

Newstan / Northern Coal Services 2018 Colliery Independent Environmental Audit Action Plan

Non compliances and indeterminate compliance status's in relation to conditions in Project Approval 73_11_98, SSD5145, EPL 395, EPL365 and ML1452 along with the required actions to achieve compliance are summarised in the following table.

TABLE 8-2: Non-compliances and Recommendations					
Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
SSD- 5145 Mod 1 2.2	<p>TERMS OF CONSENT</p> <p>The Applicant must carry out the development:</p> <p>(a) generally in accordance with the EIS and SEE (Mod 1);</p> <p>(b) in accordance with the Development Layout and Statement of Commitments; and</p> <p>(c) in accordance with the conditions of this consent.</p> <p><i>Note: The Development Layout is shown in the figures in Appendix 2.</i></p>	<ul style="list-style-type: none"> Northern Coal Logistics Project EIS September 2014 by SLR Consulting SSD-5145 Mod 1 Conditions of Consent and Appendix 2 Development Layout and Appendix 6 Statement of Commitments Letter from SLR to DPE dated 27 October 2017 re Northern Coal Logistics Project, Development Consent SSD-5145, Section 96(1A) Modification, Statement of Environmental Effects 	<p>c) An assessment of compliance against the conditions of this development consent is provided throughout this Compliance Assessment Table and elsewhere in this report. As documented, NCS operations have generally been carried out in accordance with the conditions of consent however a number of conditions were identified which had not been fully complied with. On this basis this part of this condition is considered non-compliant.</p>	c) Non-compliant	Noted and addressed below.
SSD- 5145 Mod 1 3.2	<p>Operational Noise Criteria</p> <p>Until the automated coal recovery and train loading system required by condition 8 of Schedule 2 is in use, the Applicant must ensure that the operational noise generated by the development (including maintenance activities) does not exceed the criteria in Table 2 at any residence on privately-owned land.</p> <p><i>Table 2: Operational Noise Criteria</i></p>	<ul style="list-style-type: none"> Centennial Coal Newstan Colliery Annual Reviews for the periods January 2015 to December 2015, January 2016 to December 2016, January 2017 to December 2017. Newstan Colliery, Environmental Noise Monitoring Quarterly Reports for 2015, 2016, 2017 and Q1 and Q2 2018, Global Acoustics. Centennial Mandalong P/L, Mandalong Mine Annual Reviews for the periods January 2015 to December 2015, January 2016 to December 2016, January 2017 to December 2017. Mandalong Mine, Annual Compliance Noise Monitoring reports August 2015, July 2016 and Addendum Report - Additional Noise Monitoring [October 2016], SLR Consulting Mandalong Mine, 2017 Annual Compliance Noise Monitoring dated December 2017 by GHD Mandalong Mine, 2017 Additional Annual Compliance Noise Monitoring dated January 2018 by GHD Letter from SLR dated 4 September 2015 re Cooranbong Entry Site Ambient Noise Logging Results August 2015 	<p>The NCSS Environmental Coordinator advised, and auditors confirmed by observation during the site visit, that the automated coal recovery and train loading system had not yet been constructed. Therefore, the operational noise criteria set out in this condition are currently applicable and have been applicable throughout the audit period.</p> <p><u>NCSS</u></p> <p>In order to assess the NCSS compliance against the Operational Noise Criteria, Global Acoustics carried out attended noise monitoring on a quarterly basis throughout the audit period. During 2015 to 2017 the monitoring was undertaken at 7 sensitive receiver locations (NC1, NC2, NC3, NC4, NC5, NC6 and NC7) each during day, evening and night periods except NC6 which was monitored during the day period only. During 2018 monitoring was undertaken at 6 sensitive receiver locations (NC1, NC2, NC3, NC4, NC5 and NC6) each during day, evening and night periods. The reduction in the number of sensitive receiver locations monitored was a result of the Noise Management Plan, Northern Region being approved in late 2017.</p> <p>The following exceedances of the Operational Noise Criteria during the audit period were reported in the Newstan Colliery Annual Reviews and the quarterly Newstan Colliery Environmental Noise Monitoring reports by Global Acoustics:</p> <p>9 June 2015 noise levels at:</p> <ul style="list-style-type: none"> NC3 exceeded the day period $L_{Aeq,15minute}$ criterion by 7 dB. NC3 exceeded the evening period $L_{Aeq,15minute}$ criterion by 11 dB. NC7 exceeded the evening period $L_{Aeq,15minute}$ criterion by 3 dB. <p>9 Sept 2015 noise levels at:</p> <ul style="list-style-type: none"> NC3 exceeded the evening period $L_{Aeq,15minute}$ criterion by 2 dB. 	<p>Non-compliant</p> <p>Recommendation: Continue to work with noise specialists to identify the sources of noise exceedances from NCSS operations and to reduce noise from these sources to ensure compliance.</p>	<p>Agree with recommendation to continue investigations into the source of the noise.</p>

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required																																																					
	<table border="1"> <thead> <tr> <th rowspan="2">Receiver</th> <th colspan="5">Noise Limit (dB(A))</th> </tr> <tr> <th>Morning Shoulder (L_{Aeq}(15 min))</th> <th>Day (L_{Aeq}(15 min))</th> <th>Evening (L_{Aeq}(15 min))</th> <th>Night (L_{Aeq}(15 min))</th> <th>Night (L_{A1}(15 min))</th> </tr> </thead> <tbody> <tr> <td>NC2</td> <td>36</td> <td>36</td> <td>35</td> <td>35</td> <td></td> </tr> <tr> <td>NC3, Residences around NC6</td> <td>40</td> <td>40</td> <td>39</td> <td>39</td> <td></td> </tr> <tr> <td>23</td> <td>-</td> <td>37</td> <td>37</td> <td>37</td> <td></td> </tr> <tr> <td>26</td> <td>-</td> <td>36</td> <td>36</td> <td>36</td> <td></td> </tr> <tr> <td>All other residences on privately-owned land</td> <td>-</td> <td>35</td> <td>35</td> <td>35</td> <td></td> </tr> <tr> <td></td> <td></td> <td>(L_{Aeq}(1 hour))</td> <td></td> <td></td> <td></td> </tr> <tr> <td>NC6 (school), when in use</td> <td></td> <td>45 (external to school building)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Receiver	Noise Limit (dB(A))					Morning Shoulder (L _{Aeq} (15 min))	Day (L _{Aeq} (15 min))	Evening (L _{Aeq} (15 min))	Night (L _{Aeq} (15 min))	Night (L _{A1} (15 min))	NC2	36	36	35	35		NC3, Residences around NC6	40	40	39	39		23	-	37	37	37		26	-	36	36	36		All other residences on privately-owned land	-	35	35	35				(L _{Aeq} (1 hour))				NC6 (school), when in use		45 (external to school building)					<p>23 May 2017 noise levels at:</p> <ul style="list-style-type: none"> NC3 exceeded the night period L_{Aeq,15minute} criterion by 4 dB NC7 exceeded the night period L_{Aeq,15minute} criterion by 6 dB <p>25 June 2018 noise levels at:</p> <ul style="list-style-type: none"> NC1 exceeded the evening period L_{Aeq,15minute} criterion by 3 dB. NC1 exceeded the night period L_{Aeq,15minute} criterion by 2 dB. NC3 exceeded the evening period L_{Aeq,15minute} criterion by 4 dB. NC3 exceeded the night period L_{Aeq,15minute} criterion by 4 dB. NC4 exceeded the night period L_{Aeq,15minute} criterion by 1 dB. NC6 exceeded the evening period L_{Aeq,15minute} criterion by 9 dB. NC6 exceeded the night period L_{Aeq,15minute} criterion by 7 dB. NC6 exceeded the night period L_{A1,15minute} criterion by 4 dB. <p>It is noted that any exceedance of 2 dB or less is not considered significant as Chapter 11 of the EPA 'Industrial Noise Policy' deems a development to be in non-compliance only when "the monitored noise level is more than 2 dB above the statutory noise limit specified in the consent or licence condition." It is further noted that although the 2015 exceedances occurred prior to the granting of this consent (SSD-5145) they do represent exceedances of the then conditions of DA-73-11-98. All other exceedances presented above are considered to be non-compliant with the Operational Noise Criteria of this condition.</p> <p>The quarterly Environmental Noise Monitoring reports state that Global Acoustics conducted the attended monitoring in accordance with the NSW Environment Protection Authority (EPA) 'Noise Policy for Industry' (NPI) guidelines and Australian Standard AS 1055 'Acoustics, Description and Measurement of Environmental Noise'.</p> <p>The Environmental Coordinator advised that there were no agreements with landowners to exceed the Operational Noise Criteria of this condition.</p> <p>During the audit period there were two complaints received relating to delivery truck noise on 4 May 2016 and 18 August 2016, and one relating to noise from the NCSS on 11 April 2017. It was reported that NCS is working with Advitech to identify the exact noise sources as well as undertaking vibration testing within the CHPP and additional screen testing.</p> <p>As the Operational Noise Criteria did not apply for each of the CES exceedances measured, CES were considered to remain compliant with this condition. However, on the basis that a number of non-compliant exceedances of the Operational Noise Criteria were identified during the NCSS monitoring, then overall NCS are considered to be non-compliant with this condition.</p>		
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Notes to Table 2:

• The receiver locations in Table 2 are shown in Figures 1 and 2 of Appendix 4.

