estate:</p> <ul style="list-style-type: none"> <li>(i) acquires the capacity to appoint or control at least 50% of the number of directors of the licence-holder's board;</li> <li>(ii) becomes entitled to exercise (directly or indirectly) greater than 50% of the votes entitled to be cast at any general meeting of the licence-holder; or</li> <li>(iii) holds more than 50% of the issued share capital (other than shares issued with no rights other than to receive a specified amount in distribution) of the licence-holder.</li> </ul> <p>c) Subject to Clause (d), for the purposes of this condition, there is a "foreign acquisition of substantial control" where, after the imposition of this condition, a Foreign Party:</p> <ul style="list-style-type: none"> <li>(i) acquires the capacity to appoint or control at least 15% of the number of directors of the licence-holder's board;</li> </ul>	No change during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(ii) becomes entitled to exercise (directly or indirectly) greater than 15% of the votes entitled to be cast at any general meeting of the licence-holder; or</p> <p>(iii) holds more than 15% of the issued share capital (other than shares issued with no rights other than to receive a specified amount in distribution) of the licence-holder;</p> <p>For the purposes of this condition a Foreign Party means:</p> <p>(iv) a natural person not ordinarily resident in Australia (foreign person);</p> <p>(v) a corporation incorporated outside Australia (foreign corporation);</p> <p>(vi) a corporation in which a foreign person or foreign corporation is a shareholder holding more than 15% of issued capital entitled to vote at any general meeting of the licence holder;</p> <p>(vii) a corporation in which 2 or more persons, each of whom is either a foreign person or a foreign corporation are shareholders and collectively hold not more than 40% of issued capital entitled to vote at general meetings of the corporation;</p> <p>(viii) the trustee of a trust estate, in which a foreign person or a foreign corporation is a beneficiary of the trust estate and holds more than 15% of the beneficial interest in the trust estate; or</p> <p>(ix) the trustee of a trust estate in which 2 or more persons, each of whom is either a foreign person or a foreign corporation, are beneficiaries of the trust estate and collectively hold more than 40% of the beneficial interest in the trust estate, provided that a foreign party shall not include a related body corporate of the licence holder.</p> <p>d) Approval under (a) is not required where a change in effective control of the licence holder or a foreign acquisition of substantial control of the licence holder occurs as a result of the acquisition of shares or other securities on a registered stock exchange.</p> <p>e) For the purpose of this condition:</p> <p>(i) Related Body Corporate means in relation to a body corporate, a body corporate which is a related body</p>			

