



Ashton Mine

2022 Independent Environmental Audit (DA 309-11-2001-i)

Ashton Coal Operations Pty Ltd

26 May 2023

→ The Power of Commitment



| Project name | | Ashton Mine 2022 Independent Environmental Audit (DA 309-11-2001-i) | | | | | |
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1. Introduction

1.1 Introduction and purpose of this report

Ashton Mine, otherwise known as the Ashton Coal Project (ACP) is located approximately 14 kilometres (km) north-west of Singleton, New South Wales (NSW). The ACP is operated by Ashton Coal Operations Pty Ltd (Ashton Coal) and includes the decommissioned north-east Open Cut (NEOC), an underground coal mine, a Coal Handling and Preparation Plan (CHPP), and a rail siding.

The ACP was granted Development Consent DA 309-11-2001-i in October 2002 under the *Environmental Planning and Assessment Act 1979* (EP&A Act). Ashton Coal Operations Pty Limited also holds Project Approval (PA) 08_0182, issued on 17 April 2015, for open cut mining within the South East Open Cut (SEOC). The approval for DA 309-11-2001-I was modified on 20 June 2016 (modification 5) to permit the integration of the existing ACP and the SEOC project, with the combined development referred to as the Ashton Mine Complex. DA 309-11-2001-I was most recently modified on 6 July 2022 (MOD11) allowing Ashton Coal to be integrated with a portion of Ravensworth Underground Mine (RUM) to access approved coal reserves.

This audit covers a period of time from 1 October 2019 to 18 January 2023. The site inspection component of the Independent Environmental Audit (IEA) was conducted on 18 January 2023. This report provides an outline of the audit methodology and results, and provides recommended actions for achieving full compliance with environmental approvals.

The audit was led by Brendan Rice, Lead Auditor (Exemplar Global No. 113820) with assistance from Lachlan Taylor. A technical peer review was completed by Diane Kovacs - Technical Director – EHS Management. A technical peer review of the final IEA was completed by Michelle Kiejda – Technical Director – Environment and Closure Planning.

Schedule 5, Condition 11 of DA No. 309-11-2001-i requires an IEA be commissioned one year after the commencement of construction of the development, and every three years thereafter. Schedule, Condition 11 constitutes the audit scope and requires that:

One year after the commencement of construction of the development, and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. This audit must:

(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary;

(b) include consultation with the relevant agencies;

(c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);

(d) review the adequacy of any approved strategies, plans or programs required under these approvals; and, if appropriate

(e) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.

As required by Schedule 5, Condition 11 of DA 309-11-2001-i the audit team was approved by the Department of Planning and Environment (DPE) to undertake the audit on 24 October 2022 (refer to Appendix A).

1.1.1 Audit details

A summary of the audit details is provided in Table 1.1.

Table 1.1 Summary of audit details

| Audit title | Ashton Coal Mine Independent Environmental Audit |
|-----------------------|--|
| Site | Ashton Coal Mine, Camberwell New South Wales |
| Client Contact: | Phillip Brown |
| Position | Environment & Community Relations Superintendent |
| Client address | Glennies Creek Road, Camberwell NSW 2330 |
| Client phone number | +61 2 6570 9219 |
| Client email | Phillip.Brown@yancoal.com.au |
| Audit team | Michelle Kiejda - Auditor and Technical Review Diane Kovacs – Technical Review Brendan Rice - Lead Auditor Lachlan Taylor - Assistant Auditor |
| Auditor phone | +61 2 4979 9034 |
| Auditor email | michelle.kiejda@ghd.com |
| Date of site visit | 18 January 2023 |
| Audit completion date | 28 February 2023 |
| Audit submission date | 1 March 2023 |
| Audit scope | Assessment of project compliance against DA 309-11-2001-I, EPL 11879, relevant leases and legislation. |

1.2 Scope of the audit

The audit scope is detailed below:

- The physical boundaries of the scope of the audit covered the project area as approved by DA 309-11-2001-i.
- Relevant agencies and the Community Consultative Committee chair (CCC chair), including the Department of Planning and Environment (DPE), DPE – Water, Environment Protection Authority (EPA), Biodiversity Conservation Division (BCD), Subsidence Advisory NSW (SA NSW), the NSW Resources Regulator, Singleton Council, and Heritage Council of NSW (HC NSW) were requested to provide comment on the performance and/or compliance of the project with relevant requirements and/or approvals.
- A review of available key documentation including the Environmental Impact Statement (EIS) and Environmental Assessment (EA) documentation, Development Consent, Environment Protection Licence (EPL) and other relevant site and environmental information, such as correspondence with relevant agencies and management plans and/or monitoring results, was undertaken prior to interviews with Ashton Coal representatives and the Mine inspection. Additional documents were reviewed during and following the interviews with Ashton Coal representatives and the Mine inspection.
- A one-day site inspection, including interviews, to assess the general environmental performance of site and discuss Development Consent and EPL compliance with key site-based personnel.
- Audit report to be prepared, undertaken and finalised in accordance with the department’s Independent Audit Post Approval Requirements (NSW Government, 2020). These requirements were addressed and outlined as described in Table 2.2.
- Preparation of a draft audit report review and provide one set of combined comments.
- Finalisation of the audit report and submission to Ashton Coal.

1.3 Audit participants

The audit team is listed in Table 1.2.

Table 1.2 Audit team members

| Audit team members | Organisation | Role |
|--------------------|--------------|--|
| Michelle Kiejda | GHD | Auditor and Technical Review |
| Diane Kovacs | GHD | Technical Review |
| Brendan Rice | GHD | Lead Auditor |
| Lachlan Taylor | GHD | Assistant Auditor |
| Phillip Brown | Ashton Coal | Environmental and Community Relations Superintendent |

1.4 Assumptions

The following assumptions were made for this audit:

- All information provided by Ashton Coal was true, accurate and complete at the time it was provided.

1.5 Limitations

This report: has been prepared by GHD for Ashton Coal Operations Pty Ltd and may only be used and relied on by Ashton Coal Operations Pty Ltd for the purpose agreed between GHD and Ashton Coal Operations Pty Ltd as set out in Section 1.2 of this report.

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

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

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

GHD has prepared this report on the basis of information provided by Ashton Coal Operations Pty Ltd and others who provided information to GHD (including Government authorities), which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report (refer to section 1.4 of this report). GHD disclaims liability arising from any of the assumptions being incorrect.

Accessibility of documents

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

2. Methodology

2.1 Audit inception

A review of all public information was undertaken, which is detailed below. The review of information was followed by a Request for Information to Ashton Coal for additional required information.

2.2 Document review

Environmental documentation associated with the Mine was reviewed by the audit teams prior to site visit. The following documents were reviewed:

- Air Quality and Greenhouse Gas Management Plan (AQGGMP)
- Biodiversity Management Plan (BMP)
- Heritage Management Plan (HMP)
- Noise Management Plan (NMP)
- Water Management Plan (WMP)
- Pollution Incident Response Management Plan (PIRMP)
- Plan of Management for Conservation Area
- Annual Reviews for 2020 and 2021
- Environmental Management Strategy (EMS)
- Rehabilitation Management Plan
- Extraction Plan approvals
- DA 309-11-2001-I (MOD 11)
- EPL 11879
- Mining Leases (ML) 1529, 1533,1629 and 1633
- EA documentation
- Correspondence to/from relevant agencies and CCC Chairperson

Additional documents were provided during and following the audit as evidence of compliance with DA 309-11-2001-I (MOD 11), the EPL, and relevant leases.

2.3 Agency consultation

As part of the audit process, the following agencies were invited to provide comment regarding Development Consent conditions requiring specific consultation with the particular agencies, including:

- DPE
- DPE – Water
- Singleton Council
- Biodiversity Conservation Trust
- EPA
- NSW Resources Regulator
- SA NSW
- Heritage Council of NSW
- CCC Chairperson

Letters requesting comment from the agencies were emailed on 24 October 2022. Correspondence was received from DPE Water, NSW Resources Regulator and CCC Chairperson.

Copies of this correspondence are provided in Appendix B. A summary of the auditor's response to issues raised by the agencies is included in section 4.7.

2.4 Site inspection and interviews

2.4.1 Opening and closing meeting

GHD undertook a site visit of Ashton Mine on 18 January 2023. The audit team used the site inspection to review compliance with various environmental requirements for the Mine.

Weather conditions during the site inspection included temperatures up to 36.2 °Cs with winds up to 6.9 m/s, from the north and north west.

The opening and closing meetings were held at the Ashton Mine offices. The list of participants is provided in Table 2.1.

Table 2.1 Opening and closing meeting participants

| Audit team members | Organisation | Role |
|--------------------|--------------|--|
| Brendan Rice | GHD | Lead Auditor |
| Lachy Taylor | GHD | Assistant Auditor |
| Phillip Brown | Ashton | Environment & Community Relations Superintendent |
| Cameron Eckersley | Ashton | Environment & Community Relations Co-ordinator |

After the opening meeting, a site inspection was undertaken of the Mine and its operations. Following the site inspection, a closing meeting was conducted to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

2.4.2 Audit interviews

During the site visit, interviews were conducted with the Ashton Mine staff as identified in Table 2.1.