• Criteria for the Morning Shoulder period only applicable where these have been specifically developed for this period.

Noise generated by the development is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017). Appendix 3 sets out the meteorological conditions under which these criteria apply, and the requirements for evaluating compliance with these criteria.

However, these criteria do not apply if the Applicant has an agreement with the relevant landowner to exceed the noise criteria in Table 2, and the Applicant has advised the Department in writing of the terms of this agreement.

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
SSD- 5145 Mod 1 3.5	<p>Noise Management Plan</p> <p>The Applicant must prepare a Noise Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary;</p> <p>(b) be submitted to the Secretary for approval by 31 March 2016 unless otherwise agreed by the Secretary;</p> <p>(c) describe the measures that would be implemented to ensure compliance with the noise criteria and operating conditions of this consent;</p> <p>(d) describe the proposed noise management system in detail;</p> <p>(e) include a monitoring program that evaluates and reports on:</p> <ul style="list-style-type: none"> • the effectiveness of the on-site noise management system; • compliance against the noise criteria in this consent; and • compliance with the noise operating conditions in condition 4 above; <p>(f) include a program to calibrate and validate the real-time monitoring results with the attended monitoring results over time, so the real-time noise monitoring program can be used to better indicate compliance with the noise criteria in this consent, and trigger further attended monitoring as necessary;</p> <p>(g) defines what constitutes a noise incident, and includes a protocol for identifying and notifying the Department and relevant stakeholders of any noise incidents; and</p> <p>(h) outlines procedures to manage responses to any complaints or issues raised by the owners of affected residences.</p> <p>The Applicant must implement the plan as approved by the Secretary.</p>	<ul style="list-style-type: none"> • Letter from DPE dated 19-11-2015 re Mandalong Southern Extension Project and Northern Coal Services Project (SSD 5144 and SSD 5145) Management Plans • Letter to DPE dated 24-3-2016 re Centennial Management Plans – Northern Region • Letter from DPE dated 10-10-2017 re Centennial Northern Region Management Plans Approval and Review • Centennial Coal, Noise Management Plan, Northern Region, June 2017 prepared by GHD • Centennial Coal, Noise Management Plan, Northern Region, May 2018 prepared by GHD • Letter from DPE dated 28-5-2018 re Northern Region Management Plan Approval • Letter from EPA dated 2-3-2018 re Centennial Coal Management Plans • Letter to EPA dated 1-9-2016 re Centennial Coal – Revised Management Plans for Review • Letter from DPE dated 2-11-2015 re Preparation of Management Plans, Mandalong Southern Extension Project (SSD 5144) and Northern Coal Logistics Project (SSD 5145) • Report, Environmental Noise Investigation, 25 June 2018 • Centennial Northern Coal Services dated 3 July, 2018 by Advitech Environmental 	<p><u>Implementation of the Noise Management Plan</u></p> <p>Implementation of the NMP-NR, in particular it's management and mitigation measures, monitoring program and reporting, are described in conditions 3.2 and 3.4 above.</p> <p>Even though the NMP-NR may not fully include a program to calibrate and validate the real time monitoring results with the attended monitoring results (refer (f) above), it is noted that NCS are currently developing a noise model for the real time noise monitoring at NCSS; and that results from attended monitoring on 25 June 2018, which included noise exceedances, have been used by Advitech Environmental to help calibrate and validate the model.</p> <p>Part f of the condition requires that a program is implemented to calibrate and validate the real-time monitoring results with the attended monitoring results over time, so the real-time noise monitoring program can be used to better indicate compliance with the noise criteria in this consent, and trigger further attended monitoring as necessary. Given the recent noise exceedances it is not clear that this has been effectively implemented. On the basis of this and of the noise exceedances, it is considered that NCS is not fully compliant with the implementation of the Noise Management Plan.</p>	<p><u>Preparation:</u></p> <p>Compliant</p> <p><u>Implementation</u></p> <p>Non Compliant</p> <p>OFI: Clarify with noise experts that the Noise Management Plan does meet the requirement to include a program to calibrate and validate the real-time monitoring results with the attended monitoring results over time.</p> <p>See Recommendation for 3.4 for installation of new equipment that has the functionality required of the condition.</p> <p>Recommendation: That the Noise Management Plan be updated as appropriate following outcomes of investigations and implementation of improvements as required to address recent noise exceedances and the review of the real-time noise monitor.</p>	<p>Noted. The NMP will be updated once the findings of the noise investigation and the installation of an operational noise monitor at NCS.</p>
SSD- 5145 Mod 1 3.12	<p>Water Supply</p> <p>The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of its operations to match its available water supply.</p> <p><i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the development.</i></p>	<ul style="list-style-type: none"> • Site inspection and discussions with staff. • Copies of bore licence applications (under Part 5 of the Water Act) 	<p>As indicated by site inspection and discussion with staff, Newstan has physical access to sufficient water for all stages of the development. However, not all current water access is authorised. In October 2013 Newstan applied to the NSW Office of Water for a number of groundwater licences which have not yet been granted. Details are provided below.</p> <p>Application 1: 2575.5 ML/yr and 2 bores for groundwater extraction from Fassifern Underground Storage and transfer to surface storages; bores are in place and groundwater extraction / transfer is occurring.</p> <p>Application 2: 824 ML/yr and 1 bore for groundwater extraction from the West Borehole Seam (at 19 CT) and transfer to Fassifern Seam (at 21 CT); bore is in place and groundwater extraction / transfer is occurring.</p> <p>Application 3: 2522 ML/yr and 2 bores as an additional option for groundwater extraction from the Fassifern Underground Storage and transfer to surface storages; bores are in place but not operating.</p> <p>Unlicensed groundwater extraction is occurring which is considered non compliant with the note under this condition that requires obtaining the necessary water licences for the development.</p>	<p>Non-compliant.</p> <p>Recommendation: It is recommended Newstan continues to work with the relevant agency to resolve the ongoing non-compliance in relation to not having appropriate water licences. Newstan advised on 22/8/18 that NRAR has recently consulted with them on reviewing these applications.</p>	<p>Noted. Historical issue that is ongoing.</p>

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SSD- 5145 Mod 1 3.13	Water Pollution Unless an EPL authorises otherwise, the Applicant must comply with Section 120 of the POEO Act.	<ul style="list-style-type: none"> Water quality records for discharge from LPD017 to Stony Creek during May-June 2015 	<p>Under Section 120 of the POEO Act, it is an offence to pollute waters. However, section 121 and 122 of the POEO Act provides a defence against prosecution under section 120 where the pollution was regulated by an environment protection licence or regulation which was complied with fully.</p> <p>EPL 395 authorises discharge of a large range of pollutants, within concentration limits, to LT and Stony Creeks.</p> <p>During an emergency discharge event, from the Fassifern Underground Storage to Stony Creek in May-June 2015, the concentrations of several water quality parameters (calcium, magnesium, potassium, sulphate and total suspended solids) exceeded the maximum concentrations set by EPL 395.</p> <p>Centennial Newstan has since improved on its monitoring of the Fassifern Underground Storage and on its operations with the aim of maintaining lower groundwater levels and sufficient storage to cater for further such events.</p> <p>This condition in relation to the CES site is covered under the CES EPL checklist.</p>	<p>Non-compliant.</p> <p>Recommendation: It is recommended that Newstan maintain its program of monitoring and maintaining lowered water levels, and monitoring water quality in the Fassifern Underground Storage.</p>	Noted. Newstan will continue to operate by the Water Management Plan to maintain low water levels.
SSD- 5145 Mod 1 3.15	<p>Mine-Water Discharges Management Plan</p> <p>The Applicant must prepare a Mine-Water Discharges Management Plan for the development to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, by suitably qualified and experienced persons whose appointment has been approved by the Secretary;</p> <p>(b) be submitted to the Secretary for approval by 30 June 2016 unless otherwise agreed by the Secretary;</p> <p>(c) describe the measures that would be implemented to ensure compliance with conditions 13 and 14 and relevant performance measures in Table 5;</p> <p>(d) include targets, developed in co-operation with the EPA, to reduce acute and chronic toxicity from mine-water discharged from both the NCSS and CES to achieve the in-stream water quality and aquatic ecology objectives and criteria required by condition 16 below;</p> <p>(e) include measures, developed in co-operation with the EPA to be implemented over 2-year, 10-year and life-of-project timeframes to reduce the salinity and metals toxicity in mine-water discharged from both the NCSS and CES to achieve these targets; and</p> <p>(f) take into account relevant requirements of the Water Management Plan required by condition 17 below.</p> <p>The Applicant must implement the plan as approved by the Secretary</p>	<ul style="list-style-type: none"> GHD, 2016. Centennial Coal Pty Ltd Northern Operations Discharge Management Plan GHD, 2017. Centennial Coal. Northern Coal Services Water Management Plan 	<p>Preparation</p> <p>The applicant has prepared and implemented the approved 'Centennial Coal Pty Ltd Northern Operations Discharge Management Plan' (DMP, GHD, 2016), which includes the Newstan mine. This condition has been assumed to be specific to the Newstan site and not to Cooranbong, although some comments on CES are included.</p> <p>(e) Measures to reduce salinity and metals toxicity to be implemented over 2-year, 10-year and life-of-project timeframes are not specifically detailed within the Mine-Water Discharges Management Plan as required of this condition. It is noted however that a Green and Golden Bell frog research program is underway for NCSS. Further consultation will occur with EPA on salinity and metals toxicity at the conclusion of this research program.</p> <p>Implementation:</p> <p>The DMP (GHD 2016a) has been implemented for the Newstan Colliery site with:</p> <ul style="list-style-type: none"> the appropriate monitoring of discharge volumes at Licensed Discharge Points (LDP) LDP001, LDP002, and LDP017; the appropriate monitoring of water quality at the three LDPs plus seven other surface water monitoring locations; and the appropriate monitoring of storage levels in the Fassifern Underground Storage. <p>During the audit period there were no specific non-compliances with the DMP observed by the specialist water auditors.</p> <p>CES: CES personnel indicated that "as per the consultation comments in Appendix B, Centennial is currently undertaking the Green and Golden Bell Frog Research Program required under the EPBC Act approval for the Northern Coal Logistics Project.</p>	<p>Preparation: Non-Compliant (Part e)</p> <p>Implementation: Compliant</p> <p>Recommendation: It is recommended that measures developed in co-operation with the EPA to be implemented over 2-year, 10-year and life-of-project timeframes to reduce the salinity and metals toxicity in mine-water discharged from both the NCSS and CES to achieve these targets be included in the Mine-Water Discharges Management Plan unless otherwise agreed by DPE and or EPA.</p> <p>Recommendation: That the Discharge Management Plan (GHD 2016) be updated to ensure there is no conflict in requirements between it and Northern Coal Services Water Management Plan (GHD 2017).</p>	Discharge Management Plan was provided to EPA and they declined to comment.