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>corporate of the first mentioned body corporate for the purposes of the <i>Corporations Act 2001 (Cth)</i>; and</p> <p>(ii) Third Party means any person who is not a Related Body Corporate of the licence holder.</p>			
EL37	C37	<p><b>Rehabilitation</b></p> <p>All disturbance resulting from prospecting operations carried out under this exploration licence must be rehabilitated by the licence holder to the satisfaction of the Minister.</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL38	C38	<p><b>Rehabilitation</b></p> <p>In rehabilitating the disturbance resulting from prospecting operations, the licence holder must ensure that:</p> <p>a) all machinery, buildings and other infrastructure is removed from the area;</p> <p>b) the area is left in a clean, tidy and stable condition</p> <p>c) there is no adverse environmental effect outside the disturbed area;</p> <p>d) the land is properly drained and protected from soil erosion;</p> <p>e) the land is not a potential source of pollution;</p> <p>f) the land is compatible with the surrounding land and land use requirements;</p> <p>g) the landforms, soils, hydrology and flora require no greater maintenance than that in, or on, the surrounding land;</p> <p>h) the land does not pose a threat to public safety; and</p> <p>i) in cases where vegetation has been removed or damaged:</p> <p>    i) where the previous vegetation was native, species used for revegetation are endemic to the area; or</p> <p>    ii) where the previous vegetation was not native, species used for revegetation are appropriate to the area; and</p> <p>    iii) any revegetation is of an appropriate density and diversity.</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL39	C39	<p><b>Rehabilitation</b></p> <p>The licence holder must ensure that all water land and wetland crossings that are disturbed during prospecting operations are</p>	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		rehabilitated such that the natural flow of water is unimpeded and bank stability is maintained to prevent erosion.			
EL40	C40	<b>Rehabilitation</b> The licence holder must comply with any relevant guidelines issued by the Director-General in the rehabilitation of disturbance resulting from prospecting operations under this exploration licence.	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL41	C41	<b>Rehabilitation</b> All rehabilitation of disturbance resulting from prospecting operations under this exploration licence must be completed before the expiry of this exploration licence or as soon as practicable following cancellation of this exploration licence, unless otherwise approved by the Minister.	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL42	C42	<b>Rehabilitation</b> Boreholes that have been abandoned as a result of previous mining or prospecting operations, and which have been opened up or used by the licence holder are subject to the conditions of this exploration licence as if the boreholes were constructed by the holder of this exploration licence.	No prospecting activities were undertaken on this lease during the audit period.	Not triggered	
EL43	C43	<b>REPORTING</b> <b>Environmental Management Report</b> The licence holder must submit an Environmental Management Report to the Department in the following circumstances: a) where the licence holder is seeking to renew this exploration licence, an Environmental Management Report must accompany an exploration licence renewal application; or b) where the licence holder is seeking to cancel or part cancel this exploration licence, an Environmental Management Report must accompany an exploration licence cancellation application; c) where the licence holder is not seeking to renew or cancel this exploration licence, an Environmental Management Report must be submitted prior to the expiry of this exploration licence.	Environmental Management Reporting not required during the audit period.	Not triggered	
EL44	C44	<b>Environmental Management Report</b> The report must be prepared in accordance with any Director-General's requirements for environmental and rehabilitation	Environmental Management Reporting not required during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		reporting on exploration licences and include information on all disturbance resulting from prospecting operations and rehabilitation carried out within the exploration licence area. The report must be prepared to the satisfaction of the Director-General.			
EL45	C45	<p><b>Environmental Incident and Complaint Reporting</b></p> <p>The licence holder must, in addition to the requirements under section 148 of the <i>Protection of the Environment Operations Act 1997</i>:</p> <p>a) Notify the Department of all:</p> <ul style="list-style-type: none"> <li>i) pollution incidents causing or threatening material harm to the environment;</li> <li>ii) breaches of the conditions of this exploration licence; and</li> <li>iii) breaches of environment protection legislation (as defined in the <i>Protection of the Environment Administration Act 1991</i>),</li> </ul> <p>arising in connection with prospecting operations under this exploration licence.</p> <p>b) The notification must be given immediately, i.e. promptly and without delay, after the licence holder becomes aware of the incident, breach or complaint.</p> <p><i>Note: Refer to <a href="http://www.resource.nsw.gov.au/environment">www.resource.nsw.gov.au/environment</a> for notification contact details.</i></p> <p>c) Submit an Environmental Incident and Complaints Report to the Department within seven (7) days of all:</p> <ul style="list-style-type: none"> <li>i) pollution incidents causing or threatening material harm to the environment;</li> <li>ii) breaches of the conditions of this exploration licence;</li> <li>iii) breaches of environment protection legislation (as defined in the <i>Protection of the Environment Administration Act 1991</i>); and</li> <li>iv) complaints from landholders or the public alleging environmental harm or a breach of conditions of this exploration licence or of environment protection legislation,</li> </ul> <p>arising in connection with prospecting operations under this exploration licence.</p>	All incidents for the project have been reported in accordance with the timings and content requirements of the condition.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>d) The Environmental Incident and Complaints Report must include:</p> <ul style="list-style-type: none"> <li>i) the details of the exploration licence;</li> <li>ii) contact details for the licence holder, complainant and landholder;</li> <li>iii) a map showing the area of concern;</li> <li>iv) a description of the nature of the incident or complaint, likely causes and consequences;</li> <li>v) a timetable showing actions taken or planned to address the incident or complaint; and</li> <li>vi) a summary of all previous incidents or complaints relating to prospecting operations under this exploration licence.</li> </ul> <p><i>Note: The licence holder should have regard to any relevant Director-General's guidelines in the preparation of an Environmental Incident and Complaints Report. Refer to <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> for further details.</i></p>			
EL46	C46	<p><b>SECURITY</b> <b>Security</b> This authorisation is subject to a condition that the holder of the authorisation is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the authorisation, including obligations of all or any kind under the authorisation that may arise in the future.</p>	Evidence of security provided and maintained for A173.	Compliant	
EL47	C47	<p><b>Security</b> The amount of the security deposit to be provided has been assessed by the Director-General at <b>\$25,000</b>.</p>	Deed Of Security Deposit Bond Reference Number: BDC-751-114405-004 provided at a value of \$25,000.	Compliant	
EL48	C48	<p><b>Group Security</b> NOT USED</p>	Not triggered. Condition not used.	Not triggered	
EL49	C49	<p><b>Group Security</b> NOT USED</p>	Not triggered. Condition not used.	Not triggered	
EL50	C50	<p><b>EXPLORATION MANAGEMENT</b> <b>Samples</b> The licence holder must:</p>	Not triggered – the site is under maintenance and care and no exploration has been undertaken during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>a) if using non-core drilling methods, retain representative cuttings every one (1) metre drilled. Such samples must be at least 200 grams in dry weight, dried, stored appropriately, and securely labelled with depth limits; and</p> <p>b) if using core drilling methods, retain the cores (other than material required from the cores for the purpose of assay) and samples in standard modular durable core boxes and label the cores and samples after the completion of the borehole.</p>			
EL51	C51	<p><b>Samples</b> Cores and samples must be made available for examination and/or sampling by officers of the Department for the purpose of analysis or other testing upon request.</p>	No cores disposed of from A173	Not triggered	
EL52	C52	<p><b>Samples</b> The licence holder must not dispose of the cores or samples referred to in Condition 50 without approval of the Minister and without first offering them to the Department for archival storage. If so directed, the licence holder must lodge selected core and samples with one of the Department's Core Libraries. Selected core must be lodged with the Department in standard modular core boxes. Information on the borehole and drilling depths must be clearly and permanently indicated on both the inside and outside of each box. <i>Note: Conditions 50 and 52 do not apply to boreholes or sections of boreholes sunk in surface gravel or alluvial ground. Specifications for standard modular core boxes can be obtained by contacting the Department.</i></p>	No cores disposed of from A173	Not triggered	
EL53	C53	<p><b>Samples</b> The licence holder must undertake analyses and tests on any or all coal seams intersected in boreholes if directed to do so by the Minister.</p>	No cores disposed of from A173	Not triggered	
EL54	C54	<p><b>Work Program</b> Unless otherwise approved by the Minister, the licence holder must implement and complete the work program specified in the <b>renewal</b> application for this exploration licence.</p>	No renewal during the audit period.	Not triggered	
EL55	C55	<p><b>SPECIAL CONDITIONS</b> <b>Aboriginal Land Council Notification</b></p>	Not used.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		NOT USED			
EL56	C56	<b>Transfer of Title</b> The licence is not transferrable	No transfer of title has occurred.	Not triggered	
<b>CL229</b>					
CL1	C1	<b>EXTRACTION OF COAL</b> The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations thereunder and shall comply with any direction given or which may be given in this regard by the Minister.	Compliant – coal extraction ceased on the 31 <sup>st</sup> of October 2016 after all viable coal resources on site were extracted.	Compliant	
CL2	C2	<b>MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)</b> <b>MINING OPERATIONS PLAN (MOP)</b> (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) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement. (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. (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;	Rehabilitation at the Maxwell UG Project is managed in accordance with the BMP and MOP. The BMP was approved by DPE on 20 September 2021 and supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site. The MOP was approved by the Resources on the 25 June 2021.  A site inspection conducted by the Resources Regulator on 26 August 2019 and subsequent investigation found that Maxwell Ventures (Management) Pty Ltd had failed to comply with the progressive rehabilitation schedule for 2017 and 2018 as contained within the approved MOP (Official Caution NCG0002358), a breach of condition 2. It is noted that this breach occurred prior to the audit period.  On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to submit a RCE by the due date required by notice	Non-compliant	<b>OFI –</b> Implement a consolidated compliance management system to assign, track and complete compliance requirements by their due date.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) mining and rehabilitation method(s) to be used and their sequence;</p> <p>(c) areas to be used for disposal of tailings/waste;</p> <p>(d) existing and proposed surface infrastructure;</p> <p>(e) progressive rehabilitation schedules;</p> <p>(f) areas of particular environmental sensitivity;</p> <p>(g) water management systems (including erosion and sediment controls);</p> <p>(h) proposed resource recovery; and</p> <p>(i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining land use/vegetation</p> <p>(5) The Plan when lodged will be reviewed by the Department of Mineral Resources.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.</p> <p>(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.</p> <p>(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) - (7) above.</p>	<p>NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.</p> <p>The omission to lodge the RCE by the required deadline was due to a human error. When brought to the attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator.</p>		
CL3	C3	<p><b>ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR)</b></p> <p>(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.</p> <p>(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:-</p> <p>(a) the accepted Mining Operations Plan;</p>	<p>Malabar has prepared Annual Environmental Management Report (AEMR) (Annual Reviews) for the audit period in accordance with this condition.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) development consent requirements and conditions;</p> <p>(c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals;</p> <p>(d) any other statutory environmental requirements;</p> <p>(e) details of any variations to environmental approvals applicable to the lease area. and</p> <p>(f) where relevant, progress towards final rehabilitation objectives.</p> <p>(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.</p> <p>(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.</p>			
CL4	C14	<p><b>SHAFTS, DRIFTS, ADITS</b></p> <p>Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.</p>	Not triggered-No shafts, drifts, or adits currently at the site.	Not triggered	
CL5	C15	<p><b>DUMPS</b></p> <p>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.</p>	Not triggered-no mining has occurred during audit period.	Not triggered	
CL6	C16	<p><b>DUMPS</b></p> <p>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.</p>	Not triggered – no mention of spraying of coal dumps in AEMR 2021 and the site is now in maintenance and care.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