2.4.3 Data collection and verification

Where possible, documents and data collected during the audit were reviewed on-site. Several documents were provided to the audit team prior to the site visit. Several documents that were not available during the site visit were provided afterwards. Ashton Coal provided several documents in hard copy format for review during the site visit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by sighting documentation and/or via visual observations made during the site inspection. Where suitable verification was unable to be obtained, this has been identified in the audit findings.

2.4.4 Site inspection

A detailed site inspection of Ashton Mine was undertaken on 18 January 2023. The following locations were inspected:

- CHPP and rail infrastructure
- Entrance to underground mining areas
- Main pit area
- Above ground areas of the Underground Mining Area
- Workshop
- Bowmans Creek, including Bowmans Creek Diversion infrastructure
- North East Open Cut Rehabilitation Area

The Ravensworth Void 4 Tailings Dam, which is used for tailings storage was not visited during the audit as access was not possible at the time of audit.

2.5 Reporting

This report has been prepared on an exception basis, highlighting the compliance issues identified along with any areas where action or improvement is required. The IEA has been prepared in accordance with the NSW Government Independent Audit Guideline (NSW Government, 2020). Table 2.2 shows where this audit has addressed the key requirements of the guidelines.

Table 2.2 *Independent Audit Guideline Requirements*

| Section | Description | Where addressed |
|----------------|--|--|
| 2 | Audit frequency | Section 1.1 |
| 3.1 | The scope of the audit and the audit team (including any technical specialists) to be determined by the lead regulator. | Section 1.1.1 and 1.3 |
| 3.2 | The auditor must develop the scope of the audit with the Department and other parties as requested. | Section 2.3 and 4.7 |
| 3.3 | The audit scope must cover <ul style="list-style-type: none"> – An assessment of compliance with all conditions applicable to the phase of the development being audited, as well as all post approval and compliance documentation. – Review the environmental performance of the development. – Outline the status of any previous audit findings – Provide a high level assessment of whether the Environmental Management Plans and Sub-Plans are adequate – Any other matters considered relevant by the auditor or the Department. | Section 3, 4.2, 4.3, 4.6, 4.7 and Appendix C |
| 3.4 | Opening and closing meetings | Section 2.4.1 |
| 3.5 | On-site interviews | Section 2.4.2 |
| 3.6 | Site inspection | Section 2.4.4 |
| 3.7 | Evidence of compliance | Appendix C |
| 3.8 | Compliance status descriptors | Section 2.6 |
| 4.1 | Document Control | Cover page and Section 1.1.1 |
| 4.2 | The audit report should include the following sections: <ul style="list-style-type: none"> – Introduction, providing a brief overview of the development, audit scope and objectives – Methodology, describing the audit team, methodology applied, document reviews, site inspections and interviews – Audit findings, including documentation of consultation, outcome of actions from the previous audit, assessment of compliance status against the conditions and commitments in relevant documents and discussion of environmental incidents and performance – Recommendations, identifying any opportunities for improvement identified in the audit – Appendices | This audit report |
| 4.3 | Proponents review and response | Ashton Coal to complete |
| 4.4 | The final Independent Audit Report provided to the Department must contain a declaration from the auditor in an Independent Audit Report Declaration Form, appended to the final Independent Audit Report. | Appendix D |

| Section | Description | Where addressed |
|---------|---|-------------------------|
| 4.5 | The final Independent Audit Report and the proponent's response to audit findings must be submitted to the Department within 2 months of undertaking the independent audit site inspection, unless otherwise agreed by the Department | Ashton Coal to complete |

2.6 Definitions

Reporting results from the 2023 IEA was based on NSW Government Independent Audit Post Approval Requirements (NSW Government, 2020).

Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied within the scope of the audit.

Non-Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.

Table 2.3 details the risk levels for non-compliances.

Table 2.3 Risk level for non-compliances

| Risk level | Colour code | Description |
|-------------------------------|-------------|--|
| High | | Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence. |
| Medium | | Non-compliance with: <ul style="list-style-type: none"> – Potential for serious environmental consequences, but is unlikely to occur, or – Potential for moderate environmental consequences, but is likely to occur |
| Low | | Non-compliance with: <ul style="list-style-type: none"> – Potential for moderate environmental consequences, but is unlikely to occur, or – Potential for low environmental consequences, but is likely to occur |
| Administrative non-compliance | | Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions). |

Not triggered

A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.

Note

A statement or fact, where no assessment of compliance is required.

Note: while 'note' was not identified as a relevant descriptor, a number of conditions of DA 309-11-2001-I (as modified), EPL 11879, and relevant leases do not have any relevant compliance requirements. Therefore, note has been used to identify these conditions where no assessment of compliance is applicable.

3. Previous independent audit and status

The most recent IEA was undertaken in 2019 (Barnett and May, 2020). The 2019 Ashton Coal Mine IEA identified that Ashton was generally operating in compliance with legislative requirements. Six non-compliances were identified, with the auditor making recommendations for corrective action. The status of these recommendations at 18 January 2023 are detailed in Table 3.1.

Table 3.1 Previous audit findings

| Reference | 2019 findings/recommendations | 2022 status | Status (closed/open) |
|---|---|--|----------------------|
| Non-compliance recommendations from 2019 Audit | | | |
| <i>EPL 11879</i> | | | |
| M2.2 | <p><i>2019 audit recommendation: There is no recommendation related to this non-compliance. Ashton's existing equipment monitoring program is appropriate.</i></p> <p>Ashton Coal Response: Introduction of automated alarm that notifies ACOL staff and contracted environmental monitoring database managers upon nonreceipt of monitoring data. Incorporate this requirement into the ACOL Air Quality and Greenhouse Gas Management Plan (AQGGMP). Proposed due date of response was 6 June 2020.</p> | <p>Whilst no corrective action was recommended from the 2019 IEA, however Ashton committed to introducing of an automated alarm which notified staff upon non-receipt of monitoring data. Ashton also committed to incorporating this requirement into the AQGGMP. Both actions have been completed.</p> | Closed |
| M2.3 | <p><i>2019 audit recommendation: Consult with the EPA regarding the modification of the groundwater monitoring requirements for Point 8.</i></p> <p>Ashton Coal Response: New EPL groundwater monitoring sites to be documented in groundwater monitoring program, as part of Site Water Management Plan (SWMP) review. Proposed due date of response was 6 June 2020.</p> | <p>The WMP was updated in September 2020 and incorporated the proposed changes.</p> | Closed |
| M6.1 | <p><i>2019 audit recommendation: Schedule checks of the complaints line (monthly) to ensure that it is operational.</i></p> <p>Ashton Coal Response: Requirement for monthly test of the Community Enquiries Line to be documented in the Complaints Handling Procedure (Doc No: 4.3.1.1.2) Proposed due date of response was 6 June 2020.</p> | <p>The auditor tested the complaints line presented on the website and found it to be functional and attended.</p> | Closed |

| Reference | 2019 findings/recommendations | 2022 status | Status (closed/open) |
|----------------|---|---|----------------------|
| R5.1 | <p><i>2019 audit recommendation: Prepare annual Noise Compliance Assessment Reports and issue those reports to the EPA.</i></p> <p>Ashton Coal Response: Requirement to check for, and include, supporting reports as part of EPL Annual Return to be documented in the Environmental Management Strategy. Proposed due date of response was 6 June 2020.</p> | The EMS has been updated as per the response to the audit. Noise compliance reports have been prepared for 2019, 2020 and 2021 reporting years. | Closed |
| <i>ML 1533</i> | | | |
| 2.1 | <p><i>2019 audit recommendation: Ensure that all commitments in the MOP (and other management plans) are fully implemented.</i></p> <p>Ashton Coal Response: No additional action proposed.</p> | No additional action was proposed, and Ashton were found to have a generally high level of environmental compliance in the 2022 IEA. This recommendation is therefore closed. | Closed |
| <i>ML 1623</i> | | | |
| 3(a) | <p><i>2019 audit recommendation: Ensure that all Annual Reviews are submitted with the required time frames.</i></p> <p>Ashton Coal Response: As per non-compliance against 2.1 of ML 1533.</p> | No additional action was proposed, and Ashton were found to have a generally high level of environmental compliance in the 2022 IEA. This recommendation is therefore closed. | Closed |

4. Audit findings

4.1 Context of compliance assessment

4.1.1 Project approval

Ashton Coal Mine operates under DA 309-11-2001-i (as modified), which provides approval for the following activities:

- Underground mining operations until 31 December 2035
- Extraction of no more than 5.45 million tonnes of ROM coal from the development in a calendar year
- Processing of 8.6 million tonnes of ROM coal per calendar year
- No more than 5 train movements per day, averaged over a calendar month

DA 309-11-2001 has been modified 11 times during the operation of the mine. Mod 11 (approved 6 July 2022) is the most recent and allows for:

- Underground connection from the existing Ashton Underground Mine workings to the approved RUM Pikes Gully and Middle Liddell coal seams via first workings
- Receipt of run-of-mine (ROM) coal mined in the RUM Pikes Gully and Middle Liddell coal seams for handling, processing and transportation using the existing Ashton Coal Project infrastructure
- Management of RUM ROM coal coarse rejects and tailings by emplacement in the NEOC void and at the Ravensworth Void 4 Tailings Dam
- Receipt and management of water and gas from the ACOL-operated portion of the RUM
- Extension of mining operations until approximately December 2035
- Other administrative changes to facilitate management of the ACOL-operated portion of the RUM and integration with the Ashton Coal Project, such as integrated environmental management plans, as appropriate

Below is a summary of historic modifications to the consent:

- **MOD-1** (approved 15 October 2003): Modification application to Raise the Height of the Eastern Emplacement Area
- **MOD-2** (approved 27 January 2005): Modification application and accompanying environmental assessment, dated August 2004 prepared by Ashton Coal Operations Pty Limited, including the:
 - Supplementary Air Quality Information, dated 9 November 2004, prepared by Holmes Air Sciences
- **MOD-3** (approved 19 February 2007): Modification application and accompanying environmental assessment, titled Ashton Coal Tailings Pipeline – Application to Modify Development Consent and Statement of Environmental Effects, dated 2 November 2006 and prepared by Parsons Brinkerhoff
- **MOD-4** (approved 26 March 2010): Modification application and accompanying environmental assessment, titled Development Consent Modification DA 309-11-2001-i MOD 4 dated July 2009, prepared by Wells Environmental Services, including:
 - Document titled Second Response to Submissions – Ashton Coal Operations Ltd. (ACOL) – Longwall/Miniwall Panel No. 9 dated 24 December 2009
- **MOD-6** (approved 24 December 2010): Modification application and accompanying environmental assessment, titled Ashton Coal Bowmans Creek Diversion Environmental Assessment, dated 3 December 2009, prepared by Evans & Peck, including:
 - Document titled Ashton Coal Bowmans Creek Diversion Response to Submissions, prepared by Wells Environmental Services, dated May 2010
 - Document titled Ashton Coal Bowmans Creek Diversion Statement of Commitments, dated December 2010, CONSOLIDATED CONSENT NSW Government 46 Department of Planning & Environment

- **MOD-7** (approved 15 June 2011): Modification application and accompanying environmental assessment, titled Environmental Assessment for the Modification of DA 309-11-2001-i (MOD 7) comprising underground mine interim gas drainage open cut Hebden seam recovery Condition 3.14 (Schedule 2) amendment, dated February 2011, prepared by Wells Environmental Services, including:
 - Document titled Response to Issues – development consent modification application for the Ashton coal mine - DA 309-11-2001-i MOD 7, dated 29 April and 3 May 2011, prepared by Ashton Coal Operations Pty Ltd
- **MOD-8** (approved 28 February 2012): Modification application and accompanying environmental assessment, titled Modification Application to Ashton Coal Project DA 30-9-11-2001 MOD 8, dated 2 December 2011 prepared by Ashton Coal Operations Pty Limited, including:
 - Document titled Aboriginal Archaeological Assessment, Development of Gas Drainage Boreholes in areas of Potential Archaeological Deposits, dated December 2011, prepared by Insite Heritage Pty Ltd
- **MOD-9** (approved 5 June 2012): Modification application and accompanying environmental assessment titled, Environmental Assessment for the Modification of DA 309-11-2001-I (MOD 9) Comprising Upcast Ventilation Shaft, Fans and Mine Service Infrastructure, dated February 2012, prepared by Wells Environmental Services, including:
 - Document titles Response to Submissions, dated 16 April 2012, prepared by Ashton Coal Operations Pty Limited
- **MOD-10** (approved 12 December 2012): Modification application and accompanying environmental assessment, titled Environmental Assessment for the Modification of DA 309-11-2001-i (MOD 10) Comprising Central Gas Drainage Plant and Associated Surface Infrastructure, dated 2 August 2012, prepared by Wells Environmental Services
- **MOD-5** (approved 20 June 2016): Modification application to increase throughput of the CHPP and various modifications relating to the SEOC project, including:
 - Document titled South East Open Cut Project & Modification to the Existing ACP Development Consent Response to Submissions, prepared by Wells Environmental, dated June 2010
- **MOD-11** (approved 6 July 2022): Modification application and accompanying environmental assessment titled, Environmental Assessment for the Ashton – Ravensworth Underground Mine Integration Modification, prepared by Ashton Coal Operation Pty Ltd. MOD -11 was made to allow Ashton to be integrated with Ravensworth Underground Mine

The site is regulated by EPL 11879, which was issued on 2 September 2003. The EPL was most recently varied on 20 September 2022.

Ashton Coal Mine is regulated by four mining leases:

- ML 1529; covering 128.7 hectares. Mining Lease granted by the Chief Executive Officer of Mining, Exploration and Geoscience as a delegate of the Minister for Energy on 8 September 2022 with the expiry of 11 November 2030
- ML 1533; covering 883.4 hectares. Mining Lease granted by the Executive Director Assessments and Systems as a delegate for the Minister for Energy on 8 September 2022
- ML 1623; covering 26.17 hectares. Mining Lease granted by the Executive Director Assessments and Systems as a delegate for the Minister for Energy on 8 September 2022
- ML 1696; Mining Lease granted by the Executive Director Assessments and Systems as a delegate for the Minister for Energy on 8 September 2022

Exploration licence 4918 and 5860 are also applicable to the site.

4.1.2 Environmental management system

The Ashton Coal Environmental Management System is comprised of the following plans to mitigate impacts generated by the site:

- Environmental Management Strategy
- Noise Management Plan

- Air Quality and Greenhouse Gas Management Plan
- Water Management Plan
- Biodiversity Management Plan
- Plan of Management for Conservation Area
- Heritage Management Plan
- Mining Operations Plan
- Rehabilitation Management Plan and Forward Program
- Pollution Incident Response Management Plan

The Environmental Management System is generally well implemented at the site and is generally compliant with the requirements of project approval, licences, leases and regulatory requirements. An assessment of adequacy for each of the plans under the Environmental Management System is presented in Table 4.5. A review of each environmental factor applicable to the site is presented in section 4.2.1.

4.2 Summary of compliance

Review of compliance with relevant approvals, licences and leases identified:

- Three non-compliances against DA 309-11-2001-i, including:
 - One low risk non-compliance relating to air quality exceedances
 - Two administrative non-compliances, relating to submission of documentation
- Six non-compliances against EPL 11879, including:
 - Five administrative non-compliances relating to reporting and data capture
 - One administrative non-compliance relating to submission of the EPL Annual Return
- Two non-compliances against the Standard Conditions Mining Regulation 2016 Schedule 8A Part 2 relating to the upload of documents on the Ashton Coal website

4.2.1 General environmental compliance

Ashton Coal was compliant in terms of environmental performance during the audit period. The site did not have any serious incidents or non-compliances deemed medium risk or higher.

4.2.1.1 Air quality

From the site inspection and interviews, the site personnel were aware of the requirements of the AQGGMP relevant to their role as they relate to monitoring and management requirements, which are being undertaken in accordance with the plan. During the site inspection, dust mitigation strategies such as the use of water carts and automated sprinkler systems were observed to be managing dust levels. Dust monitoring data was present on the Ashton Coal website, indicating that data collection and storage is adequate. Generally, dust impacts generated by Ashton Coal were managed well and were within predicted limits over the reporting period with the exception of several incidents discussed below.

A review of the air quality data identified that Ashton Coal is managing air quality impacts adequately. In 2016, Ashton were provided with a direction from DPE to only report exceedances of air quality criteria if the exceedance was entirely caused by Ashton Coal. From 2016 to 2021, Ashton did not report exceedances caused by other sources such as bushfires or surrounding mines. Following submission of the 2020 Annual Review, DPE raised a question regarding how non-compliances are recorded by Ashton in a letter dated 29 July 2021. DPE directed Ashton Coal to report that all exceedances of the daily PM₁₀ criteria, even if the exceedance was not wholly caused by Ashton Coal. Since this direction was issued, three exceedances of 24 hour PM₁₀ air quality criteria were reported in 2021. No exceedances of air quality criteria were recorded in 2022.

Two complaints related to dust impacts were received by Ashton Coal over the audit period. Internal investigations undertaken by Ashton Coal determined that dust impacts were not being generated by the site. The complainant was advised of the outcomes of inspection via email.

4.2.1.2 Noise

During the site visit, site personnel were forthcoming in producing any evidence requested, and showed that Ashton Coal have undertaken noise management and mitigation in accordance with the approved Noise Management Plan (NMP) during the audit period. Ashton Coal managed noise well over the audit period and impacts were within predicted limits.

Noise monitoring is undertaken at three locations monthly as per the NMP. These locations were nominated as they are representative of the sensitive receivers in the surrounding environment. Two meteorological stations are operated by Ashton Coal and are used to monitor weather parameters for noise modelling. Review of relevant data indicates Ashton Coal was compliant during all noise monitoring events in the reporting period.

There were two complaints related to noise received over the reporting period. These were investigated by Ashton Coal, with the complainant being provided with the results of the investigation via email. Given the lack of noise complaints in 2022, Ashton Coal is adequately managing noise generated at the premises.