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			<p><i>Following the outcomes of this program and identification of habitat impact thresholds, further consultation with the EPA will be undertaken. The development of a program specific to Cooranbong discharges will not be possible until research program is completed.</i></p>		
SSD- 5145 Mod 1 3.25	<p>WASTE</p> <p>The Applicant must:</p> <p>(a) minimise and monitor the waste generated by the development;</p> <p>(b) ensure that the waste generated by the development is appropriately stored, handled and disposed of in accordance with the requirements of the EPA;</p> <p>(c) manage on-site sewage treatment and disposal in accordance with the requirements of LMCC and EPA; and</p> <p>(d) report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary.</p>	<ul style="list-style-type: none"> Spreadsheet "1712 Centennial Coal - Newstan Report December 2017.xls" Spreadsheet "1804 Centennial Coal - Newstan Report April 2018.xls" Centennial Coal Newstan Colliery Annual Reviews for the periods January 2015 to December 2015, January 2016 to December 2016, January 2017 to December 2017. 	<p>c) Management of the on-site sewage treatment plant (STP) is discussed in EPL 395 compliance table conditions O2.2 to O2.6. Although the STP was generally managed in accordance with the EPL (and therefore EPA) requirements, inspections / servicing of the STP were not carried out in every quarterly period during the audit period as required by the EPL. Therefore, this part of this condition is considered non-compliant.</p>	c) Non-compliant	Noted.
SSD- 5145 Mod 1 5.7	<p>Adaptive Management</p> <p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not reoccur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.</p>		<p>During the audit period there were exceedances related to Water (EPL discharge criteria) and noise criteria defined in the Consent.</p> <p>b) Also See Condition 9 below. While some exceedances may trigger a broader assessment, NCS could not provide evidence that all exceedances lead to a consideration "of 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". Based on this, NCS is considered Non-Compliant with this part of the condition.</p>	b) Non-Compliant	<p>Where relevant the PIRMP was triggered which provided immediate notification and a written report to the Department regarding the non compliances.</p> <p>The investigation reports provided to EPA and DPE should satisfy this requirement.</p> <p>All reasonable and feasible steps were taken to mitigate non-compliances once detected.</p>
SSD- 5145 Mod 1 5.9	<p>Incident Reporting</p> <p>The Applicant must immediately notify the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant must notify the Secretary and any other relevant agencies as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.</p>	<ul style="list-style-type: none"> Letter to DPE dated 13-1-2017 re Incident Report regarding elevated PM10 result at Newstan Colliery on 7 November 2016 Email from DPE dated 17-10-2017 re SSD-5145 Mod 1 Centennial Northern Coal Logistics Project Letter to DPE dated 10-7-2018 re Newstan Colliery Q2 Noise Exceedance Environmental Noise Investigation, 25 June, 2018, Centennial Northern Coal Services by Advitech Environmental 	<p>The following incidents (which by SSD-5145 definitions includes exceedances [taken to be non-compliant exceedances] of consent performance criteria) were reported by Newstan / NCS to have occurred during the audit period and after the 29 September 2015 granting of consent SSD-5145:</p> <ul style="list-style-type: none"> 6 January 2016 NCSS LDP002 TSS 178mg/L exceeded EPL limit TSS 50mg/L <ul style="list-style-type: none"> ECD Incident Report states PIRMP activated and government agencies notified EPA Hotline notification 6 January 2016 reference C00164-2016; Written report sent to EPA 13 January 2016. (notifications to other agencies not verified by auditors) 3 August 2016 NCSS LDP001 exceeded EPL bicarbonate alkalinity limit <ul style="list-style-type: none"> Agency reporting through Annual Review and Annual Return. 14 September 2016 NCSS LDP001 exceeded EPL bicarbonate alkalinity limit <ul style="list-style-type: none"> Agency reporting through Annual Review and Annual Return. 7 November 2016 PM₁₀ 24-hour Exceedance at NCSS 	<p>Non-Compliant</p> <p>Recommendation: Ensure that all exceedances, as well as incidents that have caused, or threatens to cause, material harm to the environment are reported to DPE within the timeframes of Schedule 5, Condition 9.</p>	Noted.

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Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
			<p>(bushfire related) 24 hour average PM10 51 ug/m3 exceeded EPL 24 hour average PM10 limit of 50 ug/m3:</p> <ul style="list-style-type: none"> ➢ Email notification to DPE sent on 11 January 2017, DPE requested report; ➢ Written report sent to DPE on 13 January 2017, no response from DPE; ➢ Bushfire related, not regarded as non-compliant. <ul style="list-style-type: none"> • 23 May 2017 Noise Exceedances at NCSS: NC3 exceeded the night period $L_{Aeq,15minute}$ criterion by 4 dB; NC7 exceeded the night period $L_{Aeq,15minute}$ criterion by 6 dB Written report sent to DPE on 7 June 2017 • 1, 24 and 25 September 2017 PM₁₀ 24-hour Exceedances at CES (bushfire related): <ul style="list-style-type: none"> ➢ ➢ In letter dated 17 October 2017 DPE indicated that due to bushfire influence not regarded as non-compliant. • 25 June 2018 Noise Exceedances at NCSS: NC1 exceeded the evening period $L_{Aeq,15minute}$ criterion by 3 dB; NC3 exceeded the evening period $L_{Aeq,15minute}$ criterion by 4 dB; NC3 exceeded the night period $L_{Aeq,15minute}$ criterion by 4 dB; NC6 exceeded the evening period $L_{Aeq,15minute}$ criterion by 9 dB; NC6 exceeded the night period $L_{Aeq,15minute}$ criterion by 7 dB; NC6 exceeded the night period $L_{A1,1minute}$ criterion by 4 dB: <ul style="list-style-type: none"> ➢ Written notification / incident report provided to DPE on 10 July 2017. ➢ Investigation report by Advitech sighted by auditors but at the time of the audit it had not been submitted to DPE. <p>Except where indicated above, NCS did not provide documentation to verify that the above incidents had been notified to the DPE. Furthermore, NCS did not provide documentation to verify that the above incidents had been notified to any other relevant agencies.</p> <p>Many of these exceedances would not be generally considered to comprise an incident that has caused, or threatens to cause, material harm to the environment. Incidents that do not fit this criteria, are still required under the condition to be reported as soon as practicable. Based on many exceedances not having been reported, NCSS are considered to be Non-Compliant with this condition.</p>		
SSD- 5145 Mod 1 5.14	<p>ACCESS TO INFORMATION</p> <p>Within 3 months of the date of this consent, the Applicant must:</p> <p>(a) make copies of the following publicly available on its website:</p> <p>(i) the documents referred to in condition 2(a) and (b) of Schedule 2;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(iv) 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;</p> <p>(v) a complaints register, updated monthly;</p> <p>(vi) minutes of CCC meetings for the last 2 years;</p>	<ul style="list-style-type: none"> • https://www.centennialcoal.com.au/Operations/OperationsList/Newstan.aspx • https://www.centennialcoal.com.au/Operations/OperationsList/Mandalong.aspx 	<p>The Centennial Coal / Newstan website was reviewed on 17 July 2018.</p> <p>The following documents and/or approved plans required by this consent were not accessible on the Centennial Coal / Newstan website as at 17 July 2018 as required by this condition:</p> <ul style="list-style-type: none"> • NCS Development Consent SSD-5145 Mod 1 • SEE Mod 1 documents • Noise Management Plan, Northern Region, May 2018 • Air Quality and Greenhouse Gas Management Plan, Northern Region, May 2018 (it is noted however that an older version of the plan was available.) • Historic Heritage Management Plan, Northern Region, July 2018 (it is noted however that this plan had only very recently been approved and that an older version of the plan was available.) 	<p>Non-compliant</p> <p>Recommendation: Ensure that all relevant documents required under this approval are placed on the website.</p> <p>OFl: Consider the upload of Mining Leases to the website so as to comply with the intent of the condition. It is noted this is not routinely undertaken within the mining industry.</p>	<p>Webpage has been updated to rectify this non-compliance.</p>