CL7	C17	<p><b>DUST</b></p> <p>The lease holder shall take such precautions as are necessary to abate any dust nuisance.</p>	<p>The Air Quality and Greenhouse Gas Management Plan (AQGGMP) addresses the following:</p> <p>Sections 3.2 – 3.5 outline the reasonable steps taken to:</p> <ul style="list-style-type: none"> <li>• Minimise odour, fume and particulate matter</li> <li>• Eliminate or minimise the risk of spontaneous combustion</li> <li>• Improve energy efficiency and reduce fugitive GGE</li> <li>• Implement greenhouse gas abatement measures</li> <li>• Minimise any visible off-site air pollution</li> <li>• Minimise, to the greatest extent practicable, the extent of potential dust generating surfaces exposed on the site</li> </ul> <p>Malabar has committed to purchasing mobile diesel equipment that complies with any applicable exhaust emission standards specified under an EPL.</p> <p>Section 3.2 outlines the comprehensive air quality management system that operates for the development along with the measures implemented to minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events.</p> <p>Coordination of air quality management and the minimisation of cumulative air quality is outlined in Section 4.4, with particular consideration given to MAC.</p>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			Malabar monitors air quality in accordance with the frequencies outlined in Table 3. There is currently limited operations occurring at the site that would require modification to comply with the specified limits. Procedures to manage this during operation are outlined in Section 3.2.3 and utilise the real-time air quality monitoring system.		
CL8	C18	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	Malabar has not interfered in any way with any fences during the audit period.	Not triggered	
CL9	C19	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	No instruction given by the minister during the audit period.	Not triggered	
CL10	C20	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	No requirement during the audit period.	Not triggered	
CL11	C21	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	Rehabilitation currently undertaken in accordance with the approved MOP 2021-2023.	Compliant	
CL12	C22	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b>	Site is in care and maintenance, and not yet designated for closure or decommissioning.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		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.			
CL13	C23	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of 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.	Rehabilitation currently undertaken in accordance with the approved MOP 2021-2023.	Compliant	
CL14	C24	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> The lease holder shall take all precautions against causing outbreak of fire on the subject area.	The Bushfire Management Plan outlines the annual inspection measures to be implemented as part of the site's bushfire preparedness and outlines precautions against causing outbreak of fire on the subject area. APZs and access tracks will be monitored annually in August (prior to the start of the fire season in September) to ensure the grass is mown and leaves and vegetation debris are removed. The first inspection is scheduled August 2021 outside of the audit period.	Compliant	
CL15	C25	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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	The Water Management Plan was found to address the relevant surface water and groundwater conditions detailed in the consents and has been implemented accordingly, as reported in the Annual Reviews and quarterly monitoring reports available for the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		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.			
CL16	C26	<p><b>BLASTING</b></p> <p>The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines.</p> <p>(a) <b>Ground Vibration</b></p> <p>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.</p> <p>(b) <b>Blast Overpressure</b></p> <p>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.</p>	Not triggered-No blasting during audit period.	Not triggered	
CL17	C27	<p><b>TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS</b></p> <p>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.</p>	Any direction by the Minister to ensure that operations are carried out in such a manner so as to minimise disturbance to flora and fauna within the subject area will be followed. No requests were made to minimise disturbance during the period.	Compliant	
CL19	C29	<p><b>TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS</b></p> <p>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</p>	The 2021 AEMR states: <i>The 2019 tree planting areas were inspected during the reporting period. The inspection found the thinning of areas where plants had perished due</i>	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		shrubs as may be required by the Minister to preserve the arboreal screen in a condition satisfactory to the Minister.	<p><i>to weather conditions, grazing by kangaroos and the height of the surrounding native grasses impacting establishment. The survival rates were varied and ranged from 11 to 72 per cent across the various areas however the overall tree growth was good with several trees being recorded at a height above 2 metres.</i></p> <p><i>Subsequently, infill planting of a further 520 tube stock was undertaken during the reporting period, including incorporation of a growth promoting compound and watering in once planted.</i></p> <p>Evidence of the tree screens were sighted during inspection.</p>		
CL20	C30	<p><b>SOIL EROSION</b></p> <p>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.</p>	<p>Site is not currently operational. Review of available information and following the site inspection indicated that the site is adequately managing soil erosion during pre-establishment works associated with the Maxwell UG Project.</p>	Compliant	
CL21	C31	<p><b>ROADS</b></p> <p>The lease holder shall pay to <b>Muswellbrook Shire Council</b>, Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area.</p> <p>PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic</p>	<p>There has not been any damage to roads from operations that has required payment to Muswellbrook Shire Council during the audit period.</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.			
CL22	C32	<p><b>ROADS</b></p> <p>In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall be directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.</p>	No operation during the audit period.	Not triggered	
CL23	C33	<p><b>CATCHMENT AREAS</b></p> <p>(a) Operations shall be carried out in such a way as not to cause any pollution of the <b>Hunter Catchment Area</b>.</p> <p>(b) 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.</p> <p>(c) 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.</p>	No operation within the lease that has caused any pollution of the Hunter Catchment Area during the audit period.	Not triggered	
CL24	C41	<p><b>TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES</b></p> <p>The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.</p>	Malabar confirmed that the operation did not interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area & Malabar Coal did not receive any	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
			direction from Resources Regulator regarding such a matter.		
CL25	C43	<p><b>ABORIGINAL PLACE OR ABORIGINAL OBJECT</b></p> <p>The lease holder shall not knowingly destroy, deface or damage any Aboriginal object or Aboriginal place or 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 such destruction, defacement or damage.</p>	Malabar indicated that no Aboriginal objects or places been knowingly destroyed, defaced or damaged outside of the authority issued under the National Parks and Wildlife Act 1974.	Compliant	
CL26	C44	<p><b>LABOUR/EXPENDITURE</b></p> <p>The lease holder shall during each year of the term of the authority:</p> <p>(a) ensure that at least <b>63</b> workers are efficiently employed on the subject area; or</p> <p>(b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than <b>\$1,102,500</b>.</p> <p>The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure or labour required.</p>	Mining operations have ceased. Letter omitting this condition provided as evidence.	Not triggered	
CL27	C45	<p><b>ADDITIONAL INFORMATION</b></p> <p>The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister:</p> <p>(a) information regarding the ownership of the land within the subject area;</p> <p>(b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982;</p> <p>(c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder;</p> <p>(d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and</p> <p>(e) information regarding shareholdings in the lease holder.</p>	Review of available correspondence indicated that Malabar has conformed with all directions from the Resource Regulator during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
CL28	C46	<p><b>SERVICE OF NOTICES</b></p> <p>Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.</p> <p>If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.</p>	CL229 was renewed in 2003 outside of audit period and prior to Malabar takeover.	Not triggered	
CL29	C47	<p><b>INSPECTORS</b></p> <p>(a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder:</p> <p>(i) to cease operations within the subject area in contravention of that condition or Act; and</p> <p>(ii) to carry out within the specified time works necessary to rectify or remedy the situation.</p> <p>(b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may ___ confirm, vary or revoke any such direction.</p> <p>(c) A notice referred to in his condition may be served on the Colliery Manager.</p>	Notice dated 28 Jun 2021 and Official Cautions dated 17 April and 8 October 2020. Malabar complied with all directions.	Compliant	
CL30	C48	<p><b>INDEMNITIES</b></p> <p>The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of</p>	Noted and acknowledged by Malabar.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease which the lease holder may be licensed or compelled to do hereunder.			
CL31	C49	<b>INDEMNITIES</b> The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Noted and acknowledged by Malabar.	Compliant	
CL32	C50	<b>PROSPECTING (GENERAL)</b> (a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations. (b) Where the lease holder notifies the Director General pursuant to sub paragraph (a) of this condition the lease holder shall furnish with that notification details of the type of prospecting methods that would be adopted and the extent and location of the area that would be affected by them.	Not triggered - the lease holder is not pursuing prospecting in the lease area.	Not triggered	
CL33	C51	<b>SECURITY DEPOSIT</b> (a) The joint security of <b>\$15,286,000.00 (Fifteen Million, Two Hundred &amp; Eighty Six Thousand Dollars)</b> lodged with the Minister by the Lease holder for the purpose of ensuring the fulfilment by the leaseholder of its obligations under <b>Coal Lease 395 (Act 1973) and Mining Lease 1531 (Act 1992)</b> , includes the obligations of this lease. In the event that the lease holder fails to fulfill any of the lease holder's obligations under these authorities the said sum may be applied at the discretion of the Minister	Evidence that a joint security deposit of \$80,825,000.00 has been lodged with the Minister was provided.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>towards the cost of fulfilling such obligations. For the purposes of the clause a lease holder shall be deemed to have failed to fulfill the lease holder's obligations under these authorities, if the lease holder fails to comply with any condition or provision of these authorities, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision of these authorities or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) hereof in one of the following forms:-</p> <ul style="list-style-type: none"> <li>(i) cash, or</li> <li>(ii) a security certificate in such form and given by such surety as may from time to time be approved by the Minister.</li> </ul> <p>(c) The Minister may at any time, vary the amount of security required in accordance with this condition.</p>			
CL34	C54	<p><b>ROYALTY AT ADDITIONAL RATE</b></p> <p>The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulations for coal recovered by open cut mining methods from the area.</p>	Not triggered – the site is no longer in extraction phase and is now under maintenance and care.	Not triggered	
<b>CL395</b>					
CL35	C1	<p><b>Notice to Landholders</b></p> <p>Within a period of three months from the date of renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	CL395 was renewed in 2007 outside of audit period and prior to Malabar takeover.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
CL36	C2	<p><b>Mining, Rehabilitation, Environmental Management Process (MREMP)</b>  <b>Mining Operations Plan (MOP)</b></p> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) ongoing mining operations and environmental management; and</li> <li>(b) ongoing monitoring of the project.</li> </ul> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>(3) A Plan must be lodged with the Director-General:-</p> <ul style="list-style-type: none"> <li>(a) prior to the commencement of mining operations (including mining purposes);</li> <li>(b) subsequently as appropriate prior to the expiry of any current Plan; and</li> <li>(c) in accordance with any direction issued by the Director-General.</li> </ul> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) area(s) proposed to be disturbed under the Plan;</li> <li>(b) mining and rehabilitation method(s) to be used and their sequence;</li> <li>(c) areas to be used for disposal of tailings/waste;</li> <li>(d) existing and proposed surface infrastructure;</li> <li>(e) existing flora and fauna on the site;</li> <li>(f) progressive rehabilitation schedules;</li> <li>(g) areas of particular environmental, ecological and cultural sensitivity and measures to protect these areas;</li> <li>(h) water management systems (including erosion and sediment controls);</li> <li>(i) proposed resource recovery; and</li> </ul>	<p>Rehabilitation at the Maxwell UG Project is managed in accordance with the BMP and MOP. The BMP was approved by DPE on 20 September 2021 and supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site. The MOP was approved by the Resources on the 25 June 2021.</p> <p>A site inspection conducted by the Resources Regulator on 26 August 2019 and subsequent investigation found that Maxwell Ventures (Management) Pty Ltd had failed to comply with the progressive rehabilitation schedule for 2017 and 2018 as contained within the approved MOP (Official Caution NCG0002358), a breach of condition 2. It is noted that this breach occurred prior to the audit period.</p> <p>On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to submit a RCE by the due date required by notice NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.</p> <p>The omission to lodge the RCE by the required deadline was due to a human error. When brought to the attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator.</p>	Non-compliant	OFI – Implement a consolidated compliance management system to assign, track and complete compliance requirements by their due date.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(j) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation.</p> <p>(5) The Plan when lodged will be reviewed by the Department.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and re-lodgement.</p> <p>(7) If a requirement in accordance with clause (6) is not issued within two (2) months of the lodgement of a Plan, the lease holder may proceed with implementation of the Plan.</p> <p>(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) – (7) above.</p>			