4.2.1.3 Water management

From the site inspection and interviews, site personnel were aware of the requirements of the WMP relevant to their role, with the infrastructure operated and maintained in accordance with the plan. An environmental incident triggering the PIRMP occurred on 21 July 2022, whereby an excavator drove into Bowmans Creek. The response to this incident was adequate as monitoring post event identified that pollution of waters had not occurred.

Ashton Coal holds several Water Access Licences, which permit the taking of water for mine operations. Water from mining operations is stored within the North East Open Cut or within water management infrastructure on site. From the water storage areas, water is used in the CHPP and for dust suppression/irrigation. No discharges of mine water have occurred over the audit period. Minimal potable water is used on site for amenities and drinking water. The system was regularly serviced during the audit period with no non-compliances being identified. The effluent disposal area is well identified.

Monitoring of surface and groundwaters was undertaken over the reporting as per the requirements of the EPL and the WMP. One non-compliance was recorded against water quality monitoring whereby one monthly surface water sample unable to be collected from SM9 (EPL Point 6) in March 2021 due to boggy conditions preventing safe access to sampling location. A non-compliance of this nature has not occurred again over the audit period.

4.2.1.4 Biodiversity

Terrestrial habitats at Ashton Coal include floodplains, pastures, remnant woodland and riparian corridors. The majority of remnant habitat is pasture with scattered trees, with some areas of woodland. Fauna monitoring is undertaken on a bi-annual basis. Subsidence impacts were observed within the underground mining area, however no reportable non-compliances have occurred during the audit period as impacts were within predicted limits.

During the site inspection, a herd of pigs were observed near a dam. Ashton Coal advised the auditor that pig traps have been set up and are checked regularly.

Aquatic habitat within the site includes Bowmans Creek and Glennies Creek. Macro-invertebrate and fish population monitoring occurs bi-annually. Data collected in surface water quality monitoring events is used to determine stream health.

No non-compliances in regard to biodiversity have occurred at the site during the audit period.

4.2.1.5 Heritage

Heritage is managed under the Heritage Management Plan. There are three significant Aboriginal Heritage sites identified within the site that have high scientific and cultural value. There are also several other items previously mapped at the site. Ashton Coal hold AHIPs that permit impact to Aboriginal heritage items. No incidents relating to Aboriginal Heritage occurred over the audit period.

Four non-Aboriginal heritage items have been identified in proximity to Ashton Coal. These items would not be impacted by underground mining.

4.2.1.6 Visual

Ashton Coal Mine is generally screened from public viewpoints due to the vegetated embankment along the New England Highway. Underground mining areas south of the New England Highway are not subject to significant visual impact from public viewpoints.

Ashton Coal has not received any complaints related to visual impacts over the reporting period.

4.2.1.7 Waste

JR Richards & Sons manages waste streams on-site, providing waste receipts which identify the types and quantities of wastes generated and where they are disposed to. Waste management within the site was adequate, with no non-compliances being identified.

4.2.1.8 Rehabilitation

Rehabilitation is currently being implemented as per the approved Mine Operations Plan (MOP).

The North East Open Cut area is in the process of being rehabilitated to native woodland. Rehabilitation appeared to be progressing well, with patches of well-established habitat being present. Ashton Coal have undertaken habitat improvement works, such as the creation of artificial stags and rock piles.

The Bowmans Creek Diversion appeared to be well rehabilitated where riparian habitat was established. There was flow in Bowmans Creek at the time of inspection.

Rehabilitation monitoring is undertaken annually in the Voluntary Conservation Area, Bowmans Creek, North East Open Cut and the above ground areas of the underground mining areas.

4.2.2 Agency notices, orders, penalty notices or prosecutions issued during the audit period

No orders, penalty notices or prosecutions were issued during the audit period. The following agency notices were issued over the audit period:

- Letter from the EPA dated 12 March 2020 requesting Ashton Coal to provide information for EPL 11879.
- Letter from DPE dated 8 April 2020 approving the extension of the South East Open Cut.
- Letter from NSW Resources Regulator dated 10 July 2020 providing acceptance to start first workings in LW205-208.
- Letter from NSW Resources Regulator dated 20 May 2021 regarding the Targeted Assessment Plan – Landform Establishment – Ashton Coal. Ashton replied to this letter on 30 July 2021 providing NSW Resources Regulator with the information that was requested.
- Letter from DPE dated 29 July 2021 requesting additional information regarding how non-compliances are recorded by Ashton Coal following the submission of the 2020 Annual Review. DPE stated that all exceedances of the daily PM10 criteria were required to be reported, even if the exceedance was not wholly caused by Ashton. Ashton replied on 26 August 2021 providing evidence that in 2016 there were given direction from DPE to only report exceedances of air quality criteria if the cause of the exceedance was wholly caused by Ashton Coal. Ashton Coal sent a response to this request for information back to DPE on 26 August 2021.
- Letter from DPE dated 2 September 2021 requesting further information regarding the 2020 Annual Review and Ashton's response to the request for information dated 29 July 2021. DPE requested Ashton make minor amendments to the 2020 Annual Review. Ashton Coal sent a response back to DPE on 17 September 2021.
- Letter from the EPA dated 27 May 2022 following up from the site inspection undertaken.
- Letter from NSW Resources Regulator acknowledging the Forward Program Spatial Data submission.
- Letter from DPE dated 24 October 2022 endorsing the auditors proposed by Ashton Coal in their letter dated 21 October 2022.

- Letter from DPE dated 20 December 2022 accepting the Ravensworth Underground Mine integration stage management plan review strategy, which was proposed by Ashton Coal in a letter to DPE dated 26 September 2022.

4.2.3 Complaints

Review of complaints records for Ashton Coal Mine identified complaints as follows:

- 3 July 2020 – The complainant noted dust coming into the village of Camberwell and requested Ashton Coal to investigate. Ashton Coal investigated the complaint and identified that wind at the time of complaint was blowing westward, with no rain having been received in the previous fortnight. Dust data indicated that upwind dust levels were equal to or exceeding downwind levels, it was unlikely that dust impacts were from the Ashton Coal Mine. Ashton Coal advised the complainant via email that dust was unlikely emanating from the mine.
- 29 July 2020 - Complaint received from Camberwell resident regarding dust coming from the Mine. The complaint was investigated by Ashton Coal Mine. It was found that light winds generally from the north-west towards the complainant's residence were recorded, with heavy rain received over the three days prior. Complainant was advised by email that site operations and monitoring data at the time of the complaint had been reviewed, which determined that Ashton Coal was not a significant contributor to the measured dust levels.
- 4 April 2021 – Complaint received from resident that the operation of Ashton Coal Mine was too noisy. Two Ashton Coal employees drove around the site and Camberwell village and was unable to identify the noise source. The employees talked to two other separate people in the village, who said that they did not notice any loud noises in the morning. Advised complainant that Ashton Coal is inaudible in Camberwell.
- 19 September 2021 – Complaint received from resident that the operation of Ashton Coal Mine was too noisy. An investigation was undertaken and identified that one truck was transporting reject down into the void, and that one dozer was working on a stockpile. The CHPP supervisor also did a drive around Camberwell village shortly after the complaint but was unable to identify Ashton Coal as the source of the noise. The staff member was unable to identify any noise sources on the noise monitor in the village at the time. The complainant advised of results of investigation.

4.2.4 Incidents

Review of incidents records for Ashton Mine identified incidents is summarise in Table 4.1.

Table 4.1 Summary of incidents over the reporting period

| Issue | Date(s) | Description |
|---------------------|-------------------|---|
| Air quality | 12 September 2021 | Ashton Coal reported an exceedance of PM ₁₀ criteria to DPE. DPE did not direct any further action. |
| Air quality | 7 October 2021 | Ashton Coal reported an exceedance of PM ₁₀ criteria to DPE. DPE did not direct any further action. |
| Air quality | 29 October 2021 | Ashton Coal reported an exceedance of PM ₁₀ criteria to DPE. DPE did not direct any further action. |
| Pollution of waters | 21 July 2022 | On 21 July 2022, an excavator drove off a concrete causeway into Bowmans Creek. The PIRMP was activated. The incident was reported to the EPA and then to DPE via email and phone call. An incident report was provided to DPE on 28 July 2022. DPE did not direct any further action. The EPA did not provide a response to the incident report. |

4.2.5 Site inspection observations

This section contains a selection of photos taken by the auditors during the site inspection component of the audit.