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
	<p>(vii) the annual reviews of the development;</p> <p>(viii) any independent environmental audit of the development, and the Applicant's response to the recommendations in any audit;</p> <p>(ix) any other matter required by the Secretary; and</p> <p>(b) keep this information up-to-date, to the satisfaction of the Secretary.</p>		<ul style="list-style-type: none"> Northern Operations, Regional Biodiversity Management Plan, December 2016 Mining Operations Plan, Centennial Newstan Complex MOP, March 2018 to July 2020 – February 2018 (incorporating Rehabilitation Management Plan). It is noted however that an older version of the MOP was available. <p>As the CES aspect of NCS is managed as part of the Mandalong Mine operations, it can reasonably be expected that access to relevant information is also provided through Mandalong Mine's website.</p> <p>The following documents and/or approved plans required by this consent were not accessible on the Centennial Coal / Mandalong website as at 9 August 2018 as required by this condition:</p> <ul style="list-style-type: none"> NCS Development Consent SSD-5145 Mod 1. It is noted however that an older version of the approval was available. SEE Mod 1 documents <p>Although public access to information as required by this condition was generally made available through Centennial Coal's Newstan and Mandalong websites, a number of documents (as identified above) were not available at the time of review. NCS are therefore not fully compliant with the requirements of this condition.</p>		
<p>DA 73-11-98 Mod 7</p> <p>3.2</p>	<p>Environmental Management Strategies and Plans</p> <p>(a) The Applicant shall prepare an Environmental Management Strategy as a continuation of the existing Newstan Colliery Environmental Management System for the DA area including within the LEA and proposed surface facilities. The Environmental Management Strategy shall be prepared in consultation with the relevant authorities and the Community Consultative Committee and to the satisfaction of the Secretary, prior to commencement of construction of surface facilities or secondary workings, whichever is the sooner.</p> <p>(b) The Environmental Management Strategy shall include:</p> <p>(i) statutory and other obligations which the Applicant is required to fulfil during construction and mining, including all approvals and consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</p> <p>(ii) definition of the role, responsibility, authority, accountability and reporting of personnel relevant to environmental management, including the Environmental Officer;</p> <p>(iii) overall environmental management objectives and performance outcomes, during construction, mining and decommissioning of the mine, for each of the key environmental elements for which management plans are required under this consent;</p> <p>(iv) overall ecological and community objectives for the water catchment, and a strategy for the restoration and management of the areas of the catchment affected by mining operations, including elements such as wetlands and other habitat areas, creek lines and drainage channels, within the context of those objectives;</p> <p>(v) identification of cumulative environmental impacts and procedures for dealing with these at each stage of the development;</p> <p>(vi) overall objectives and strategies to protect existing economic productivity within the area affected by mining, including agricultural productivity and other businesses;</p> <p>(vii) steps to be taken to ensure that all approvals, plans, and procedures are being complied with;</p> <p>(viii) processes for conflict resolution in relation to the environmental management of the project; and</p> <p>(ix) documentation of the results of consultations undertaken in the development of the Environmental Management Strategy.</p>		<p>c) No evidence was provided that demonstrates that the Environmental Management Strategy was made available to LMCC, EPA, DPI Water, DRE, MSB and the Community Consultative Committee within fourteen days of its approval. It is noted, however, that the Environmental Management Strategy was publicly available on the Centennial Newstan website when viewed by the auditors on 17 July 2018.</p>	<p>c) Non-compliant</p> <p>Recommendation: Ensure the Newstan EMS is approved, or confirm with DPE that the approval of the NCS EMS also covers the Newstan facility under DA73-11-98. This will require update of the NCS EMS to better demonstrate how Newstan is covered under this EMS.</p> <p>Recommendation: Provide the approved Newstan EMS to the relevant agencies as required (i.e. LMCC, EPA, and the Community Consultative Committee and current equivalents of DPI Water, DRE, MSB)</p>	<p>An update will be made to the NCS EMS to ensure Newstan is included within the document.</p> <p>The amended EMS will be distributed to the relevant agencies.</p>

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
	<p>(c) The Applicant shall make copies of the Environmental Management Strategy available to LMCC, EPA, DPI Water, DRE, MSB and the Community Consultative Committee within fourteen days of approval by the Secretary.</p>				
	<p>(d) The Applicant shall also prepare the following environmental management plans:</p> <ul style="list-style-type: none"> • Archaeology and cultural management plan (refer condition 3.3) • Flora and fauna management plan (refer condition 3.4) • Erosion and sediment control plan (refer condition 3.5(a)) • Landscape management plan (refer condition 3.7) • Bushfire management plan (refer condition 3.8) • Land management plan (refer condition 3.9(a)) • Wetland management plan (refer condition 3.9 (c)) • Site water management plan (refer condition 4.1) • Dust management plan (refer condition 6.1) • Noise management plan (refer condition 6.4(d)) <p>(e) The management plans are to be revised/updated at least every 5 years or as otherwise directed by the Secretary 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 LMCC within two weeks of approval of the relevant government authority.</p> <p>(f) If the applicant is unable to prepare the relevant environmental strategies and plans within the period required by these conditions of consent, prior to commencing relevant works within the area of LW15A, the applicant shall prepare specific management strategies and plans for the area of LW 15A prior to commencement of those works. The preparation, content and approval of the plans for the area of LW15A shall not otherwise be inconsistent with the requirements for the management strategies and plans set out in this consent.</p> <p>(g) The Applicant shall implement the Environmental Management Strategy and the environmental management plans to the satisfaction of the Secretary.</p>		<p>e) The following management plans have been revised and approved during the audit period:</p> <ul style="list-style-type: none"> • Aboriginal Cultural Heritage Management Plan, Northern Region, September 2016 (approved 10 October 2017) • Historic Heritage Management Plan, Northern Region, July 2018 (approved 13 July 2018) • Northern Coal Services and Newstan Colliery Bushfire Management Plan 9 January 2017 (it was reported approval assumed as LMCC did not respond) • Northern Operations, Regional Water Management Plan, March 2016 ((draft, approval not verified, refer to Condition 4.1); • Northern Coal Services, Water Management Plan, November 2017 (approved 10 October 2017); • Northern Operations, Discharge Management Plan, September 2016 (approved 10 October 2017); • Air Quality and Greenhouse Gas Management Plan, Northern Region, May 2018 (approved 28 May 2018) (the previous version July 2017 was also approved during audit period on 10 October 2017); • Noise Management Plan, Northern Region, May 2018 (approved 28 May 2018) (the previous version June 2017 was also approved during audit period on 10 October 2017). <p>No evidence was provided that demonstrates that approved revisions of management plans are being made publicly available at LMCC.</p> <p>The following management plans have not been revised and approved at least every 5 years as required by this condition:</p> <ul style="list-style-type: none"> • Newstan Colliery, Erosion and Sediment Control Plan, August 2006 (revised May 2018, submitted DPE and DI-Natural Resources Access Regulator for approval 28 May 2018) • Centennial Newstan, Landscape Management Plan, April 2011 (revised July 2018, submitted DPE for approval 20 July 2018) • Newstan Colliery, Land Management Plan, May 2010 (revised July 2018, submitted DPE for approval 20 July 2018) • Wetland Management Plan, Newstan Colliery, January 2012 (revised July 2018, submitted DPE for approval 20 July 2018) <p>On the basis that it was not verified that approved revisions of management plans are being made publicly available at LMCC, and that a number of the management plans had not been revised and approved at least every five years, this part (part e) of this condition is considered non-compliant.</p>	<p>e) Non-compliant</p> <p>f) Not Applicable (Historical Requirement)</p> <p>Recommendation: Make plans publicly available at LMCC as required – within 2 weeks of approval.</p> <p>Recommendation: Ensure management plans are revised / updated at least every 5 years.</p> <p>Recommendation: Newstan to consider the consolidation of some of their management plans into the NCS management plans to reduce duplication. This may require consensus and approval from DPE.</p>	<p>Noted. Management Plans will be submitted to LMCC following future approvals from DPE.</p>