CL37	C3	<p><b>Annual Environmental Management Report (AEMR)</b></p> <p>(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.</p> <p>(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:</p> <ul style="list-style-type: none"> <li>(a) the accepted Mining Operations Plan;</li> <li>(b) development consent requirements and conditions;</li> <li>(c) Department of Environment and Conservation and Department of Planning licences and approvals;</li> <li>(d) any other statutory environmental requirements;</li> <li>(e) details of any variations to environmental approvals applicable to the lease area; and</li> <li>(f) where relevant, progress towards final rehabilitation objectives.</li> </ul> <p>(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</p>	Malabar has prepared Annual Environmental Management Report (AEMR) (Annual Reviews) for the audit period in accordance with this condition.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>(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 and the local council.</p>			
CL38	C4	<p><b>Subsidence Management</b></p> <p>(a) The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.</p> <p>(b) Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the <i>Applications for Subsidence Management Approvals guidelines (EDG17)</i></p> <p>(c) The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the <i>Coal Mine Health and Safety Act 2002</i>, or the document <i>New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09)</i>.</p> <p>(d) Subsidence Management Plans are to be prepared in accordance with the <i>Guideline for Applications for Subsidence Management Approvals</i>.</p> <p>(e) 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 <i>New Approval Process for Management of Coal Mining Subsidence - Policy</i>.</p>	Not triggered – No underground mining is occurring as a part of the coal lease.	Not triggered	
CL39	C5	<p><b>Working Requirement</b></p> <p>The lease holder must:</p>	At least 1 competent person is efficiently employed on the lease area on each weekday except Sunday or any weekday that is a public holiday.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(a) ensure that at least 1 competent person is efficiently employed on the lease area on each week day except Sunday or any week day that is a public holiday,</p> <p>OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$17,500 per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p>	Rehabilitation expenditure amount was not less than \$17,500 per annum during the audit period.		
CL40	C6	<p><b>Control of Operations</b></p> <p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:-</p> <p style="padding-left: 40px;">(i) cease working the lease; or</p> <p style="padding-left: 40px;">(ii) cease that part of the operation not complying with the Act or conditions;</p> <p style="padding-left: 40px;">until in the opinion of the Environmental Officer the situation is rectified.</p> <p>(b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.</p> <p>(c) A direction referred to in this condition may be served on the Mine Manager.</p>	Not triggered during the audit period.	Not triggered	
CL41	C7	<p><b>Reports</b></p> <p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p>	Evidence provided of Annual Group Reports across the period. Anniversary date of 26 February - 25 February. Reports dated within the desired period. Reports cover the three mining leases and meet the requirements of this condition.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(c) A summary of all geological findings acquired through mining or development evaluation activities;</p> <p>(d) Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>			
CL42	C8	<p><b>Licence to Use Reports</b></p> <p>(a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.</p> <p>(b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p>	Noted.	Compliant	
CL43	C9	<p><b>Confidentiality</b></p> <p>(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:</p> <p>(i) the lease holder has agreed that specified reports may be made non-confidential.</p> <p>(ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>	Noted.	Compliant	
CL44	C10	<p><b>Terms of the non-exclusive licence</b></p> <p>The terms of the non-exclusive copyright licence granted under condition 8 (a) are:</p> <p>(a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports.</p> <p>(b) the Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.</p>	Noted.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright.</p> <p>(d) there is no royalty payable by the Minister for the licence.</p> <p>(e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months notice.</p>			
CL45	C11	<p><b>Blasting</b></p> <p>(a) <u>Ground Vibration</u> The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment and Conservation.</p> <p>(b) <u>Blast Overpressure</u> The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment and Conservation.</p>	Blasting last occurred on the coal lease site on the 19 <sup>th</sup> of September 2016, with previous blasting reports in prior reporting periods adhering to the criteria of this condition.	Compliant	
CL46	C12	<p><b>Safety</b></p> <p>Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be filled in or otherwise rendered safe to a standard acceptable to the Director-General.</p>	No safety issues were identified during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
CL47	C13	<p><b>Rehabilitation</b></p> <p>(a) Land disturbed must be rehabilitated to a stable and permanent form suitable for a subsequent land use acceptable to the Director-General and in accordance with the Mining Operations Plan so that:-</p> <ul style="list-style-type: none"> <li>there is no adverse environmental effect outside the disturbed area and that the land is properly drained and protected from soil erosion.</li> <li>the state of the land is compatible with the surrounding land and land use requirements.</li> <li>the landforms, soils, hydrology and flora require no greater maintenance than that in the surrounding land.</li> <li>in cases where revegetation is required and native vegetation has been removed or damaged, the original species must be re-established with close reference to the flora survey included in the Mining Operations Plan. If the original vegetation was not native, any re-established vegetation must be appropriate to the area and at an acceptable density.</li> <li>the land does not pose a threat to public safety.</li> </ul> <p>(b) Any topsoil that is removed must be stored and maintained in a manner acceptable to the Director-General.</p>	Rehabilitation is ongoing with the Rehabilitation Strategy required under SSD S2 B78 still under development.	Compliant	
CL48	C14	<p><b>Rehabilitation</b></p> <p>The lease holder must comply with any direction given by the Director-General regarding the stabilisation and revegetation of any mine residues, tailings or overburden dumps situated on the lease area.</p>	Malabar was observed to have complied with all directions from the Resource Regulator during the audit period.	Compliant	
CL49	C15	<p><b>Exploratory Drilling</b></p> <p>(1) At least twenty eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Natural Resources regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.</p> <p>(2) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p>	Not triggered - Last exploratory drilling occurred outside of the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(a) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(b) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(c) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</p> <p>(d) if any drill hole meets natural or noxious gases it is plugged or sealed to prevent their escape;</p> <p>(e) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(f) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(g) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>			
CL50	C16	<p><b>Prevention of Soil Erosion and Pollution</b></p> <p>Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.</p>	Site is not operational with rehabilitation works primarily occurring during the audit period. Malabar was observed to have carried out operations in a manner that did 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 the Mining Operations Plan.	Compliant	
CL51	C17	<p><b>Transmission lines, Communication lines and Pipelines</b></p> <p>Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions he may stipulate.</p>	Malabar indicated that they have not interfered with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
CL52	C18	<p><b>Fences, Gates</b></p> <p>(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate.</p> <p>(b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.</p>	Malabar has not interfered in any way with any fences during the audit period.	Compliant	
CL53	C19	<p><b>Roads and Tracks</b></p> <p>(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.</p> <p>(b) The lease holder must pay to the designated authority in control of the road (general the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads cause by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.</p>	No impacts to roads during the audit period.	Not triggered	
CL54	C20	<p><b>Roads and Tracks</b></p> <p>Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Natural Resources.</p>	No evidence that excessive numbers of access tracks have been installed during the audit period.	Compliant	
CL55	C21	<p><b>Trees and Timber</b></p> <p>(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.</p> <p>(b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992</p>	Information provided indicates that there was no felling of trees, stripping of bark or cutting of timber on the lease during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>must comply with the provisions of the Native Vegetation Act 2003.</p> <p>(c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.</p>			
CL56	C23	<p><b>Resource Recovery</b></p> <p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p> <p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder</p>	<p>The site is now in maintenance, care, and rehabilitation and consequently there is not evidence that this condition has been triggered.</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		written notice of the decision. The lease holder must comply with the requirements of this notice.			
CL57	C24	<p><b>Indemnity</b></p> <p>The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.</p>	Noted and acknowledged by Malabar.	Compliant	
CL58	C26	<p><b>Single Security (extended)</b></p> <p>(a) The single security given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Coal Lease 229 (Act 1973) and Mining Lease 1531 (Act 1992) is extended to apply to this lease.</p> <p>(b) If the lease holder fails to fulfil any one or more of the obligations under this lease, then the security held may be applied at the discretion of the Minister. towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of the lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p>	Evidence that a joint security deposit of \$80,825,000.00 has been lodged with the Minister was provided.	Compliant	
<b>ML1531</b>					
ML1	C1	<p><b>EXTRACTION OF COAL</b></p> <p>The lease holder shall extract as large a percentage of the coal in the subject area as is practicable consistent with the provisions of the Coal Mines Regulations Act 1982 and the Regulations</p>	Not triggered-Coal extraction ceased on the 31 <sup>st</sup> of October 2016.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		thereunder and shall comply with any direction given or which may be given in this regard by the Minister.			
ML2	C2	<p><b>MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)</b>  <b>MINING OPERATIONS PLAN (MOP)</b></p> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) ongoing mining operations and environmental management; and</li> <li>(b) ongoing monitoring of the project.</li> </ul> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>(3) A Plan must be lodged with the Director-General:-</p> <ul style="list-style-type: none"> <li>(a) prior to the commencement of operations;</li> <li>(b) subsequently as appropriate prior to the expiry of any current Plan; and</li> <li>(c) in accordance with any direction issued by the Director-General.</li> </ul> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) area(s) proposed to be disturbed under the Plan;</li> <li>(b) mining and rehabilitation method(s) to be used and their sequence;</li> <li>(c) areas to be used for disposal of tailings/waste;</li> <li>(d) existing and proposed surface infrastructure;</li> <li>(e) progressive rehabilitation schedules;</li> <li>(f) areas of particular environmental sensitivity;</li> <li>(g) water management systems (including erosion and sediment controls);</li> <li>(h) proposed resource recovery; and</li> </ul>	<p>Rehabilitation at the Maxwell UG Project is managed in accordance with the BMP and MOP. The BMP was approved by DPE on 20 September 2021 and supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site. The MOP was approved by the Resources on the 25 June 2021.</p> <p>A site inspection conducted by the Resources Regulator on 26 August 2019 and subsequent investigation found that Maxwell Ventures (Management) Pty Ltd had failed to comply with the progressive rehabilitation schedule for 2017 and 2018 as contained within the approved MOP (Official Caution NCG0002358), a breach of condition 2. It is noted that this breach occurred prior to the audit period.</p> <p>On 8 October 2020, Maxwell received an Official Caution under the Mining Act 1992 for failing to submit a RCE by the due date required by notice NTCE0005152 and for failing to comply with the progressive rehabilitation schedule for 2019 as contained within the approved MOP.</p> <p>The omission to lodge the RCE by the required deadline was due to a human error. When brought to the attention of Maxwell, the RCE was promptly produced and lodged with the Resources Regulator.</p>	Non-compliant	<b>OFI</b> – Implement a consolidated compliance management system to assign, track and complete compliance requirements by their due date.