Plate 4.1 **Process water dam**



Plate 4.2 **Bunding and spill kits around dangerous goods storage**



Plate 4.3 **North East Open Cut**



Plate 4.4 **Waste oil filter storage**

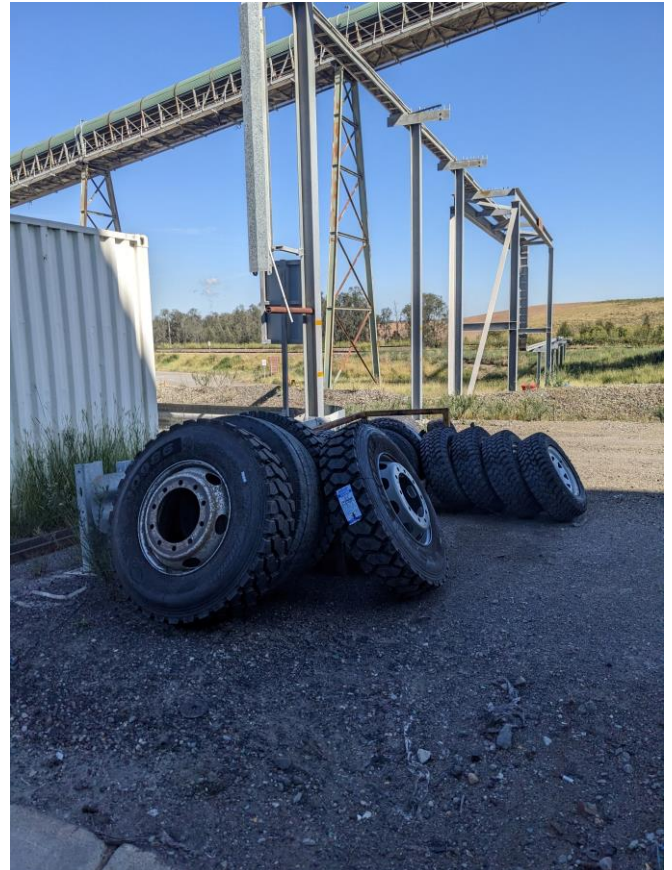


Plate 4.5 **Waste tyre storage**

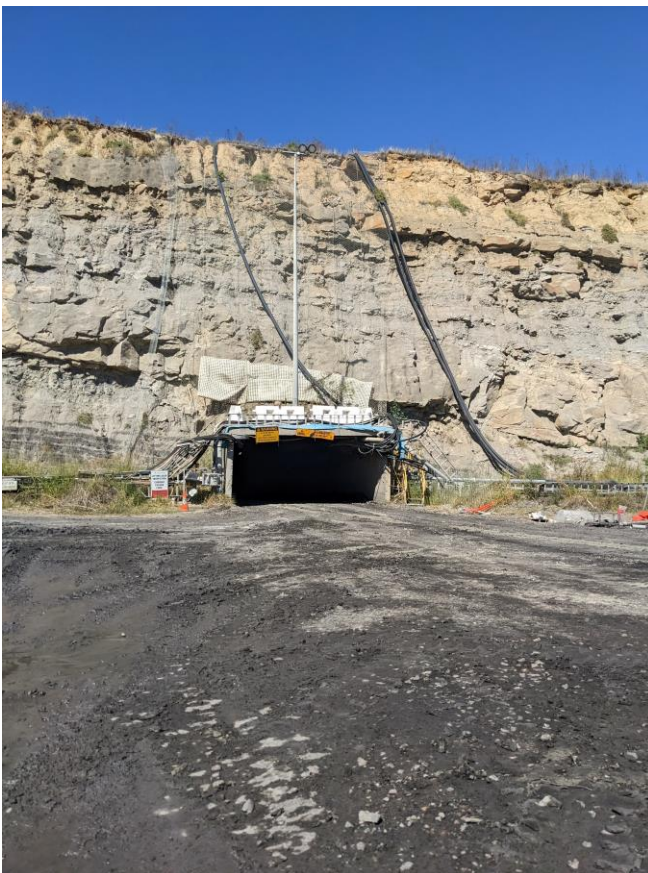


Plate 4.6 **Water cart use at the adit**



Plate 4.7 **Artificial stag created by Ashton in the North East Open Cut rehabilitation area**



Plate 4.8 *Bowmans Creek diversion*



Plate 4.9 *Original section of Bowmans Creek*



Plate 4.10 *Fencing of Aboriginal Heritage Site*



Plate 4.11 *Subsidence cracking*

4.3 Compliance with DA 309-11-2001-i

4.3.1 Summary of non-compliances

The review of compliance with DA 309-11-2001-i identified three non-compliances.

A summary of non-compliances is detailed in Table 4.2.

Table 4.2 Summary of compliance with DA 309-11-2001-i

| Condition | Reason for non-compliance | Risk rating |
|---|--|----------------|
| Schedule 3 Condition 12 | Ashton Coal exceeded the 24-hour PM ₁₀ three times between 12 September 2021 and 29 October 2021. These exceedances were reported in the 2021 Annual Review. | Low risk |
| Schedule 5 Condition 1 | At the time of the audit, the approved EMS (Version F, dated September 2020) did not identify MOD11 and the updated mining leases currently applicable to the site. | Administrative |
| Statement of Compliance Modification 6, Condition 7.1 | The bed and bank of Bowmans Creek are required to be surveyed every five years. This assessment was due to be undertaken in 2022 however was delayed until 2023 due to consultant availability and COVID | Administrative |

4.4 Compliance with EPL 11879

4.4.1 Summary of non-compliances

The review of compliance with EPL 11879 is identified six non-compliances.

A summary of non-compliances is detailed in Table 4.3.

Table 4.3 Summary of compliance with EPL 11879

| Condition | Reason for non-compliance | Risk rating |
|-----------|---|----------------|
| M2.1 | A non-compliance against this condition was recorded in the 2020 and 2021 EPA Annual Return, where sampling frequency for air quality was not continuous. | Administrative |
| M2.2 | Condition M2.2 requires PM ₁₀ to be monitored continuously. PM ₁₀ was not monitored continuously in 2020 and 2021 due to outages and maintenance works. | Administrative |
| M2.3 | One monthly surface water sample unable to be collected from SM9 (EPL Point 6) in March 2021 due to boggy conditions preventing safe access to sampling location. | Administrative |
| M4.1 | Weather monitoring was not undertaken continuously in 2020 and 2021 as per the requirements of this condition. | Administrative |
| M7.1 | Data capture was not undertaken at 10-minute intervals during 2021. | Administrative |
| R1.5 | The Annual Return for the 2019 reporting period was submitted on 31 March 2020, greater than 60 days since the reporting period finished on 31 December 2019. | Administrative |

4.5 Compliance with relevant leases

4.5.1 Summary of non-compliances

The review of compliance the relevant mining leases and the standard conditions of the *Mining Regulation 2016* Schedule 8A Part 2 identified two non-compliances.

A summary of non-compliances is detailed in Table 4.4.

Table 4.4 Summary of compliance with relevant mining leases

| Condition | Reason for non-compliance | Risk rating |
|--|---|----------------|
| <i>Standard Conditions Mining Regulation 2016 Schedule 8A Part 2</i> | | |
| 16 (2) | The Forward Program is not on the website as per the requirements of this condition, therefore constituting an administrative non-compliance. | Administrative |
| 16 (3) | The Forward Program is not on the website as per the requirements of this condition, therefore constituting an administrative non-compliance. | Administrative |

4.6 Adequacy of any strategies/plans and programs

A number of strategies plans and programs have been developed in accordance with DA 309-11-2001-i and EPL 11879. Table 4.5 provides a summary of the key monitoring and management practices on site.

Overall, the development and implementation of strategies, plans and programs at the site was effective at managing the impacts generated which is a key strength of the site. Areas where improvements are recommended are outlined in Table 4.5.

Table 4.5 Status of key monitoring and management

| Environmental aspect | Reference | Implementation | Recommendation |
|----------------------|--|--|----------------|
| General compliance | EMS Management plans listed in this table | <p>Management plans prepared for the site are generally compliant with the requirements of the project approval and the EPL.</p> <p>The EPL was reissued in February 3 November 2022 to reflect current mining operations and minor changes to the requirements of the EPL. This variation added condition M2.4 which defined the term 'continuous' as used in pollutant and meteorological monitoring conditions to be a 95% data capture rate.</p> <p>The EMS was generally compliant, however did not capture the recent MOD11 in the list of statutory approvals that apply to the development. Ashton Coal has written to DPE informing them that a review of management plans had been undertaken and that the EMS would be updated to reflect the most recent statutory approvals relevant to the development. Ashton Coal have submitted the amended EMS to DPE which is currently awaiting approval. As Ashton Coal would achieve compliance with this condition, no further corrective action is proposed.</p> | None proposed. |
| Noise | NMP | <p>The NMP was most recently updated in September 2020. The plan was found to be compliant with the requirements of the development consent and the EPL. The NMP is currently being updated to include the changes to the development under MOD11. The proposed changes are administrative in nature.</p> <p>A review of the complaints register found that two complaints were received over the audit period. Internal investigations identified that Ashton Coal was not the cause of the noise. Noise monitoring undertaken over the audit period has been compliant with the requirement of the development consent and the EPL.</p> | None proposed. |
| Air Quality | AQGGMP | <p>A review of the AQGGMP found it to be compliant with the requirements of the development consent and the EPL. The AQGGMP is currently being updated to include the changes to the development under MOD11. The proposed changes are administrative in nature.</p> <p>Ashton Coal has reported three exceedances of dust criteria to DPE during 2021, noting that these were reported upon direction from DPE to report all exceedances, even if other factors contributed. Two dust complaints were also received in 2021, which were adequately investigated. The lack of dust exceedances and complaints during 2022 indicate that management of dust at the site is adequate.</p> | None proposed. |
| Water management | WMP | <p>A review of the WMP found it to be compliant with the requirements of the development consent and the EPL. The WMP is currently being updated to include the changes to the development under MOD11. The proposed changes are administrative in nature.</p> <p>The implementation of the WMP on site was considered adequate. One non-compliance was identified in relation to water sampling, where a site was inaccessible due to wet weather. This was a singular occurrence over the reporting period and does not require corrective action in relation to the WMP.</p> | None proposed. |