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
11-98 Mod 7 3.5	<p>(a) The Applicant shall prepare Erosion and Sediment Control Plans for the surface facilities and the LEA in consultation with LMCC and to the satisfaction of DPI Water and the Secretary, and submit these Plans to the EPA as part of applications for a licence under the Protection of the Environment Act. The Plans shall be prepared and implemented prior to the commencement of work in the relevant areas.</p> <p>(b) The Erosion and Sediment Control Plans shall include:</p> <p>(i) consideration and management of erosion and sedimentation of surface watercourses/waterbodies within the LEA; and</p> <p>(ii) consideration of LMCC's Erosion and Sediment Control Policy and Code of Practice.</p> <p>(iii) a program for reporting on the effectiveness of the sediment and erosion control systems and performance against objectives contained in the approved erosion and sediment control management plans, and EIS. (refer also condition (d) (i) below)</p> <p>(c) Deleted.</p> <p>(d) <u>General Terms of Approval - EPA</u></p> <p>(i) Stormwater/sediment Control - Construction Phase</p> <p>The Erosion and Sediment Control Plan (ESCP) in sub clause (a) above must also be prepared to describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be consistent with the requirements for such plans outlined in Managing Urban Stormwater: Soils and Construction, (Landcom), or most recent version of these guidelines.</p> <p>(ii) Stormwater/sediment Control- Operation Phase</p> <p>A Stormwater Management Scheme must be developed and implemented to mitigate the impacts of stormwater runoff from the site following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment and the Water Management Plans in condition 4.1. Where a Stormwater Management Plan has not yet been prepared, the Scheme should be consistent with the guidance contained in Managing Urban Stormwater: Council Handbook (available from the EPA). The Scheme shall be prepared at the same time as the Water Management Plans in condition 4.1.</p>	<ul style="list-style-type: none"> Erosion and Sediment Control Plan, Newstan Colliery, August 2006 Erosion and Sediment Control Plan, Newstan Colliery, May 2018 by GHD Letters to DPE and NRAR dated 28-5-2018 re Newstan Colliery Erosion and Sediment Control Plan 	<p>(d) i) The draft ESCP May 2018 describes general erosion and sediment controls and management principals in Section 4 and includes a description of clean water and dirty water management across the site in Sections 3.1 and 3.2.</p> <p>The draft ESCP May 2018 states that key guidelines used in developing erosion and sediment controls for the site were Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004) and Managing Urban Stormwater: Soils and Construction, Volume 2E – Mines and Quarries (Department of Environment and Climate Change, 2008).</p> <p>The draft ESCP May 2018 also states that prior to any construction activity, temporary erosion and sediment controls shall be installed. External contractors will be required to provide project specific Erosion and Sediment Control Plans for their works which is to be consistent with this Plan. This section of the condition was not relevant for the audit period as construction had been completed prior to the period.</p> <p>(ii) The 2015 Audit indicted that a separate Stormwater Management Scheme had not been prepared. Management of stormwater runoff from the site during the operational phase of the project is addressed in the Water Management Plan. There has been no separate Stormwater Management Scheme developed since the 2015 IEA as required of the condition, hence Newstan are considered to be Non Compliant with this condition.</p> <p>It is acknowledged that outputs required of the scheme may be included in other documents such as the WMP.</p>	<p>d) Non-compliant</p> <p>Recommendation: Confer with DPE as to whether the current Water Management Plan is adequate to address the Stormwater Management Scheme as required of Part d)ii of the condition.</p>	adequate to address this condition.
DA 73-11-98 Mod 7 4.1	<p>Surface & Ground Water Management</p> <p>The Applicant shall:</p> <p>(a) prior to the commencement of construction of the new surface facilities, and prior to first workings within the LEA , prepare water management plans for the relevant developments, in consultation with DPI Water, EPA, LMCC, and DRE and to the satisfaction of the Secretary, which shall include, but not be limited to, the following matters:</p> <p>(i) management of the quality and quantity of surface and ground water within the areas covered by the water management plans, which shall include preparation of monitoring programs as provided by condition 8.2.;</p>	<p>GHD 2012. Main West Groundwater Monitoring Program. Newstan Colliery. August 2012</p> <p>GHD, 2016. Centennial Coal Company Limited Northern Operations Regional Water Management Plan. March 2016. DRAFT</p> <p>GHD, 2017. Centennial Coal Northern Coal Services Water Management Plan. November 2017.</p> <p>GHD 2012, GHD 2017</p> <p>GHD 2017; NCSS site inspection July</p>	<p>Preparation</p> <p>Given the relatively recent Project Approval for NCS, and requirements under the NCS consent for a Water Management Plan, it appears that the development of the Plan was focussed on meeting the NCS Approval rather than the relatively old Development Consent DA 73-11-98 MOD 7. Hence some of the specific requirements of this condition do not appear to have been addressed in the WMP (GHD 2017). For example:</p> <ul style="list-style-type: none"> The Life Extension Area (LEA) is not covered in GHD 2017 or 2016a (Site and Regional Water Management Plan) Groundwater is not covered in GHD 2017 and 2016a except in relation to Fassifern Underground Storage. Natural groundwater is covered only in GHD 2012 (which also mentions the LEA). <p>The following provides a more detailed account of compliance of the Water Management Plan (GHD 2017) with the specifics of this condition:</p> <p>(a) A groundwater monitoring program was produced in 2012 (GHD, 2012).</p> <p>Since the 2015 IEA, the following water management plans have been prepared and are considered to supercede GHD 2012:</p> <ul style="list-style-type: none"> GHD 2016 (draft) Northern Operations Regional Water Management Plan (this plan covers the Newstan site). 	<p>a) Non-compliant (overall)</p> <p>Recommendation: See recommendations in the Adequacy Review section of the main report.</p> <p>vi) Non-compliant</p> <p>Recommendation: Update the Newstan Water Management Plan to include groundwater aspects, impacts and management including groundwater drawdown (and associated monitoring,</p>	Newstan has engaged GHD to complete a Groundwater Management Plan which will satisfy the conditions of this non compliance.

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
	(ii) management of stormwater and general surface runoff diversion to ensure separate effective management of clean and dirty water; (refer also condition 3.5 (d) (ii)).	2017	<ul style="list-style-type: none"> GHD 2017 Northern Coal Services Water Management Plan 	triggers and responses).	
	(iii) measures to prevent the quality of any surface waters being degraded below the relevant water quality due to the operation of the mine workings;	GHD 2017	Given the above, there is no approved Water Management Plan for the Newstan operation (outside of what is covered under the Approved NCS Water Management Plan.	viii) Non-compliant	
	(iv) Deleted.		(vi) No surface water monitoring has been identified. However, GHD 2012 refers to a Groundwater Impact Assessment for application DA 73—11-98 MOD4 (GHD, 2010) that <i>'concluded that it is unlikely that the bord and pillar workings of the Main West mining area will result in groundwater loss from the Lords Creek alluvium or a reduction in alluvial groundwater levels'</i> . Surface water impacts in Lords Ck can be expected to <u>only</u> occur following drawdown in the alluvium, which monitoring has indicated is not significant. However, no action has been proposed to follow drawdown detection in the Lords Ck alluvium if it occurs, and no surface water monitoring has been proposed for other creeks that may not have significant alluvium.	Recommendation: Groundwater overflows and surface water quality remediation responses for TSS and salinity should be addressed in the NCS WMP.	
	(v) identification of any possible adverse effects on water supply sources of surrounding land holders, as a result of the underground mining operations in the LEA and surface mine works, and implementation of mitigation measures as necessary;	GHD 2012		x) – xiii) Non-compliant	
	(vi) identification of changes in flow of surface waters including all creeks within the LEA, particularly in Lord's Creek, due to subsidence;	GHD, 2012		xiii) Non-compliant	
	(vii) identification of any stream rehabilitation works required to ameliorate subsidence effects on stream flows within Lords Creek;		Newstan reported that Groundwater environment aspects will be resolved through the development of the Newstan underground water management plan which will include contingency response plans.	c) Non-compliant	
	(viii) contingency plans for managing adverse impacts of the development on surface and groundwater quality, including the matter in condition 4.1(d)(iv) (<i>ie water quality monitoring and remediating any degradation</i>);				
	(ix) identification of the fresh quality groundwater resources within the project area, including the development of appropriate protection strategies;	GHD, 2012			
	(x) projection of potential groundwater changes during mining (short term) and post-mining (long term) with particular attention given to the affect of changes to groundwater quality and mobilisation of salts;				
	(xi) a monitoring and remediation strategy for all streams which may be adversely affected by subsidence including bed fracturing and/or degradation of the stream channel. Where the monitoring indicates any adverse impacts due to mining, the company shall implement the remediation strategy to the satisfaction of DPI Water;	GHD, 2017	(viii) GHD 2017 includes TARPs for: Surface water quality downstream of pit top; Discharge Quality from LDP; Unlicensed emergency discharges; and Clean Water Plant. However, the TARPs focus on monitoring, notifications and addressing the cause of the problem, and do not address remediation. The potential for groundwater quality impacts is low. No contingency plans have been developed for groundwater quality impacts.	i) Not Triggered	
	(xii) consideration of the State Wetlands Management Policy for all significant downstream wetlands that may be effected by mining activity within the LEA or the relevant area; and				
	(xiii) a program for reporting on the effectiveness of the water management systems and performance against objectives contained in the approved site water management plans, and EIS.	GHD, 2012	(x) – (xii) The Plan did not appear to address the requirements of these aspects of the condition.		
	(b) implement remediation measures, to the satisfaction of DPI Water, where the development is responsible for the loss of groundwater quality or quantity below its current beneficial use; and				
	(c) obtain a license with DPI Water under part 5 of the Water Act (1912) prior to construction of all new excavations, test bores and production bores (including dewatering bores) that intersect the groundwater.				
	(d) <u>General Terms of Approval – DPI Water</u>				
	Pursuant to Part 2 of the Water Act, 1912:				
	(i) the licensed works shall:	Centennial Coal 2016, 2017, 2018		iii) Not Triggered	
	(a) be constructed in accordance with plans and specifications approved by DPI Water;		(c) All existing monitoring bores have been licensed or are in the process of being licensed with the NOW (GHD, 2012). In 2013 Centennial Newstan applied under Part 5 of the Water Act for licences to authorise existing infrastructure (bores) and operations (pumping groundwater from one area of operations to another (i.e. transfer of groundwater from West Borehole Seam to Fassifern Underground Storage, and from Fassifern Underground Storage to surface storages). These applications have not yet been processed by DPI Water (and their predecessors). NCS has requested NRAR to resolve their groundwater licences but are currently not compliant with this condition.	iv) Non-compliant	Recommendation: TARPs in NCS WMP be updated to better reflect surface water and groundwater remediation measures if actions are triggered
	(b) be constructed and maintained in a safe and proper manner;	Centennial Coal 2016, 2017, 2018			
	(c) not impede or capture floodwater;				
	(d) not cause erosion or sedimentation of adjacent and downstream watercourses shall;				
	(ii) Deleted;	GHD, 2012; Centennial Newstan pers comm..			
	(iii) an appropriate vegetative buffer zone shall be installed between the licensed works and any adjacent mining activities;				
	(iv) groundwater and surface water quality monitoring shall be conducted, to the satisfaction of DPI Water, in the vicinity of the licensed works. The monitoring program is to identify any degradation in water quality as a result of the works (also refer to condition 8.2(ii)). A		(iv) No concerns were raised by DPI water regarding groundwater specifically, however, in an email dated 16/8/18 DPI Water pointed out that <i>'it would be expected that the proponent continues to act in accordance with that plan (ie the water management plan) and demonstrate that the impacts have remained within the bounds of change presented for the</i>		