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(i) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining land use/vegetation</p> <p>(5) The Plan when lodged will be reviewed by the Department of Mineral Resources.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and relodgement.</p> <p>(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.</p> <p>(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) - (7) above.</p>			
ML3	C3	<p><b>ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR)</b></p> <p>(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.</p> <p>(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:-</p> <ul style="list-style-type: none"> <li>(a) the accepted Mining Operations Plan;</li> <li>(b) development consent requirements and conditions;</li> <li>(c) Environment Protection Authority and Department of Land and Water Conservation licences and approvals;</li> <li>(d) any other statutory environmental requirements;</li> <li>(e) details of any variations to environmental approvals applicable to the lease area. and</li> <li>(f) where relevant, progress towards final rehabilitation objectives.</li> </ul>	Malabar has prepared Annual Environmental Management Report (AEMR) (Annual Reviews) for the audit period in accordance with this condition.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(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.</p> <p>(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.</p>			
ML4	C14	<p><b>SHAFTS, DRIFTS, ADITS</b></p> <p>Operations shall be conducted in such a manner as not to cause any danger to persons or stock and the lease holder shall provide and maintain adequate protection to the satisfaction of the Minister around each shaft or excavation opened up or used by the lease holder.</p>	Not triggered - no ongoing operations.	Not triggered	
ML5	C15	<p><b>DUMPS</b></p> <p>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.</p>	No directions given regarding dumping during the audit period.	Not triggered	
ML6	C16	<p><b>DUMPS</b></p> <p>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.</p>	No directions given regarding dumping during the audit period.	Not triggered	
ML7	C17	<p><b>DUST</b></p> <p>The lease holder shall take such precautions as are necessary to abate any dust nuisance.</p>	Minimal dust generating activities undertaken on site during the audit period. Dust Management in accordance with the AQGGMP.	Compliant	
ML8	C18	<p><b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b></p> <p>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.</p>	Malabar has not interfered in any way with any fences during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML9	C19	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	No instruction given by the minister during the audit period.	Not triggered	
ML10	C20	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	No requirement during the audit period.	Not triggered	
ML11	C21	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	Rehabilitation currently undertaken in accordance with the approved MOP 2021-2023.	Not triggered	
ML12	C22	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> 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.	Rehabilitation currently undertaken in accordance with the approved MOP 2021-2023. Not triggered - Site is currently in operational maintenance and care and as such has not yet completed operations.	Not triggered	
ML13	C23	<b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b> If so directed by the Minister the lease holder shall rehabilitate to the satisfaction of 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.	Rehabilitation currently undertaken in accordance with the approved MOP 2021-2023.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
ML14	C24	<p><b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b></p> <p>The lease holder shall take all precautions against causing outbreak of fire on the subject area.</p>	<p>The Bushfire Management Plan outlines the annual inspection measures to be implemented as part of the site's bushfire preparedness and outlines precautions against causing outbreak of fire on the subject area. APZs and access tracks will be monitored annually in August (prior to the start of the fire season in September) to ensure the grass is mown and leaves and vegetation debris are removed. The first inspection is scheduled August 2021 outside of the audit period.</p>	Compliant	
ML15	C25	<p><b>MANAGEMENT AND REHABILITATION OF LANDS (GENERAL)</b></p> <p>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, groundwater 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, groundwater or catchment area or any undue interference to fish or their environment.</p>	<p>The Water Management Plan was found to address the relevant surface water and groundwater conditions detailed in the consents and has been implemented accordingly, as reported in the Annual Reviews and quarterly monitoring reports available for the audit period.</p>	Compliant	
ML16	C26	<p><b>BLASTING</b></p> <p>The lease holder shall monitor noise and vibration and institute controls, generally in accordance with the recommendations of Australian Standard AS-2187-1993 and ANZEC Guidelines.</p> <p>(a) <b>Ground Vibration</b></p> <p>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</p>	<p>Blasting has ceased in the mining lease since the completion of mining activities in October 2016 after exhaustion of viable coal deposits. Should blasting occur in the nearby Maxwell UG Project, temporary blast monitors will be installed and monitored in accordance with AS 2187.2 – 2006 and ANZEC Guidelines.</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>a valid agreement with the lease holder, with respect to the effects of blasting.</p> <p>(a) <b>Blast Overpressure</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.</p>			
ML17	C27	<p><b>TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS</b></p> <p>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.</p>	<p>Any direction by the Minister to ensure that operations are carried out in such a manner so as to minimise disturbance to flora and fauna within the subject area will be followed.</p> <p>No requests were made to minimise disturbance during the period.</p>	Compliant	
ML18	C29	<p><b>TREES (PLANTING AND PROTECTION OF) FLORA AND FAUNA AND ARBOREAL SCREENS</b></p> <p>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.</p>	<p>Compliant – 2019 tree planting areas were inspected, with varying rates of survival between 11% and 72% across the areas. Additional infill planting of 520 tube stock was undertaken to improve the visual amenity.</p> <p>Evidence of these tree screens and planting areas were sited during inspection.</p>	Compliant	
ML19	C30	<p><b>SOIL EROSION</b></p> <p>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.</p>	<p>Site is not currently operational.</p> <p>Review of available information and following the site inspection indicated that the site is adequately managing soil erosion during pre-establishment works associated with the Maxwell UG Project.</p>	Compliant	
ML20	C31	<p><b>ROADS</b></p>	<p>There has not been any damage to roads from operations that has</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		The lease holder shall pay to <b>Muswellbrook Shire Council</b> , Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority the cost incurred by such Council or Department or Chief Executive of making good any damage caused by operations carried on by or under the authority of the lease holder to any road adjoining or traversing the surface or the excepted surface, as the case may be of the subject area. PROVIDED HOWEVER that the amount to be paid by the lease holder as aforesaid shall be reduced by such sum of money if any as may be paid to the said Council the Department of Land and Water Conservation or the Chief Executive, Roads and Traffic Authority as the case may be from the Mine Subsidence Compensation Fund constituted under the Mine Subsidence Compensation Act, 1961, in settlement of a claim for compensation for the same damage.	required payment to Muswellbrook Shire Council during the audit period.		
ML21	C32	<b>ROADS</b> In the event of operations being conducted on the surface of any road, track or firetrail traversing the subject area or in the event of such operations causing damage to or interference with any such road, track or firetrail the lease holder, at his own expense, shall if directed to do so by the Minister provide to the satisfaction of the Minister an alternate road, track or firetrail in a position as required by the Minister and shall allow free and uninterrupted access along such alternate road, track or firetrail and, if required to do so by the Minister, the lease holder shall upon completion of operations rehabilitate the surface of the original road, track or firetrail to a condition satisfactory to the Minister.	No operation during the audit period.	Not triggered	
ML22	C33	<b>CATCHMENT AREAS</b> (a) Operations shall be carried out in such a way as not to cause any pollution of the Hunter Catchment Area. (b) 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.	No operation within the lease that has caused any pollution of the Hunter Catchment Area during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		(c) 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.			
ML23	C41	<p><b>TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES</b></p> <p>The lease holder shall as far as is practicable so conduct operations as not to interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area and shall comply with any direction given or which may be given by the Minister in this regard.</p>	Malabar confirmed that the operation did not interfere with or impair the stability or efficiency of any transmission line, communication line or pipeline traversing the surface or the excepted surface of the subject area & Malabar Coal did not receive any direction from Resources Regulator regarding such a matter.	Compliant	
ML24	C43	<p><b>ABORIGINAL PLACE OR ABORIGINAL OBJECT</b></p> <p>The lease holder shall not knowingly destroy, deface or damage any Aboriginal object or Aboriginal place or 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 such destruction, defacement or damage.</p>	Malabar indicated that no Aboriginal objects or places been knowingly destroyed, defaced or damaged outside of the authority issued under the National Parks and Wildlife Act 1974.	Compliant	
ML25	C44	<p><b>LABOUR/EXPENDITURE</b></p> <p>The lease holder shall during each year of the term of the authority:</p> <p>(a) ensure that at least 8 workers are efficiently employed on the subject area; or</p> <p>(b) expend on operations carried out in the course of prospecting or mining the subject area, an amount of not less than <b>\$140,000</b>.</p> <p>The Minister may, at any time after a period of two (2) years from the date on which this authority has effect or from the date on which the renewal of this authority has effect, increase or decrease the amount of expenditure or labour required.</p>	Mining operations have ceased. Letter omitting this condition provided as evidence.	Not triggered	
ML26	C45	<p><b>ADDITIONAL INFORMATION</b></p> <p>The lease holder shall if directed by the Minister and within such time as the Minister may stipulate furnish to the Minister:</p> <p>(a) information regarding the ownership of the land within the subject area;</p>	Review of available correspondence indicated that Malabar has conformed with all directions from the Resource Regulator during the audit period.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(b) information regarding the ownership of the coal within the subject area prior to 1st January, 1982;</p> <p>(c) an indemnity in a form approved by the Minister indemnifying the Crown and the Minister against any wrong payment effected as a result of incorrect information furnished by the lease holder;</p> <p>(d) information regarding the financial viability of the lease holder and operations within and associated with the subject area; and</p> <p>(e) information regarding shareholdings in the lease holder.</p>			
ML27	C46	<p><b>SERVICE OF NOTICES</b></p> <p>Within a period of three (3) months from the date of this authority or a period of three (3) months from the date of service of the notice of renewal, or within such further time as the Director General may allow, the lease holder shall serve on each landholder within the subject area a notice in writing indicating that this authority has been granted or renewed and whether the authority includes the surface. The notice shall be accompanied by an adequate plan and description of the subject area.</p> <p>If there are ten (10) or more landholders affected the lease holder may serve the notice by publication in a newspaper circulating in the region where the subject area is situated. The notice shall indicate that this authority has been granted or renewed, state whether the authority includes the surface and shall contain an adequate plan and description of the subject area.</p>	Lease does not expire until 26 February 2024.	Not triggered	
ML28	C47	<p><b>INSPECTORS</b></p> <p>(a) Where an Inspector under the Mining Act 1992 is of the opinion that any condition of this authority relating to operations within the subject area, or any provision of the Mining Act, 1992, relating to operations within the subject area, are not being complied with by the lease holder, the Inspector may serve on the lease holder a notice stating that and give particulars of the reason why, and may in such notice direct the lease holder:</p> <p>(i) to cease operations within the subject area in contravention of that condition or Act; and</p> <p>(ii) to carry out within the specified time works necessary to rectify or remedy the situation.</p>	Notice dated 28 Jun 2021 and Official Cautions dated 17 April and 8 October 2020. Malabar complied with all directions.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		(b) The lease holder shall comply with the directions contained in any notice served pursuant to sub paragraph (a) of this condition. The Director General may confirm, vary or revoke any such direction. (c) A notice referred to in his condition may be served on the Colliery Manager.			
ML29	C48	<b>INDEMNITIES</b> The lease holder shall indemnify and keep indemnified the Crown from and against all actions suits and claims and demands of whatsoever nature and all costs charges and expense which may be brought against the lease holder or which the lease holder may incur respect of any accident or injury to any person or property which may arise out of the construction maintenance or working of any workings now existing or to be made by the lease holder within the boundaries of the subject area or in connection with any of the operations notwithstanding that all other conditions of this authority shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease which the lease holder may be licensed or compelled to do hereunder.	Noted and acknowledged by Malabar.	Compliant	
ML30	C49	<b>INDEMNITIES</b> The lease holder shall save harmless the Crown from payment of compensation and from and against all claims, actions, suits or demands whatsoever in the event of any damage resulting from mining operations under or near the subject area.	Noted and acknowledged by Malabar.	Compliant	
ML31	C50	<b>PROSPECTING (GENERAL)</b> (a) Where the lease holder desires to commence prospecting operations in the subject area the lease holder shall notify the Director General in writing and shall comply with such additional conditions as the Minister may impose including any condition requiring the lodgement of an additional bond or other form of security for rehabilitation of the area affected by such operations.	Not triggered – prospecting was not undertaken during the audit period, with the site now being under care and maintenance.	Not triggered	
ML32	C51	<b>SECURITY DEPOSIT</b> <b>Single Security (extended)</b> The joint security of <b>\$8,827,600</b> lodged with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease	Evidence that a joint security deposit of \$8,825,000.00 has been lodged with the Minister was provided.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		holder of its obligations under Coal Lease 229 (Act 1973) and Coal Lease 395 (Act 1973) is extended to apply to this lease.			
ML33	C54	<p><b>ROYALTY AT ADDITIONAL RATE</b></p> <p>The lease holder shall during the term of this authority pay to the Minister royalty at the additional rate as prescribed by the Regulation for coal recovered by open cut mining methods from the area.</p>	Not triggered – site is in care and maintenance.	Not triggered	
ML34	A1	<p><b>METHODS OF OPERATION (PRESCRIBED DAMS)</b></p> <p>1) Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Liddell Ash Dam without the prior written approval of the Minister and subject to any conditions he may stipulate.</p> <p>2) Where the lease holder desires to mine within the notification area he must:-</p> <p>(i) at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</p> <p>(ii) provide such information as the Minister may direct.</p> <p>3) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <p>(i) This sub-paragraph is complied with if:-</p> <p>(a) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (B).</p> <p>(b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</p> <p>(c) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.</p>	No mining undertaken during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(d) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</p> <p>(e) where the Dams Safety Committee has made recommendations the approval is in terms that are:-</p> <p>(i) in accordance with those recommendations; or</p> <p>(ii) where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.</p> <p>(ii) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:-</p> <p>(a) as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or</p> <p>(b) in the event or failure to reach such agreement – as determined by the Premier.</p> <p>4) The Minister, on notice from the Dams Safety Committee, may at any time or times:-</p> <p>(i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.</p> <p>(ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</p>			
<b>ML1822</b>					
ML35	C1	<p><b>Notice to Landholders</b></p> <p>(a) Within 90 days from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing to notify that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease</p>	A notice provided to landholders concerning the grant of the lease.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>area, and a description of the lease area must accompany the notice.</p> <p>(b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.</p>			
ML36	C2	<p><b>Security</b></p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining lease, including obligations under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided has been assessed by the Minister at <b>\$10,000</b>.</p>	<p>Evidence that the security deposit of \$10,000 has been provided and maintained</p> <p>Reference Number: BDC-751-115057-001.</p>	Compliant	
ML37	C3	<p><b>Cooperation Agreement</b></p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul>	<p>Malabar was observed to make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations during the audit period.</p>	Compliant	
ML38	C4	<p><b>Assessable Prospecting Operations</b></p> <p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <p>(i) it is carried out in accordance with any necessary development consent; or</p>	<p>No prospecting operations have occurred during the audit period.</p>	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<p>(ii) if development consent is not required, the prior written approval of the Minister has been obtained.</p> <p>(b) The lease holder must comply with the approval granted to the holder.</p> <p>(c) The Minister may require the lease holder to provide such information as required to assist the Minister consider an application for approval.</p> <p>(d) An approval granted under this condition may be granted subject to terms.</p> <p><b>Exploration Reporting</b>  <i>Note: <u>Exploration Reports (Geological and Geophysical)</u></i>  <i>The lease holder must lodge reports to the satisfaction of the Secretary in accordance with section 163C of the Mining Act 1992 and in accordance with clauses 59, 60 and 61 of the Mining Regulation 2016.</i>  <i>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</i></p> <p><b>Special Conditions</b>  <i>Note: The standard conditions apply to all mining leases. The Department reserves the right to impose special conditions, based on individual circumstances, where appropriate.</i></p> <p><b>Nil</b></p>			
<b>ML1820</b>					
ML39	C1	<p><b>Notice to Landholders</b></p> <p>(a) Within 90 days from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing to notify that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.</p> <p>(b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate</p>	A notice provided to landholders concerning the grant of the lease.	Compliant	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.			
ML40	C2	<p><b>Security</b></p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining lease, including obligations under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided has been assessed by the Minister at <b>\$10,000</b>.</p>	<p>RFI 2 – Evidence that the security deposit of \$10,000 has been provided and maintained.</p> <p>Reference Number: BDC-751 -11507 4-001.</p>	Compliant	
ML41	C3	<p><b>Cooperation Agreement</b></p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> <li>• access arrangements</li> <li>• operational interaction procedures</li> <li>• dispute resolution</li> <li>• information exchange</li> <li>• well location</li> <li>• timing of drilling</li> <li>• potential resource extraction conflicts; and</li> <li>• rehabilitation issues.</li> </ul> <p><b>Exploration Reporting</b></p> <p><i>Note: <u>Exploration Reports (Geological and Geophysical)</u></i></p> <p><i>The lease holder must lodge reports to the satisfaction of the Secretary in accordance with section 163C of the Mining Act 1992 and in accordance with clauses 59, 60 and 61 of the Mining Regulation 2016.</i></p> <p><i>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</i></p> <p><b>Special Conditions</b></p> <p>Nil</p>	No prospecting operations have occurred during the audit period.	Not triggered	