| Environmental aspect | Reference | Implementation | Recommendation |
|-----------------------------|---|--|--|
| Biodiversity | BMP Plan of Management for Conservation Area | A review of the BMP prepared for the site found it did not address all of the requirements of the development consent, however provided a reference on where they were addressed in other plans. Given the integrated nature of the management plans under the EMS, it is considered that the requirements of the development consent are satisfied. The BMP is not included in the reviews relating to MOD11, as there is no requirement for a BMP under the RUM project approval. | None proposed. |
| Heritage | HMP | A review of the HMP found it to be compliant with the requirements of the development consent. There have been no incidents relating to heritage over the audit period. The HMP is currently being updated to include the changes to the development under MOD11. The proposed changes are administrative in nature. | None proposed. |
| Rehabilitation | MOP RMP Forward Program | A review of the approved MOP against the development consent and relevant mining leases identified compliance with conditions. Due to recent reforms to the <i>Mining Regulation 2016</i> , a RMP has been prepared for the site. The completion criteria and final land use statement has not yet been approved by Resources Regulator and therefore the MOP remains in force as the current approved document. The RMP will succeed the MOP upon approval of these components. A forward program has been prepared for the site as per the requirements of the <i>Mining Regulation 2016</i> . The forward program was found to be generally compliant with the requirements, however, was not uploaded onto the website as per the <i>Mining Regulation 2016</i> . | Publish the Forward Program on the website. |
| Pollution incident response | PIRMP | A review of the PIRMP identified it generally compliant with the requirements of the EPL and the POEO Act. The PIRMP was produced in the site inspection. | Ensure that the PIRMP is updated as per the outcomes of the PIRMP test. Publish the updated PIRMP to the project website and make available to site staff. |

4.7 Auditor’s response to any matters raised by agencies/stakeholders

4.7.1 DPE

A consultation letter was sent to DPE on 24 November 2022. DPE replied to notification advising that there was no specific concerns or requests for focus areas for this audit. DPE noted in their response that Ashton Coal Mine has generally been compliant with the conditions of DA309-11-2001-i and has had limited non-compliances since the 2019 IEA with air quality limits.

4.7.2 DPE – Water

A consultation letter was sent to DPE – Water on 24 November 2022. DPE – Water responded in a letter dated 7 December 2022 requesting that the audit addresses compliance with the elements described in Table 4.6.

Table 4.6 DPE – Water requests

| Element | Auditor comment |
|--|--|
| The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include: <ul style="list-style-type: none"> – Water Management Plans and related sub-plans e.g. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan – Extraction Plans and related sub-plans e.g. Water Management Plan, Subsidence Management Plan | These plans were reviewed during the audit. No non-compliances were identified. |
| The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting. | Trigger action response plans were included in Extraction Plans and the WMP. No non-compliances were identified. |
| Water supply availability is clearly defined for the project. | Water Access Licences held by Ashton Coal were reviewed during the site audit. |
| Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the <i>Water Management (General) Regulation 2018</i> . | Water Access Licences held by Ashton Coal were reviewed during the site audit. |
| Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant. | Water extraction is monitored by Ashton Coal. |
| Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from. | Water Access Licences held by Ashton Coal were reviewed during the site audit. |
| Annual reporting clearly documents: <ol style="list-style-type: none"> 1) Water take, use and water source impacts 2) Compares results with previous year’s 3) Identifies exceedances and how these are managed/mitigated. | The annual review documents reviewed cover these elements. |

4.7.3 NSW Resources Regulator

A consultation letter was sent to NSW Resources Regulator on 24 November 2022. Resources Regulator responded in a letter dated 25 November 2022. Resources Regulator requested that the IEA assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including the mining operations plan. From 2 July 2022, the IEA was requested to assess compliance against the requirements of *Schedule 8A Standard conditions of mining leases* as set out in the *Mining Regulation 2016*.

The auditor notes that Ashton Coal have renewed their mining leases since 2 July 2022. For this reason, compliance against the current mining leases and the Standard Conditions of the Mining Regulation 2016 have been assessed from 2 July 2022 to the 18 January 2023. An assessment of compliance for former mining leases has been undertaken to satisfy the Resources Regulator's request to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022. This review included a review of the approved mining operations plan.

4.7.4 Biodiversity Conservation Trust

A consultation letter was sent to NSW Biodiversity Conservation Trust on 24 November 2022. A response was not received.

4.7.5 EPA

A consultation letter was sent to NSW EPA on 24 November 2022. A response was not received.

4.7.6 Subsidence Advisory NSW

A consultation letter was sent to Subsidence Advisory on 24 November 2022. Subsidence Advisory provided a letter of response dated 23 January 2023 stating that they are not responsible for mine regulation in NSW and are not aware of instances of non-compliance by Ashton Coal Mine with their project approval consent conditions.

4.7.7 Heritage Council of NSW

A consultation letter was sent to the Heritage Council of NSW on 24 November 2022. A response was not received.

4.7.8 Singleton Council

A consultation letter was sent to Singleton Council on 24 November 2022. A response was not received.

4.7.9 CCC Chairperson

A consultation letter was sent to the CCC chairperson on 24 November 2022. The chairperson raised the IEA at the December 2022 CCC meeting. No concerns or requests were raised.

5. Corrective actions and recommendations

Table 5.1 summarises the non-compliances recorded in this audit and describes corrective actions based on the findings of the audit. Table 5.2 identifies items that are not a statutory non-compliance, however, should be implemented to improve environmental performance.

Table 5.1 Corrective actions for non-compliances

| Condition | Non-compliance | Corrective action |
|---|--|--|
| DA 309-11-2001-i | | |
| Schedule 3 Condition 12 | <p>Ashton exceeded the 24-hour PM₁₀ three times between 12 September 2021 and 29 October 2021. These exceedances were reported in the 2021 annual review.</p> <p>The most recent modification of the development consent has now formalised that the exceedance of 24-hour PM₁₀ criteria is only applicable if the incremental impact is due to the Ashton Coal Mine Complex on its own. Therefore no corrective action is required.</p> | No corrective action proposed. |
| Schedule 5 Condition 1 | <p>At the time of the audit, the approved EMS (Version F, dated September 2020) did not identify MOD11 and the updated mining leases currently applicable to the site.</p> <p>Following the approval of MOD11, Ashton Coal wrote to DPE informing them that a review of management plans had been undertaken and that the EMS would be updated to reflect the most recent statutory approvals relevant to the development. The EMS has been submitted to DPE and is pending approval.</p> <p>As no further action can be undertaken Ashton Coal to achieve compliance with this condition, no corrective action is proposed.</p> | No corrective action proposed. |
| Statement of Compliance Modification 6, Condition 7.1 | The bed and bank of Bowmans Creek are required to be surveyed every five years. This assessment was due to be undertaken in 2022, however was delayed until 2023. | Ensure that the geomorphological assessment is undertaken in 2023. |
| EPL 11879 | | |
| M2.1 | <p>A non-compliance against this condition was recorded in the 2020 and 2021 EPA Annual Return, where sampling frequency for air quality was not continuous.</p> <p>The auditor notes that the EPL has recently been modified to include Condition M2.4. Condition M2.4 defines continuous as 95% of the time for the annual return periods for condition M2.2. Non-compliances reported in previous annual return periods had data capture percentages above 95%, and would therefore be compliant under the current EPL and therefore no corrective action has been recommended.</p> | No corrective action proposed. |
| M2.2 | <p>Condition M2.2 requires PM₁₀ to be monitored continuously. PM₁₀ was not monitored continuously in 2020 and 2021 due to outages and maintenance works.</p> <p>Refer to M2.1 for discussion regarding data capture in relation to the provisions of M2.4.</p> | |

| Condition | Non-compliance | Corrective action |
|--|--|---|
| M2.3 | <p>One monthly surface water sample was unable to be collected from SM9 (EPL Point 6) in March 2021, due to boggy conditions preventing safe access to sampling location.</p> <p>As this has not occurred again since the non-compliance was reported, no corrective actions are proposed.</p> | No corrective action proposed. |
| M4.1 | <p>Weather monitoring was not undertaken continuously in 2020 and 2021 as per the requirements of this condition.</p> <p>Refer to M2.1 for discussion regarding data capture in relation to the provisions of M2.4.</p> | No corrective action proposed. |
| M7.1 | <p>Data capture was not undertaken at 10-minute intervals during 2021.</p> <p>Refer to M2.1 for discussion regarding data capture in relation to the provisions of M2.4.</p> | |
| R1.5 | <p>The Annual Return for the 2019 reporting period was submitted on 31 March 2020, greater than 60 days since the reporting period finished on 31 December 2019.</p> <p>The Annual returns for 2020 and 2021 reporting period were submitted to the EPA within the 60 day timeframe. No corrective actions are proposed.</p> | No corrective action proposed. |
| <i>Standard Conditions Mining Regulation 2016 Schedule 8A Part 2</i> | | |
| 16 (2) | The Forward Program is not on the website as per the requirements of this condition, therefore constituting an administrative non-compliance. | Publish the Forward Program on the website. |
| 16 (3) | The Forward Program is not on the website as per the requirements of this condition, therefore constituting an administrative non-compliance. | |