TABLE 8-2: Non-compliances and Recommendations

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	contingency plan shall be developed, to the satisfaction of DPI Water, to remediate any such degradation (also refer to condition 4.1(a)(ix)). A copy of the finding shall be submitted to LMCC.		<p><i>development stage in which consent was granted'.</i></p> <p>No significant changes to monitoring programs. TARPs are in place for surface water quality, but do not include remediation responses relating to surface water impacts. However, as part of a response measure for unforeseen impacts to surface water or groundwater, The Regional WMP (GHD 2016) refers to:</p> <ul style="list-style-type: none"> • Develop an appropriate course of action in consultation with specialists and relevant regulatory agencies. • Increase monitoring as required to measure the effectiveness of remediation measures. <p>As the TARPs do not include remediation responses relating to surface water, it is considered that that the Plan does not address this specific condition d iv.</p> <p>In summary, some of the sub-conditions of Condition 4.1 are not specifically addressed in the recent Water Management Plans. A full reconciliation of the conditions and how they are applicable would need to be conducted and the plan updated if compliance with this condition is to be achieved.</p> <p>Implementation</p> <p>Full implementation against GHD 2016 (draft) Northern Operations Regional Water Management Plan or the GHD 2017 Northern Coal Services Water Management Plan has not been undertaken here under this Consent given it is unclear which plan is meant to be implemented under this consent. Refer to the assessment of implementation of the NCS Water Management Plan under the NCS Project Approval.</p>		
DA 73-11-98 Mod 7 6.1D	<p>Operating Conditions</p> <p>The Applicant shall:</p> <p>(a) implement best management practice to minimise the off-site odour and dust emissions of the development;</p> <p>(b) operate a comprehensive air quality management system on site that uses a combination of predictive meteorological forecasting and real-time air quality monitoring data to guide the day to day planning of surface activities and the implementation of both proactive and reactive air quality mitigation measures to ensure compliance with the relevant conditions of this consent;</p> <p>(c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note d to Tables 1-3);</p> <p>(d) minimise any visible off-site air pollution; and</p> <p>(e) minimise the surface disturbance of the site generated by the development, to the satisfaction of the Secretary.</p>	<ul style="list-style-type: none"> • Site observations • Complaint Registers • Centennial Coal, Air Quality and Greenhouse Gas Management Plan, Northern Region, July 2017 prepared by GHD 	<p>b) A comprehensive air quality management system, as described in the Air Quality and Greenhouse Gas Management Plan, has been implemented across the Newstan/NCS operations. The system includes, real time TEOM air quality monitors and real time meteorological monitoring which are used as a management tool to assist in dust control across the site. It was reported that when set criteria (e.g. of wind speed or PM₁₀ concentration) are reached SMS alerts are automatically sent to the Environmental Coordinators who can then investigate site activities and conditions to decide whether additional mitigation measures are required. It is understood that predictive meteorological forecasting is not undertaken, hence this aspect of the condition did not appear to be complied with.</p>	<p>b) Non-compliant</p> <p>OFI: Investigate and implement measures to reduce coal dust tracking and coal being deposited along the haul road from Newstan.</p> <p>Recommendation: Implement predictive meteorological forecasting in line with the requirements of the Condition.</p>	<p>As part of the ongoing noise monitoring investigations, Newstan is investigating the most appropriate technology to monitor noise with the ability for predictive noise.</p>
DA 73-11-98 Mod 7 8.2	<p>Surface and Ground Water</p> <p>(a)</p> <p>(i) The Applicant shall construct and locate surface and ground water monitoring positions, as identified in the site water management plan (condition 4.1 (a)), in consultation with DPI Water, LMCC and EPA, and to the satisfaction of the Secretary , at least three months prior to the commencement of construction works in the relevant area and first workings in the</p>	<p>GHD 2012. Main West Groundwater Monitoring Program. Newstan Colliery. August 2012.</p> <p>GHD 2017. Centennial Coal. Northern Coal Services. Water Management Plan. November 2012.</p> <p>Centennial Coal 2018. Centennial</p>	<p>(iii) Results provided to agencies on an annual basis only and is in accordance with the plan outlined in GHD 2012. The 2017 Annual Review includes:</p>	<p>(iii) Non-compliant –</p>	<p>Noted.</p>

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
	<p>LEA;</p> <p>(ii) The Applicant shall prepare a detailed monitoring program in respect of ground and surface water quality and quantity, including water in and around the Newstan mine site, Northern and Southern Emplacements, and LEA, and also consistent with condition 4.1(b)(iv), during construction works, mine operations and post mine operations in consultation with DPI Water, EPA, and to the satisfaction of the Secretary. The monitoring program shall also include surveys of drainage channels within the LEA to update information obtained in the preparation of Property Subsidence Management Plans. The monitoring program shall be prepared prior to commencement of construction in the relevant area.</p> <p>(iii) The results and interpretation of surface and ground water monitoring are to be provided by the Applicant in an approved form to the DPI Water, LMCC and EPA on a six monthly basis, unless otherwise directed by the Secretary. The results are also to be contained and analysed in the Annual Review (Condition 9.1).</p> <p>(b) The Applicant must conduct water quality monitoring for pollutants in accordance with any current Environment Protection Licence under the Protection of the Environment Operations Act 1997 for the site.</p>	<p>Coal. Newstan Colliery. Annual Review. March 2018.</p> <p>Centennial Coal, 2018 NSW EPA, 2015</p>	<ul style="list-style-type: none"> - Surface water monitoring data in s. 7.1, including tables 17 (Licensed Discharge Points Volume) and 18 (LDP001 Water Quality Summary), and charts of selected water quality parameters at LDP001. - Groundwater monitoring data in s. 7.2, including alluvial and bedrock aquifer results (Tables 19 and 20) and charts of groundwater levels, pH and EC for each aquifer. <p>While results are reported annually in the Annual Reviews, they are not reported on a six monthly basis as required of the condition. In order to comply with the condition, six monthly reporting to the DPI Water (now CLWD), LMCC and EPA is required on a six monthly basis, unless otherwise directed by the Secretary.</p>	<p>Recommendation: Gain approval from the Secretary for yearly reporting in the Annual Reviews, or provide six monthly surface and groundwater monitoring reports to CLWD, LMCC and EPA</p>	
DA 73-11-98 Mod 7 8.9	<p>Independent Environmental Audit</p> <p>(i) Prior to 14 May 2009, and every 3 years thereafter, unless the Secretary directs otherwise, the Applicant shall commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:</p> <ul style="list-style-type: none"> (a) be conducted by suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; (b) include consultation with the relevant agencies (c) assess the environmental performance of the project and assess whether it is complying with the relevant requirements of this approval and any relevant mining lease or EPL (including any strategy, plan or program required under these approvals); (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate, (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals. <p>Note: This audit team must be led by a suitably qualified auditor.</p> <p>(ii) Within 6 weeks of the completion of this audit, or as otherwise agreed by the Secretary, the Applicant shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.</p> <p>(iii) Within 3 months of submitting the audit report to the Secretary, the Applicant shall review, and if necessary revise the strategies/plans/programs required under this consent to the satisfaction of the Secretary.</p>	<ul style="list-style-type: none"> • Independent Environmental Audit (IEA) Newstan Colliery, September 2015 by MCW Environmental • Letter from DPE dated 24-5-2018 re Newstan Colliery – 2018 Independent Environmental Audit Scope • Newstan 2015 Colliery Independent Environmental Audit Action Plan • Letter to DPE dated 23 -12-2015 re Newstan Colliery Independent Environmental Audit 	<p>ii) The 2015 IEA report is dated 25 September 2015. An Action Plan documenting Newstan's response to the 2015 IEA was developed. The 2015 IEA Report and Action Plan were submitted to DPE in a letter dated 23 December 2015. This was not within the 6 week period as required of the condition hence this condition is Non Compliant. A discussion regarding the current status and closeout of recommendations from the 2015 IEA is provided in Appendix F of this report.</p>	<p>ii) Non-compliant</p>	<p>Noted.</p>
DA 73-11-98 Mod 7 9.2	<p>Access to Information</p> <p>(a) Within 3 months of the approval of any plan/strategy/program required under this consent (or any subsequent revision of these plans/strategies/programs), or the completion of the audits or Annual Reviews required under this consent, the Applicant shall:</p> <ul style="list-style-type: none"> • provide a copy of the relevant document/s to the relevant agencies; • ensure that a copy of the relevant document/s is made publicly available at the mine; and • put a copy of the relevant document/s on its website. <p>(b) During the development, the Applicant shall:</p> <ul style="list-style-type: none"> • make a summary of monitoring results required under this consent publicly available at the 	<ul style="list-style-type: none"> • https://www.centennialcoal.com.au/Operations/OperationsList/Newstan.aspx • Centennial Newstan, Environmental Monitoring Data monthly reports from May 2015 to July 2018 • Centennial Coal Newstan Colliery Annual Reviews for the periods January 2015 to December 2015, January 2016 to December 2016, January 2017 to December 2017. 	<p>a) The following management plans, strategies and programs required under this consent were revised and approved during the audit period:</p> <ul style="list-style-type: none"> o Environmental Management Strategy, Newstan Colliery, August 2014 (approval not verified) o Environmental Management Strategy, Northern Coal Services, March 2016 (approved 14 April 2016) o Noise Management Plan, Northern Region, May 2018 (approved 28 May 2018) (also an earlier June 2017 version was approved 10 October 2017); o Air Quality and Greenhouse Gas Management 	<p>a) Non-compliant</p>	<p>The website was updated during the audit period to rectify this non compliance.</p> <p>Management Plans will be sent to the required agencies for consultation and upon approval from the Department the final issue will be provided.</p>