IEA No.	Cond No.	Condition	Comments & Evidence	Audit Findings	Recommendations
		<i>Note: The standard conditions apply to all mining leases. The Department reserves the right to impose special conditions, based on individual circumstances, where appropriate.</i>			

## **B.6 Response to 2018 IEA Audit Checklist**

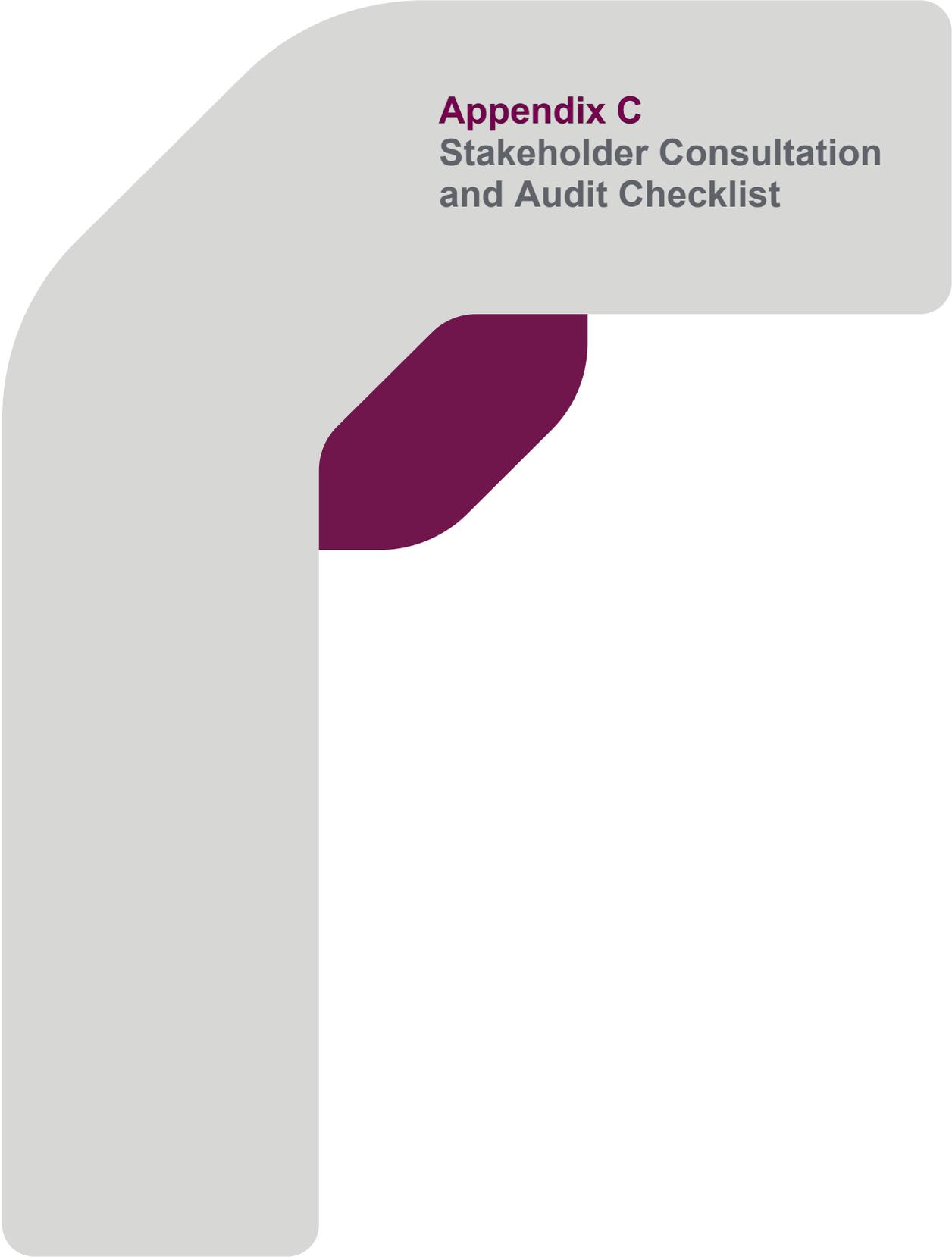
# INDEPENDENT ENVIRONMENTAL AUDIT 2018 RESPONSE TO AUDITOR RECOMMENDATIONS CHECKLIST

INDEPENDENT ENVIRONMENTAL AUDIT 2018 RESPONSE TO AUDITOR RECOMMENDATIONS CHECKLIST .....1

IEA No.	Recommendation	Due Date	Audit Findings	2022 IEA Recommendations
REC 1	Cumulative noise levels should be included in future noise monitoring reporting and Annual Reviews.	Completed 2018	Compliant	
REC 2	Clean out sump at the lower lube bay and transfer sediment to the bioremediation area.	Completed 2018	Compliant	
REC 3	Ensure dams listed in Section 7.4.2 of the WMP are inspected following storm events of more than 30mm in a 24 hour period.	Completed 2018	Compliant	Inspections of high-risk water storages are undertaken following storm events of more than 25 mm in a 24-hour period (25 mm within 24 hours, midnight to midnight, with a new rainfall event considered to have commenced if there has not been a rainfall event in the previous 48 hours) to confirm that no uncontrolled overflows of mine-affected water off-site have occurred. The E&C team undertake these inspections during daytime operations with trained security guards undertaking the inspections during night discharge events.
REC 4	Ensure groundwater monitoring is completed as per the Groundwater Monitoring Plan.	Completed 2018	Compliant	Groundwater levels in the Maxwell Infrastructure bores have remained relatively stable over the audit period. Monitoring for both surface water and groundwater were observed to be undertaken in accordance with the WMP.
REC 5	The Rehabilitation and Offset Management Plan is from 2013 and should be updated. If the current draft MOP amendment that is with the DPE and Resource Regulator is approved, the Rehabilitation and Offset Management Plan should be updated for consistency.	31/09/2019	Compliant	Mining Operations Plan 1 July 2021 – 30 June 2023
REC 6	Ensure for the next update of the Aboriginal Cultural Heritage Plan, the OEH are included in the consultation.	31/12/2019	Compliant	Document Number: MXC_MP_EC_03 Version: 2 Effective: 9/02/2022 Approved by Stephen O'Donoghue as Nominee of the Planning Secretary on 10 February 2022.
REC 7a	Ensure an analysis of monitoring results against historic data is included in Annual Reviews;	31/03/2019	Compliant	Updated in 2018 – 2021 Annual Reviews.

IEA No.	Recommendation	Due Date	Audit Findings	2022 IEA Recommendations
REC 7b	Ensure an analysis of monitoring results against predictions in the EA is included in Annual Reviews;	31/03/2019	Compliant	Updated in 2018 – 2021 Annual Reviews.
REC 7c	The current Annual Reviews should be streamlined to be more concise as per the Annual Review guidelines; and	31/03/2019	Compliant	Updated in 2018 – 2021 Annual Reviews.
REC 7d	The focus of the document should be more on rehabilitation.	31/03/2019	Compliant	Updated in 2018 – 2021 Annual Reviews.
REC 8	Malabar Coal need to undertake a review of management plans within 3 months of submitting the IEA report.	14/03/2019	Compliant	
REC 9a	Ensure the plans approved in October 2018 (AQMP and Noise MP) are sent to relevant stakeholders within three months as per sub condition a).	Completed 2018	Compliant	AQMP and Noise MP have been approved by the Secretary.
REC 9b	Ensure this audit is sent to the agencies within the three- month period.	Completed 2018	Compliant	
REC 10	Inform DPI Water of the current Environment and Community Manager.	Completed 2018	Compliant	
REC 11	Ensure future copies of the EMS are prepared in consultation with the CCC.	31/03/2019	Compliant	Scheduled for the March 2019 CCC meeting.
REC 12	Ensure future versions of the AQ and GHG MP are prepared in consultation with the owners of the Bayswater rail loading facility (Mt Arthur Coal).	Completed 2018	Compliant	
REC 13a	Advise Mt Arthur the estimated annual tonnages for coal haulage on the Antiene Spur, sixty business days before the commencement of each year.	Completed 2018	Compliant	
REC 13b	Advise Mt Arthur the estimated 3-monthly tonnages for coal haulage on the Antiene Spur on the first business day of each month.	Completed 2018	Compliant	
REC 14	Ensure copies of the audit of this Development Consent are sent to the relevant government agencies for comment, within 2 weeks of the report s completion.	Completed 2018	Compliant	
REC 15	Report complaints with respect to the Maxwell Infrastructure transportation operations to DPE, EPA and Resources Regulator on a 6-monthly basis.	Completed 2018	Compliant	
REC 16a	Liaison with the Resource Regulator and DPE regarding an agreement on the final landform for the site. Based on the information provided to SLR, the site will continue to complete rehabilitation as per the landform in the approved 2015 MOP unless directed otherwise from the Resource Regulator or the DPE	31/12/2019	Compliant	Mining Operations Plan 1 July 2021 – 30 June 2023
REC 16b	The site needs to review the circumstances when the chisel plough is used. For some recent rehabilitation the chisel plow has been used, when deep ripping on a horizontal aspect should be used.	Completed 2018	Compliant	
REC 16c	There are some general water management improvements in some areas of recent rehabilitation, including a review/repair of some contour drains.	Completed 2018	Compliant	