Table 5.2 Recommendations

| Condition | Commentary | Recommendation |
|-------------------------|--|--|
| DA 309-11-2001-i | | |
| Schedule 3 Condition 40 | A bushfire management plan has been prepared for the site, however, was last updated in 2014. | Whilst not a statutory non-compliance, it is recommended that the bushfire management plan is reviewed and updated. |
| EPL 11879 | | |
| O5.1 | Ashton informed the auditors that minor amendments have been made to the PIRMP. It is recommended that the PIRMP be formally updated through a new revision. | Ensure that the PIRMP is updated as per the outcomes of the PIRMP test. Publish the updated PIRMP to the project website and make available to site staff. |

Appendices

Appendix A

Audit team approval letter

Phillip Brown
Environmental and Community Relations Superintendent
Ashton Coal Operations Limited
Wonnarua Country

By email only: Phillip.Brown@yancoal.com.au

24/10/2022

Dear Brown

**Ashton Coal Mine (DA309-11-2001-I)
2022 IEA auditor endorsement letter**

Reference is made to your post approval matter, DA309-11-2001-I-PA-20, request for the Planning Secretary's approval of a suitably qualified, experienced, and independent team of experts to prepare the 2022 Independent Environmental Audit for the Ashton Coal Mine, submitted as required by Schedule 5, Condition 11 of DA309-11-2001-I as modified (the consent), to the Department of Planning and Environment (the department) on 21 October 2022.

The department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified, experienced, and independent. Consequently, in accordance with Schedule 5, Condition 11 of the consent and the department's *Independent Audit Post Approval Requirements* (2020), the Planning Secretary has agreed to the following audit team:

- Mr Brendan Rice (Lead Auditor)
- Ms Michelle Kiejda (Auditor)
- Mr Lachlan Taylor (Assistant Auditor)

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

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

Please ensure your audit team consults with the relevant government agencies and the Community Consultative Committee prior to the audit. Evidence of consultation and clear referencing to audit findings in relation to any request is to be provided in the report.

Please note that the timeframe for delivery of the audit report and response to auditor recommendations (RAR) is 6 weeks from audit completion (site inspection date), unless otherwise agreed by the Planning Secretary. Please ensure that the RAR includes responses to all non-compliances and auditor recommendations with clear timeframes (ddmmyy) for implementation of the proposed corrective action.

Department of Planning and Environment



Should you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on 02 4904 2702 or compliance@planning.nsw.gov.au

Yours sincerely

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

Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

Appendix B

Agency consultation

Your ref:
Our ref: 12594162

24 November 2022

Biodiversity Conservation Division
Locked Bag 1002
Dangar, NSW, 2259
water.enquiries@dpie.nsw.gov.au

Ashton Mine 2023 Independent Environmental Audit (DA 309-11-2001-i)

To Whom it May Concern

Ashton Coal Pty Ltd (Ashton) has engaged GHD to undertake an independent environmental audit of their Ashton Mine operation. This audit would be prepared in accordance with the NSW Department of Planning and Environment's (DPE) *Independent Audit Guideline Post-approval requirements for State Significant Developments* (2020) and Schedule 5, Condition 11 DA 309-11-2001-i (as modified). The scope of the audit is to:

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It would be appreciated if you could submit your written comments by close of business Friday, 16 December 2022.

All correspondence in relation to this matter should be directed to Brendan Rice, GHD Lead Auditor on the details below.

Regards



Brendan Rice
Team Leader - Post Approvals

0407 299 797
brendan.rice@ghd.com

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Your ref:
Our ref: 12594162

24 November 2022

Department of Planning and Environment – Water
Locked Bag 5022
Parramatta, NSW, 2124
water.enquiries@dpie.nsw.gov.au

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Your ref:
Our ref: 12594162

24 November 2022

Department of Planning and Environment
Locked Bag 5022
Parramatta, NSW, 2124
compliance@planning.nsw.gov.au

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Your ref:
Our ref: 12594162

24 November 2022

Environment Protection Authority
Locked Bag 5022
Parramatta, NSW, 2124
hunter.region@epa.nsw.gov.au

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Your ref:
Our ref: 12594162

24 November 2022

Heritage Council of NSW
Locked Bag 5020
Parramatta, NSW, 2124
heritagemailbox@environment.nsw.gov.au

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Your ref:
Our ref: 12594162

24 November 2022

Margaret MacDonald-Hill
Committee Independent Chair
mmacdonald-hill@bigpond.com

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Your ref:
Our ref: 12594162

24 November 2022

NSW Resources Regulator
516 High Street
Maitland, NSW, 2320
nswresourcesregulator@service-now.com

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Your ref:
Our ref: 12594162

24 November 2022

Singleton Council
PO Box 314
Singleton, NSW, 2330
ssc@singleton.nsw.gov.au

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Your ref:
Our ref: 12594162

24 November 2022

Subsidence Advisory NSW
PO Box 4886
Newcastle, NSW, 2300
subsidenceadvisory@customerservice.nsw.gov.au

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Team Leader - Post Approvals

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Brendan Rice
via email brendan.rice@ghd.com

Re: Ashton Mine 2023 Independent Environmental Audit (DA 309-11-2001-i)

Dear Mr Rice,

This letter provides Subsidence Advisory NSW's response to your request for comment regarding the above. It is understood that you are carrying out an environmental audit and are seeking any information held by our agency regarding instances of non-compliance by Ashton Mine with consent conditions granted under DA 309-11-2001-i and any subsequent modifications.

Our agency is responsible for compensating property owners for mine subsidence damage and regulating development within declared mine subsidence districts in NSW. Our functions are carried out in accordance with the Coal Mine Subsidence Compensation Act 2017 (CMSC Act).

Subsidence Advisory NSW is not responsible for mine regulation in NSW and is not aware of instances of noncompliance by Ashton Mine with their project approval consent conditions.

If you would like more information, please contact myself on 4908 4391 or subsidedevelopment@customerservice.nsw.gov.au.

Sincerely,



Kieran Black
Technical Specialist

From: Brendan Rice
Sent: Friday, 9 December 2022 9:26 AM
To: Lachy Taylor
Subject: FW: DPE Consultation - Ashton Mine IEA

Mate

Just FYI below.,

I have been saving the formal letter responses from other agencies back onto iconnect in the agency consultation folder in delivery docs. Just so you know

Brendan Rice
BSc (Hons) – Exemplar Global Auditor
Team Leader – Post Approvals
Environment and Community

GHD

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Level 3, GHD Tower, 24 Honeysuckle Drive, Newcastle NSW 2300

M +61 407 299 797 E brendan.rice@ghd.com

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From: Joel Curran <Joel.Curran@planning.nsw.gov.au>
Sent: Friday, 9 December 2022 9:13 AM
To: Brendan Rice <Brendan.Rice@ghd.com>
Subject: RE: DPE Consultation - Ashton Mine IEA

You don't often get email from joel.curran@planning.nsw.gov.au. [Learn why this is important](#)

Hi Brendan

Thank you for contacting the department for comment on the upcoming 2023 IEA of Ashton Coal Mine.

The department does not have any specific concerns or requests for focus areas for this audit. The department notes that Ashton Coal Mine has generally been compliant with the conditions of DA309-11-2001-i and has had limited non-compliances since the 2019 IEA with air quality (PM10 24h) limits.

Regards

Joel Curran
Senior Compliance Officer

Development Assessment | Department of Planning and Environment

T 02 4904 2702 | M 0412 323 331 | E joel.curran@planning.nsw.gov.au

PO Box 1226 | Newcastle NSW 2300

Please direct all email correspondence to compliance@planning.nsw.gov.au

www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

If you are submitting a compliance document or request as required under the conditions of consent or approval, please note that the Department is no longer accepting lodgement via compliance@planning.nsw.gov.au.

The Department has upgraded the Major Projects Website to improve the timeliness and transparency of its post approval and compliance functions. As part of this upgrade, proponents are now requested to submit all post approval and compliance documents online, via the Major Projects Website. To do this, please refer to the instructions available [here](#).

From: Brendan Rice <Brendan.Rice@ghd.com>
Sent: Thursday, 24 November 2022 1:45 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: DPE Consultation - Ashton Mine IEA

Hi

Please find attached an agency consultation letter relating to the Ashton Mine 2023 Independent Environmental Audit

If you have any questions please contact the undersigned.