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
EPL 395	<p>mine and on its website; and</p> <ul style="list-style-type: none"> • update these results on a regular basis (at least every three months). 		<p>Plan, Northern Region, May 2018 (approved 28 May 2018) (also an earlier July 2017 version was approved 10 October 2017);</p> <ul style="list-style-type: none"> ○ Northern Operations, Discharge Management Plan, September 2016 (approved 10 October 2017); ○ Northern Operations, Regional Water Management Plan, March 2016 (Draft, approval not verified) ○ Aboriginal Cultural Heritage Management Plan, Northern Region, September 2016 (approved 10 October 2017) ○ Historic Heritage Management Plan, Northern Region, July 2018 (approved 13 July 2018) ○ Northern Coal Services and Newstan Colliery Bushfire Management Plan 9 January 2017 (approval by LMCC not verified) <p>In addition, the Newstan Colliery Annual Reviews for 2015, 2016 and 2017 and the 2015 IEA required under this consent were completed during the audit period.</p> <p>With regard to the above documents:</p> <ul style="list-style-type: none"> • With the exception of the Annual Reviews, no evidence was provided to demonstrate that copies of these approved and/or completed documents have been provided to all the relevant agencies. As noted in the 2015 IEA, the auditors consider the relevant agencies to be the agencies with whom consultation was required (typically DPE, DRG, OEH, EPA, DPI Water, LMCC, etc). • It was reported that these documents are publicly available at the mine site on request. • The Centennial Newstan website was reviewed on 17 July 2018 at which time the above management plans and strategies approved during the audit period (as well as the other management plans, strategies and programs required by this consent approved prior to the audit period) and Annual Reviews and the IEA completed during the audit period were available for the public to access with, however, the following exceptions noted: <ul style="list-style-type: none"> ○ Noise Management Plan, Northern Region, May 2018 (it is noted that the previously approved June 2017 version was also not available) ○ Air Quality and Greenhouse Gas Management Plan, Northern Region, May 2018 (it is noted however that the previously approved July 2017 version was available) ○ Historic Heritage Management Plan, Northern Region, July 2018 (it is noted that this plan had only recently been approved and that the previous approved June 2016 version was available). <p>On the basis that not all of the approved documents were available on the Centennial Newstan website, and it was not verified that copies of approved documents are being provided to all relevant agencies, this part of this condition is considered non-compliant.</p>	Non-compliant	Noted. Addressed below.

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L1.1	comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> .		<p>waters. However, section 121 and 122 of the POEO Act provides a defence against prosecution under section 120 where the pollution was regulated by an environment protection licence or regulation which was complied with fully. (https://www.epa.nsw.gov.au/your-environment/water)</p> <p>During an emergency discharge from LDP017 during May-June 2015, the concentrations of several water quality parameters exceeded the EPL concentration limits. Hence, this licence condition was not fully complied with.</p>																																														
EPL 395 L2.4	Water and/or Land Concentration Limits	Centennial Coal Annual Reviews – for 2015, 2016 and 2017	<p>Over the period January 2015 to December 2017 water quality exceedances occurred from LDP001 and LDP017 as indicated in the table below. The 2015 exceedances (9) were largely in relation to an extreme rainfall event during April-May 2015 that caused overflow of the Fassifern Underground Storage in May-June 2015, subsequent discharge from LPD017, and a high level of pumping to, and discharge from, LPD001. Only 1 exceedance was recorded for 2016, and nil for 2017 showing significant improvement and much reduce risk of discharge in the later part of the audit period.</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Year</th> <th>Point</th> <th>Note</th> </tr> </thead> <tbody> <tr> <td>Aluminum (dissolved)</td> <td>2015</td> <td>1</td> <td>Reporte</td> </tr> <tr> <td>Bicarbonate alkalinity</td> <td>2015</td> <td>1</td> <td>Reporte</td> </tr> <tr> <td>Bicarbonate alkalinity</td> <td>2016</td> <td>1</td> <td>Reporte</td> </tr> <tr> <td>Calcium</td> <td>2015</td> <td>17</td> <td>Reporte</td> </tr> <tr> <td>Copper (dissolved)</td> <td>2015</td> <td>1</td> <td>Reporte</td> </tr> <tr> <td>Magnesium</td> <td>2015</td> <td>17</td> <td>Reporte</td> </tr> <tr> <td>Potassium</td> <td>2015</td> <td>17</td> <td>Reporte</td> </tr> <tr> <td>Sulfate</td> <td>2015</td> <td>17</td> <td>Reporte</td> </tr> <tr> <td>Total suspended solids</td> <td>2015</td> <td>1</td> <td>Reporte</td> </tr> <tr> <td>Zinc (dissolved)</td> <td>2015</td> <td>1</td> <td>Reporte</td> </tr> </tbody> </table>	Parameter	Year	Point	Note	Aluminum (dissolved)	2015	1	Reporte	Bicarbonate alkalinity	2015	1	Reporte	Bicarbonate alkalinity	2016	1	Reporte	Calcium	2015	17	Reporte	Copper (dissolved)	2015	1	Reporte	Magnesium	2015	17	Reporte	Potassium	2015	17	Reporte	Sulfate	2015	17	Reporte	Total suspended solids	2015	1	Reporte	Zinc (dissolved)	2015	1	Reporte	Non-compliant	Noted. Newstan will continue to maintain low water levels within the surface water management structures and underground.
Parameter	Year	Point	Note																																														
Aluminum (dissolved)	2015	1	Reporte																																														
Bicarbonate alkalinity	2015	1	Reporte																																														
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Total suspended solids	2015	1	Reporte																																														
Zinc (dissolved)	2015	1	Reporte																																														
EPL 395 O2.4	The sewage treatment system must be serviced by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year.	<ul style="list-style-type: none"> Waste Water Maintenance PL Inspection dated 30-3-2015 SNK Group PL, Septic Treatment Plant Inspections dated 6-8-2015, 7-11-2015 and 17-12-2015 Albin Civil, Septic Treatment Plant Inspections dated 15-3-2016, 6-6-2016, 9-9-2016, 13-12-2016, 9-2-2017, 27-4-2017, 26-10-2017, 28-11-2017 	<p>Inspection and service of the sewage treatment system was carried out by Waste Water Management P/L, SNK Group P/L and Albin Civil during the audit period. It was reported that each of these contractors were licensed plumbing contractors. Records of the inspections / services carried out on the following dates were sighted by the auditors:</p> <ul style="list-style-type: none"> 2015: 30 March, 6 August, 7 November and 17 December; 2016: 15 March, 6 June, 9 September and 13 December; 2017: 9 February, 27 April, 26 October and 28 November. <p>Although four inspections / services were carried out each year, the inspections / services were not always carried out at least once in every quarterly period as required by this condition. There was no inspection / service carried out in Quarter 2 of 2015 or Quarter 3 2017.</p>	<p>Non-compliant</p> <p>Recommendation: Ensure that services of the sewerage treatment system is carried out once each quarterly period.</p>	Noted. Newstan will ensure contracting company are made aware.																																												
EPL 395 M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing	<ul style="list-style-type: none"> Newstan Colliery, Final Compliance Audit Report – Dams at NSW Mines, EPL 395, January 2017 by NSW EPA 	AECOM undertakes the surface water monitoring at Newstan and ALS conducts the laboratory analysis of samples. AECOM are NATA accredited (accreditation no. 2778). ALS are NATA	<p>Non-compliant</p> <p>Recommendation: Newstan should ensure</p>	This issue was completed at the time of the EPA audit and is no longer non compliant. No further action required.																																												