IEA No.	Recommendation	Due Date	Audit Findings	2022 IEA Recommendations
REC 16d	There is a large area of gully erosion at the site in an area that was shaped and rehabilitated during Anglo's management; up to 3 metres width. It has been determined that a drop structure will need to be established in this area. We recommend: - Engineering design; and - Review of rock material onsite for suitability.	Completed 2018	Compliant	
REC 16e	The eastern face of the North tip is an area of rehabilitation that has failed. It is noted the area that has failed is one of the steeper rehabilitated slopes. Implement actions to attempt to rectify this problem including additional work on the landform, use of ameliorants, and a review of seed mix.	31/03/2019	Compliant	This was completed in 2020. One outstanding action from the 2018 IEA was to remediate a section of rehabilitation on the eastern face of the North tip. The IEA noted the area had failed and recommended remedial work be undertaken on the landform including re-establishing the contours, application of ameliorants and re-seeding. This work was undertaken during the reporting period across an area of approximately 6.5 ha.
REC 16f	Soil testing should be completed in areas of failed rehabilitation as well as prior to implementing future rehabilitation.	Completed 2018	Compliant	
REC 16g	Provide additional information in the Annual Review. This includes proposed improvements of current rehabilitation areas and proposed activities for future rehabilitation.	Completed 2018	Compliant	
REC 17	Cumulative noise levels should be included in future noise monitoring reporting and Annual Reviews.	Completed 2018	Compliant	
REC 18	There is little information within the Annual Review about proposed activities within the offset areas. Additional information is recommended including proposed activities and timings for offset areas. It is recommended that this information is outlined within a table.	Completed 2018	Compliant	
REC 19a	Ensure cardboard waste found within the lower lube bay is moved to the cardboard recycling bin.	Completed 2018	Compliant	
REC 19b	Remove any unwanted waste from site. This includes the scrap metal which has been sorted in areas. SLR understands there is a plan in place for this.	30/06/2019	Compliant	Significant waste removal works occurred during the audit period.
REC 19c	Removal off site of one empty oil drum located in one of the laydown areas.	Completed 2018	Compliant	



## **Appendix C** Stakeholder Consultation and Audit Checklist

# REGULATOR CONSULATATION CHECKLIST – MALABAR RESOURCES IEA 2022

<b>REGULATOR CONSULATATION CHECKLIST – MALABAR RESOURCES IEA 2022 .....</b>	<b>1</b>
NSW Department of Planning and Environment.....	2
Biodiversity and Conservation Division .....	4
Muswellbrook Shire Council .....	5
Resource Regulator.....	6

IEA No.	Condition	Comments & Evidence	Recommendations
<b>NSW Department of Planning and Environment</b>			
C01	An assessment of the implementation of all approved strategies, plans and programs required by the consent	An assessment of the implementation of all approved strategies, plans and programs required by the consent is contained in Section 3 of the Report and detailed throughout the audit checklists.	
C02	Aboriginal Heritage – including but not limited to the protection of known Aboriginal objects or Aboriginal places on the site and within any offset areas.	It was noted 47 sites were salvaged at the Maxwell Infrastructure site prior to the audit period. All salvaged artefacts remain stored on the premises in a secure location. Thirteen known sites remain fenced and conserved in-situ. Evidence of these in-situ fenced sites were observed during the site inspection (R15, 37-2-2333).	
C03	Air quality, including but not limited to – <ul style="list-style-type: none"> <li>• an assessment of compliance with the air quality criteria in the consent</li> <li>• an assessment of greenhouse gas emissions compared to EIS predictions</li> <li>• an assessment of greenhouse gas abatement and energy efficiency measures</li> </ul>	During the audit period the site was predominately in care and maintenance under PA 06_0202 with minimal development/construction works occurring with SSD9526 thus resulting in limited opportunities for air quality impacts. It is expected that air quality impacts may increase during the next audit period as the site progresses through construction and first workings under SSD9526.	
C04	Biodiversity including but not limited to – <ul style="list-style-type: none"> <li>• protection, maintenance and enhancement of the Offset Areas for the site</li> <li>• retirement of biodiversity credits required by the consent</li> </ul>	Evidence of routine ecological monitoring was observed to have been conducted across the Maxwell UG Project including the Maxwell Infrastructure offset areas and rehabilitated lands during the audit period in accordance with the BMP. It is noted that the current BMP supersedes the Rehabilitation and Offset Management Plan and Fauna Management Plan for the Maxwell Infrastructure site with monitoring undertaken in accordance with these documents prior to approval of the BMP on 27/09/2021.  Significant weed management efforts were noted during the site inspection in Drayton Wildlife Refuge and Southern Offset Area.	
C05	Rehabilitation, including but not limited to –	The management of existing rehabilitation areas indicates the site is working towards achieving the	

IEA No.	Condition	Comments & Evidence	Recommendations
	<ul style="list-style-type: none"> <li>an assessment of the progress of rehabilitation and final landform compared to predicted progress</li> <li>management of rehabilitation in completed areas.</li> </ul>	<p>target outcomes. Evidence of this management noted on site included:</p> <ul style="list-style-type: none"> <li>Annual rehabilitation and ecological monitoring program.</li> <li>Supplemental planting of target species;</li> <li>Weed management including herbicide and mulching.</li> <li>Cattle grazing management</li> <li>Nest box installation.</li> </ul> <p>The rehabilitation appeared healthy and stable during the site inspection. There were no contour bank erosion site observed, grass cover was between 80 and 100% in most areas.</p>	
C06	<p>Social impacts, including but not limited to –</p> <ul style="list-style-type: none"> <li>requirements to enter into a Planning Agreement with Muswellbrook Shire Council</li> <li>preparation of a Social Impact Management Plan</li> <li>notification of landowners/tenants as required by Part D of the consent</li> </ul>	<p>The Voluntary Planning Agreement (MAL035-2) is currently in place with Malabar currently awaiting an invoice from Muswellbrook Council for the first payments required under the VPA.</p> <p>The SIMP has been drafted and has been sent to Muswellbrook Shire Council for consultation.</p> <p>The Department acknowledged COVID related restrictions have impacted the ability for Maxwell to meaningfully engage with relevant stakeholders. Accordingly, the Planning Secretary granted an extension of time until 30 June 2022 for the submission of the SIMP.</p> <p>Evidence provided that residences on the land listed in Table 11 were notified they are entitled to ask the Applicant to install additional mitigation measures at the residence on 20 January 2020.</p> <p>There is no privately-owned land within 3km of the MEA.</p> <p>There are no owners and/or existing tenants of any land (including mine-owned land) where the predictions in the document/s listed in condition A2(c) identify that dust emissions generated by the development are likely to be greater than the</p>	

IEA No.	Condition	Comments & Evidence	Recommendations
		relevant air quality criteria identified in condition B16 at any time during the life of the development.	
<b>Biodiversity and Conservation Division</b>			
C07	Describe how the Drayton Wildlife Refuge and the Northern Offset Area are being protected and maintained, as required under SSD-9529 Condition B45.	The methodology to protect, maintain, and enhance the Drayton Wildlife Refuge and the Northern Offset Area is outlined in Section 3.1.1 and 3.1.2 of the BMP. Malabar was observed to be generally implementing the BMP during the audit period.	
C08	Describe the status of Southern Offset Area and how it has been established, maintained and protected, as required under SSD-9529 Condition B46.	The methodology to establish, maintain and protect the Southern Offset Area is outlined in Section 3.1.3 of the BMP. The 2021 AR indicated that invasive weeds remain moderate to high in the Southern Offset Area and the Northern rehabilitation areas, including woodland rehabilitation. It was noted that intensive weed control programs have been implemented during the audit period and was confirmed during the audit inspection. The 2021 AR also noted that the diversity of canopy and mid-storey species, particularly at the Southern Offset area and Northern rehabilitation area were not meeting the completion criteria targets mainly due to pest animals impacting on planting campaigns and weed infestations. Noted that infill planting and weed control programs have occurred during the audit period.	
C09	Check the Drayton Wildlife Reserve to see if further targeted weed programs are required for Galenia, Prickly Pear, Creeping Pear and Golden Wreath Wattle, and for Galenia and Prickly Pear in the Southern Offset area – as described in the Maxwell Infrastructure 2020 Annual Environmental Monitoring Report.	Evidence of significant weed programs being undertaken during the audit period in particular for Prickly Pear.	<b>OFI</b> – Further targeted weed programs are required in the Drayton Wildlife Reserve with consideration of ideal weed growing conditions predicted in spring.
C10	Document any areas where rehabilitation has failed and describe the steps and timing to retreat those areas.	No areas of failed rehabilitation were noted during the site inspection. All areas of rehabilitation are within the ecosystem and land use establishment phase. This phase incorporates revegetated lands and habitat augmentation, focusing on species selection, presence, and growth, together with	

IEA No.	Condition	Comments & Evidence	Recommendations
		weed and pest animal management. Whilst the rehabilitation is progressing, no areas of rehabilitation have been formally signed off as meeting the land use objectives and completion criteria.	
<b>Muswellbrook Shire Council</b>			
C11	Review of the remediation of an area on the eastern face of the North tip (approximately 6.5 hectares in size) remediated in 2020. Works included the re-engineering contours, application of soil ameliorants and reseeded.	Limited access to the area was available during the site inspection due to weather/track conditions. Review of the available rehabilitation data indicated that	
C12	Confirm there is a system in place for post rainfall inspections that includes all dams shown in Table 7 of the Surface Water Management Plan (specifically DC2 and Rail Loop Dam) and areas where there have been known spontaneous combustion. Confirm inspections are recorded in an internal management system and actions recorded.	Section 5.1 of the Appendix 3 of the Water Management Plan outlines that all mine-affected water is contained within the site water management system and there are no off-site uncontrolled overflows. Inspections of high-risk water storages are undertaken following storm events of more than 25 mm in a 24-hour period (25 mm within 24 hours, midnight to midnight, with a new rainfall event considered to have commenced if there has not been a rainfall event in the previous 48 hours) to confirm that no uncontrolled overflows of mine-affected water off-site have occurred. These inspections continue until the effects of the rainfall event have subsided. Evidence was sited of these inspections occurring during the audit period.	
C13	Confirm there is an annual inspection system in place for bushfire preparedness that records evidence and actions.	The Bushfire Management Plan outlines the annual inspection measures to be implemented as part of the site's bushfire preparedness. APZs and access tracks will be monitored annually in August (prior to the start of the fire season in September) to ensure the grass is mown and leaves and vegetation debris are removed. The first inspection is scheduled August 2021 outside of the audit period.	

IEA No.	Condition	Comments & Evidence	Recommendations
C14	Confirm an internal system for tracking commitments is in-place and up-to-date (for tracking approvals, licenses and management plan commitments).	Systems are in place but are not currently consolidated with multiple registers in place.	<b>OFI</b> – Implement a consolidated compliance tracking system to manage documentation, incidents, and inspections to meet the requirements of the project approvals, EPL, and Secretary directions.
C15	Confirm whether any remedial measures have been undertaken in accordance with Table 2 of the Visual Impact Management Plan.	The MEA tree screen (planted in 2019 along ridge lines and contours to the west of the MEA) was observed during the audit period with the progress generally consistent with the updated provided in the 2021 Annual Review. It was noted that significant infill planting occurred during the audit period with favourable weather conditions expected to continue to improve vegetation growth and coverage. It was also noted that Malabar has committed to additional infill planting at the MEA tree planting area with tube stock during the optimal planting periods and an ongoing reduction of pest animals within the area prior to planting.	
C16	Review commitments from the draft Social Impact Management Plan.	SIMP is still under review by Council and has not been finalised. Audit of SIMP not triggered within the audit period.	
<b>Resource Regulator</b>			
C17	Review relevant mining leases and exploration licences as agreed with Resources Regulator	Review of relevant mining leases and exploration licences is contained in Appendix B5.	
C18	Undertake an assessment of compliance against the conditions of title related to environmental management	Review of the project approvals, relevant mining leases, and exploration licences is contained in Appendix B.	
C19	Review the rehabilitation strategy to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s)	Rehabilitation strategy is currently being prepared. First workings have not yet occurred.	
C20	Review the rehabilitation objectives and completion criteria to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval	Rehabilitation strategy is currently being prepared.	

IEA No.	Condition	Comments & Evidence	Recommendations
C21	Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records	Rehabilitation Monitoring is outlined in Section 8 of the MOP 2021-2023. Following review of available monitoring reports and rehabilitation inspection records it was determined that Malabar are generally implementing their monitoring program in accordance with the nominated objectives and completion criteria.	
C22	Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation	A specific care and maintenance program has not been developed (no requirement to do so), current rehabilitation works (tree planting) are in accordance with Figure 11 of SSD 9526 and MOP. Other land management activities are committed and tracked as part of the Annual Review process with improvement measures for next reporting period noted.	
C23	Confirm that rehabilitation progress is consistent with the approved final land use as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval	<p>Condition B78 not yet triggered, with operations currently approved until 2047.</p> <p>Last available AR shows 853ha currently under active rehabilitation, with activities focused on enhancing existing areas of rehab to meet the specified objectives.</p> <p>A Section 240 notice was issued for the site regarding long-term erosional stability of the final landform- this will need to be addressed to ensure the rehabilitation objectives are met in future.</p> <p>It was noted that SRK consulting was undertaking a Landform Evolution Model (LEM) to account for this aspect of the s240 notice (submitted to the Regulator on 28<sup>th</sup> Jan 2022).</p> <p>Several areas of the rehabilitated landforms were inspected during the site visit. There was no evidence of severe erosion or bank failure noted during the inspection.</p> <p>The post mining landuses including grazing and native habitat were considered suitable for the trending rehabilitation. That is the pasture and grass species (including Rhodes grass) were</p>	

IEA No.	Condition	Comments & Evidence	Recommendations
		contributing to a stable surface, minimising erosion and providing potential fodder for cattle grazing.	
C24	Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.	Several areas of the rehabilitated landforms were inspected during the site visit. There was no evidence of any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.	



**Appendix D**  
Opening and Closing  
Meeting Records



## MEETING ATTENDANCE RECORD

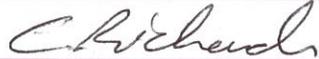
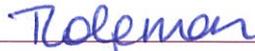
Project: MAXWELL UG IEA

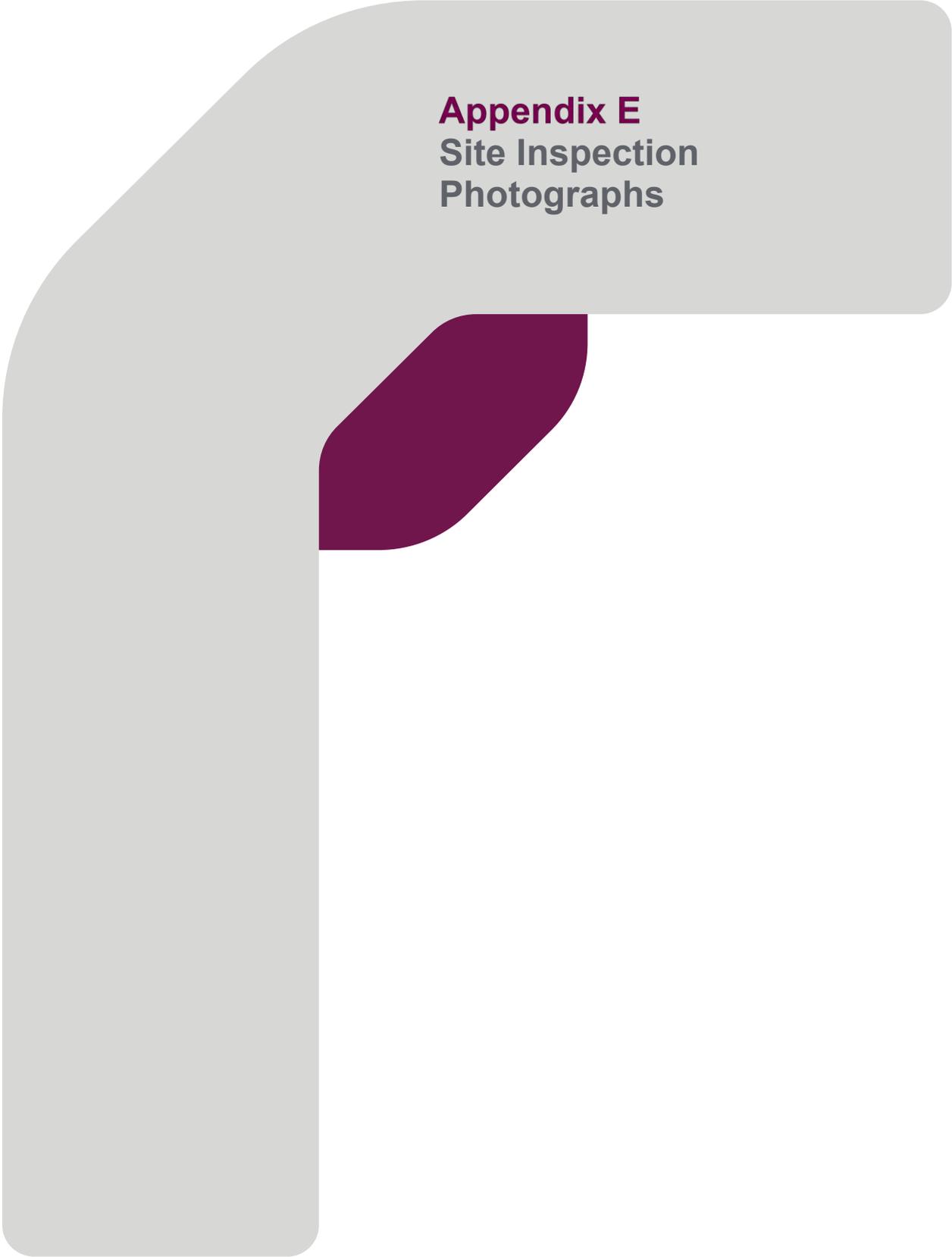
Meeting Purpose: CLOSING MEETING

Date: 12-5-22

Location: BOARDROOM, MAXWELL

Time: 1500

Name	Role	Signature
IAN RICHARDSON	LEAD AUDITOR	
SAM MITCHELL	AUDITOR	
CLAYTON RICHARDS	AUDITOR REMAB	
Henk Lemmer	Construction Manager	
Teresa Coleman	Environment & Community Coord	
ALEX NEWTON	" Approvals Coord	
Rob Hayes	Infrastructure Mgr	
DONNA MCGLAUGHLIN	ENVIRONMENT & COMM MANAGER (VIA TEAMS)	



## Appendix E Site Inspection Photographs



Plate 1 – Rail loop dam



Plate 2 – Rail loop dam level indicator



Plate 3 – Rail loop dam pump



Plate 4 – Rail loop dam infrastructure



Plate 5 – Aboriginal heritage management area R15



Plate 6 – Rail loop load out (not active)



Plate 7 – Rail loop



Plate 8 – Northern rehab area previously slashed



Plate 9 – Canopy consistency of northern rehab area



Plate 10 – Evidence of weeds and weed management programs in northern rehab areas



Plate 11 – Product stockpile area



Plate 12 – Workshop apron



Plate 13 – Unknown liquid in cut off IBCU



Plate 14 – Unbanded/labelled IBCU



Plate 15 – Wash bay



Plate 16 – Sewage treatment plant



Plate 17 – Evidence of overland erosion down embankment to oily water separator



Plate 18 – Concrete swale drains overgrown near workshop



Plate 19 – Under road pipe blocked leading from wash bay to oily water separator



Plate 20 – Oily water separator off workshop area



Plate 21 – Bund requiring clean out and with open containers present



Plate 22 – Bund requiring clean out and with open containers present



Plate 23 – Evidence of spill kits on site



Plate 24 – Leaking fuel pod outside of bunded area



Plate 25 – Workshop area



Plate 26 – Fuel and oil leaking from fuel cart during site inspection



Plate 27 – Fuel and oil leaking from fuel cart during site inspection



Plate 28 – Evidence of firefighting equipment on site



Plate 29 – Decommissioned equipment



Plate 30 – North Void



Plate 31 – Active rehabilitation area and drainage infrastructure



Plate 32 – Recently rehabbed spontaneous combustion location



Plate 33 – East Void



Plate 34 – Start of temporary access track for site establishment and sediment fence installation



Plate 35 – Sediment fence installed to temporary access track prior to permanent road construction



Plate 36 – Sediment fence installed to temporary access track prior to permanent road construction



Plate 37 – Evidence of slashing through Southern offset area



Plate 38 – Evidence of slashing through Southern offset area



Plate 39 – Wheel generated dust from mobile plant on haul road



Plate 40 – V notch dam



Plate 41 – Barn Owl in northern Offset Area



Plate 42 – TEOM 1 in Northern Offset Area



Plate 43 – Dust deposition gauge 2175 located in Northern Offset Area



Plate 44 – Evidence of knapweed noted in Drayton Wildlife Refuge



Plate 45 – Evidence of knapweed noted in Drayton Wildlife Refuge



Plate 46 – Signposted bioremediation area



Plate 47 – E-Sampler 3



Plate 48 – Evidence of gully erosion through dirty water drainage channel to southern void



Plate 49 – Southern void



Plate 50 – Active spontaneous combustion area (286) in southern void



Plate 51 – APZ zone adjoining Mt Arthur



Plate 52 – Evidence of signposted rehabilitation area



Plate 53 – AHIMS site within SSD 9526 underground footprint



Plate 54 – Overview of MEA