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition	Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required																
	before any tests are conducted.		<p>accredited (accreditation no. 825).</p> <p>However, an EPA Compliance Audit conducted on 14 September 2016 found the sample collection and handling to be Compliant but the method of analysis to be Not Compliant. The audit report stated:</p> <p><i>"The laboratory is not using the specified methods listed in the 'Approved Methods for the Sampling and Analysis of Water Pollutants Publication' for the analysis of all pollutants monitored. The laboratory is using 'in-house' methods rather than the methods specified in the publication. The majority of the methods used are 'based' on an approved method for those analytes however they are not in strict compliance with the methods. The Approved Methods Publication states: "If you wish to use another method for sampling or analysis that is not included in this document, you must seek approval from the EPA before you commence sampling or analysis using that method" The licensee has not sought approval for the use of alternative methods of analysis from the EPA. It is however noted that the licensee uses laboratories that are accredited to perform the 'in house' methods that are used.</i></p> <p><i>The licensee must use the methods specified in the Approved Methods publication or seek approval from the EPA to use alternative methods. The licensee must also ensure that the laboratory is accredited to perform those analyses by an independent accreditation body acceptable to the EPA."</i></p> <p>Various documents were provided by Newstan from ALS and AECOM in response to the EPA audit report. Auditors have not assessed this information. Given the EPA raised a non compliance against this condition during the period it is deemed non-compliant during the audit period.</p>	that all laboratory methods are in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.																	
EPL 365 L5.4	<p>For the purpose of condition L5.3:</p> <p>(a) the meteorological data to be used for determining meteorological conditions is the data recorded at the meteorological station identified in this licence as EPA Identification Point W1.</p> <p>(b) Stability category temperature inversion conditions are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW industrial Noise Policy (EPA 2000)</p> <p>Note: The weather station must be designed, commissioned and operated in a manner to obtain the necessary parameters required under the above condition.</p>	<ul style="list-style-type: none"> Mandalong Mine, Annual Compliance Noise Monitoring, July 2016, SLR 	<p>The 2016 annual noise monitoring report appears to use the Lake Macquarie Bureau of Meteorology Station data (provided as Appendix C within the monitoring report) for the purposes of determining meteorological conditions for the noise assessment. The other noise monitoring reports do not appear to specify which meteorological data source it uses. As this condition requires that the meteorological station identified in this licence as EPA Identification Point W1 be used to determine the meteorological conditions, this condition is considered non-compliant at least for the 2016 monitoring program.</p>	<p>Non-compliant</p> <p>Recommendation: Ensure the meteorological data to be used for determining meteorological conditions is the data recorded at the meteorological station identified in the EPL as EPA Identification Point W1.</p>	Noted. 2018 noise monitoring report used site W1 to determine meteorological conditions.																
EPL 365 M2.3	<p>Water and/ or Land Monitoring Requirements</p> <p>POINT 1</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>Frequency</th> <th>Sampl</th> </tr> </thead> <tbody> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 2</td> <td>Grab</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Special Frequency 2</td> <td>Grab</td> </tr> </tbody> </table> <p>POINT 2</p>	Pollutant	Units of Measure	Frequency	Sampl	Oil and Grease	milligrams per litre	Special Frequency 2	Grab	pH	pH	Special Frequency 2	Grab	Total suspended solids	milligrams per litre	Special Frequency 2	Grab	<ul style="list-style-type: none"> Centennial Mandalong Mine Annual Reviews for the periods January 2015 to December 2015, January 2016 to December 2016, January 2017 to December 2017. EPL 365 Annual Return 2015, EPL 365 Annual Return 2016 and EPL 365 Annual Return 2017 Letter from EPA dated 10-2-2016 re Formal Warning in Relation to Breaches of Environment protection Licence No. 365 	<p>Water quality monitoring of Point 1 (LDP001) and Point 2 (LDP002) discharges is discussed in condition L2.4 above.</p> <p>Point 1 was generally monitored at the frequency of daily during discharge as per Special Frequency 2.</p> <p>Point 2 was generally monitored at the frequency of within 8 hours and then weekly during discharge as per Special Frequency 1.</p> <p>However, the following sampling non-compliances during the audit period were reported in the Annual Reviews and Annual Returns:</p> <ul style="list-style-type: none"> 25-28 December 2015 no grab sample was collected from LDP001 during discharge. 18 December 2016 no grab sample was collected from LDP001 during discharge. <p>It is noted that Mandalong received a Formal Warning Letter from</p>	<p>Non-compliant</p>	Noted. An incident investigation was completed with all manual overrides on the Cooranbong Borehole Pump changed to lockable mechanisms to prevent a recurrence.
Pollutant	Units of Measure	Frequency	Sampl																		
Oil and Grease	milligrams per litre	Special Frequency 2	Grab																		
pH	pH	Special Frequency 2	Grab																		
Total suspended solids	milligrams per litre	Special Frequency 2	Grab																		

TABLE 8-2: Non-compliances and Recommendations

Consent / Cond. No.	Condition				Evidence Source	Comment / Finding	Compliance Status & Recommendation	Action Required
	Pollutant	Units of Measure	Frequency	Sampling Method				
	Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample		the EPA in relation to the 25-28 December 2015 non-compliances. It is understood that CES subsequently installed an automated notification system such that relevant persons are notified when the pump becomes operational in order to prevent recurrence of missed sampling. On the basis that LDP001 was not always sampled in accordance with Special Frequency 1 during the audit period, this CES is considered non-compliant with this condition.		
	pH	pH	Special Frequency 1	Grab sample				
	Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample				
EPL 365 M4.1	To determine compliance with condition L5.1, attended noise monitoring must be undertaken in accordance with conditions L5.5 and L5.6, and (a) at each one of the locations listed in condition L5.1; (b) occur annually within the reporting period of the Environment Protection Licence; (c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy (EPA 2000) for a minimum of 1.5 hours during the day; 30 minutes during the evening; and 1 hour during the night, and (d) occur for three (3) consecutive days.				<ul style="list-style-type: none"> Mandalong Mine, Annual Compliance Noise Monitoring, August 2015, SLR Mandalong Mine, Annual Compliance Noise Monitoring, July 2016, SLR Mandalong Mine, Annual Compliance Noise Monitoring, Addendum Report - Additional Noise Monitoring, 8 December 2016, SLR Mandalong Mine, 2017 Annual Compliance Noise Monitoring, December 2017, GHD Mandalong Mine, 2017 Additional Annual Compliance Noise Monitoring, January 2018, GHD 	Review of the Mandalong noise monitoring reports indicated: a) Three locations relevant to CES are listed in L5.1: 23 Gradwells Rd, 26 Gradwells Rd and All Other Privately Owned Land. Only one location, being M1, was monitored. M1 is considered representative in a worst case scenario of the three locations specified in the EPL. b) Noise monitoring reports indicate that annual attended noise monitoring was undertaken at location M1 (representative of 23 Gradwells Rd, 26 Gradwells Rd and All Other Privately Owned Land) in July 2016 and August 2017 with additional monitoring undertaken in October 2016 and December 2017. However, the monitoring reports indicate that attended noise monitoring at M1 was not undertaken in 2015 as the unattended real time noise monitor located at CES was used to assess compliance. As this condition specifies "attended" noise monitoring, this part of this condition is considered non-compliant. c) The annual noise monitoring reports for 2016 and 2017 indicate that monitoring at M1 was undertaken in the day period for at least 1.5 hours, evening period for at least 30 minutes and the night period for at least 1 hour. d) Although attended noise monitoring of all Mandalong locations was undertaken each year over at least three consecutive days, the monitoring of M1 was not undertaken over three consecutive days. In 2016 day monitoring was undertaken on 25 July, evening monitoring on 26 July and night monitoring on 28 July. In 2017 day monitoring was undertaken on 7 October, evening monitoring on 6 October and night monitoring on 6 October. Furthermore, it is considered that the intent of this part of this condition requires day period monitoring of M1 on three consecutive days, evening period monitoring of M1 on three consecutive days and night period monitoring of M1 on three consecutive days.	a) Compliant b) Non-compliant c) Compliant d) Non-compliant Recommendation: Undertake annual attended noise monitoring at M1 during day period on three consecutive days, evening period on three consecutive days and night period on three consecutive days as required of Condition M4.1.	Noted. Mandalong to consult with EPA on noise monitoring requirements for M4.1 (d).
ML1452 33	CATCHMENT AREAS (a) Operations shall be carried out in such a way as not to cause any pollution of the Lake Macquarie 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. (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.					a) Operations are carried out in accordance with a number of approved environmental management plans including, but not limited to Centennial's Regional Water Management Plan. Newstan also operates under Environment Protection Licence 395 which, amongst other things, stipulates water quality criteria for discharges. Although Newstan generally complied with the EPL water quality criteria for discharges, during an emergency discharge during May-June 2015, the concentrations of several water quality parameters for discharges from LDP017 and LDP01 exceeded the EPL concentration limits (refer EPL Compliance Table for further detail). b) It was reported that there has been no notice issued by the	Non-compliant	Noted and addressed above.

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			<p>Minister in this regard during the audit period.</p> <p>c) It is an offence under section 120 of the POEO Act to pollute waters. However, section 121 and 122 of the POEO Act provides a defence against prosecution under section 120 where the pollution was regulated by an environment protection licence or regulation which was complied with fully. During an emergency discharge during May-June 2015, the concentrations of several water quality parameters for discharges from LDP017 and LDP001 exceeded the EPL concentration limits. Hence, the environment protection licence was not fully complied with.</p>		