Regards

Brendan Rice
BSc (Hons) – Exemplar Global Auditor
Team Leader – Post Approvals
Environment and Community

GHD

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Level 3, GHD Tower, 24 Honeysuckle Drive, Newcastle NSW 2300

M +61 407 299 797 E brendan.rice@ghd.com

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From: mmacdonald-hill@bigpond.com
Sent: Monday, 12 December 2022 8:50 AM
To: Brendan Rice
Subject: Ashton Mine IEA

You don't often get email from mmacdonald-hill@bigpond.com. [Learn why this is important](#)

Hi Brendan,

Further to your email correspondence on the Independent Environmental Audit, I advise same was sent to the Ashton Community Consultative Committee (CCC), inviting comment. It was also raised at the December CCC meeting and I can confirm no concerns were raised with the mine's performance or compliance. Thank you for the opportunity to comment.

Margaret MacDonald-Hill
0448 414 888

Our ref: OUT22/21485

Brendan Rice
GHD
Level 3, 24 Honeysuckle Drive
NEWCASTLE NSW 2300
brendan.rice@ghd.com

07 December 2022

Subject: Ashton Mine 2023 Independent Environmental Audit (DA 309-11-2001-i)

Dear Brendan,

I refer to your request seeking advice from the Department of Planning and Environment – Water (the department) on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

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

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

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

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
 - Water Management Plans and related sub-plans eg. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.
 - Extraction Plans and related sub-plans eg. Water Management Plan, Subsidence Management Plan.
- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance based reporting.

Department of Planning and Environment

- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous year's, and 3) identifies exceedances and how these are managed/mitigated.

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

Yours sincerely,



Tim Baker
Senior Project Officer
Water Assessments
Department of Planning and Environment – Water
T 0428162097 | E tim.baker@dpie.nsw.gov.au

From: mmacdonald-hill@bigpond.com
To: [Brendan Rice](#)
Subject: RE: CCC Consultation - Ashton Mine IEA
Date: Friday, 25 November 2022 7:09:26 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Brendan,

Thanks for this. I don't believe there are any major concerns but as is my normal practise, I will seek the CCC members comments and come back to you by the requested date. We have the CCC meeting next week so this is very timely.

Margaret MacDonald-Hill
0448 414 888

From: Brendan Rice <Brendan.Rice@ghd.com>
Sent: Thursday, 24 November 2022 2:08 PM
To: mmacdonald-hill@bigpond.com
Subject: CCC Consultation - Ashton Mine IEA

Hi Margaret

Please find attached an agency consultation letter relating to the Ashton Mine 2023 Independent Environmental Audit.

Further detail is provided in the attached. If you have any questions please contact the undersigned.

Regards

Brendan Rice
BSc (Hons) – Exemplar Global Auditor
Team Leader – Post Approvals
Environment and Community

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From: [DPIE Water Licensing Service Desk Mailbox](#)
To: [Brendan Rice](#)
Subject: FW: DPE Water Consultation - Ashton Mine IEA CRM:0122143
Date: Monday, 5 December 2022 7:01:18 PM
Attachments: [image.png](#)
[image001.png](#)
[image004.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[12594162-LET-0_Agency Consultation_Department of Planning and Environment - Water.pdf](#)

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

Dear Brendan,

Thank you for your email.

Please note that all Post Approval consultation requests are to be directed to DPE Water Assessments rather than DPE Water Licensing and Approvals.

Please lodge your post approval documents to DPIE Water in the Major Projects Planning Portal which can be accessed here: <https://www.planningportal.nsw.gov.au/major-projects> This change is to streamline the consultation process to improve interactions with DPE Water.

General enquiries regarding DPE Water post approval consultation can be emailed to water.assessments@dpie.nsw.gov.au

Regards,

Ilse

Licensing and Approvals

Department of Planning and Environment—Water

Important information about delays - see [Assessment timeframes](#)

E waterlicensing.servicedesk@dpie.nsw.gov.au **W** <https://water.dpie.nsw.gov.au/licensing-and-trade>

Level 17, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124



Please Note

From 1 April 2022, all licensing and approvals functions undertaken by NRAR under the Water Management Act 2000 and Water Act 1912, have been transferred to the NSW Department of Planning and Environment—Water. From now on, please contact NSW Department of Planning and Environment—Water for your water licensing and controlled activity approval needs, at waterlicensing.servicedesk@dpie.nsw.gov.au .

NRAR continues to be responsible for compliance and enforcement of water laws. You can contact NRAR in relation to compliance and enforcement matters at nrar.servicedesk@dpie.nsw.gov.au

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

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

From: DPIE Water Enquiries Mailbox <water.enquiries@dpie.nsw.gov.au>;
Received: Thu Nov 24 2022 13:50:54 GMT+1100 (Australian Eastern Daylight Time)
To: Licensing Approval <waterlicensing.servicedesk@dpie.nsw.gov.au>; Water Licensing Service Desk Mailbox <waterlicensing.servicedesk@dpie.nsw.gov.au>;
Subject: DPE Water Consultation - Ashton Mine IEA

From: Brendan Rice <Brendan.Rice@ghd.com>
Sent: Thursday, 24 November 2022 1:49 PM
To: DPIE Water Enquiries Mailbox <water.enquiries@dpie.nsw.gov.au>
Subject: DPE Water Consultation - Ashton Mine IEA

Hi

Please find attached an agency consultation letter relating to the Ashton Mine 2023 Independent Environmental Audit.

If you have any questions please contact the undersigned.

Regards

Brendan Rice
BSc (Hons) – Exemplar Global Auditor
Team Leader – Post Approvals
Environment and Community

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Your ref:
Our ref: 12594162

24 November 2022

Department of Planning and Environment – Water
Locked Bag 5022
Parramatta, NSW, 2124
water.enquiries@dpie.nsw.gov.au

Ashton Mine 2023 Independent Environmental Audit (DA 309-11-2001-i)

To Whom it May Concern

Ashton Coal Pty Ltd (Ashton) has engaged GHD to undertake an independent environmental audit of their Ashton Mine operation. This audit would be prepared in accordance with the NSW Department of Planning and Environment's (DPE) *Independent Audit Guideline Post-approval requirements for State Significant Developments* (2020) and Schedule 5, Condition 11 DA 309-11-2001-i (as modified). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPLs or Mining Leases (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from yourself in regard to Ashton Mine operations (as they relate to DA 309-11-2001-i (as modified)), as well as Ashton's performance with other requirements for the site, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of Ashton in meeting these obligations under the following headings:

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

I also invite you to comment on Ashton's performance with other requirements, as you may deem appropriate.

The site visit for the audit is currently scheduled to be conducted in mid January 2023. We wish to invite you to provide comment on Ashton's compliance/performance so that we may adequately address any concerns during the audit.

It would be appreciated if you could submit your written comments by close of business Friday, 16 December 2022.

All correspondence in relation to this matter should be directed to Brendan Rice, GHD Lead Auditor on the details below.

Regards



Brendan Rice
Team Leader - Post Approvals

0407 299 797
brendan.rice@ghd.com

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AREQ0034560

Mr Brendan Rice
GHD
GHD Tower
Level 3, 24 Honeysuckle Drive
Newcastle NSW 2300

By email: brendan.rice@ghd.com

Dear Mr Rice,

Subject: Ashton Coal Mine – Independent Environmental Audit

Thank you for your email and letter dated 24 November 2022 requesting consultation on the independent environmental audit to be undertaken of the Ashton Coal Mine which is covered by the following mining leases:

- ML1529 (1992)
- ML1533 (1992)
- ML1623 (1992)
- ML1696 (1992)

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

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016.

The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.

It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.

Yours sincerely

Jenny Ehmsen
Principal Compliance Auditor
25 November 2022

Appendix C

Compliance table

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|------------------|--|--|--|--|---|--|--------------------|----------------|
| DA 309-11-2001-i | | | | | | | | |
| S2.1 | Obligation to Minimise Harm to the Environment | In addition to meeting the specific performance criteria established under this consent, Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or rehabilitation of the development. | | Interview with P. Brown and C. Eckersley | Inspection of roads, mining areas, workshops, underground mining area (above ground) and rehabilitation area. | Ashton are operating the colliery generally in accordance with the requirements of this condition. | Compliance | |
| S2.2 | Terms of Consent | The Applicant shall carry out the development: (a) generally in accordance with the EA, previous EIAs, Modification report (MOD 11) and the Development Layout Plans in Appendix 2; and (b) Comply with conditions of this consent and the Statement of Commitments; Notes: • The Development Layout Plans are shown in Appendix 2. • The Statement of Commitments is reproduced in Appendix 3. • Previous EIAs for the development are listed in Appendix 4. | Refer to this table | | | Ashton are operating the colliery generally in accordance with the requirements of this condition. Some select non-compliances were identified during the audit for the following conditions: As the vast majority of conditions were found to be satisfied, the auditor deems that Ashton are generally compliant with the requirements of this condition. | Compliance | |
| S2.3 | | If there is any inconsistency between the documents covered by 2 (a) above then the most recent document shall prevail to the extent of the inconsistency. | | | | | Noted | |
| S2.4 | | The Applicant shall comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment of: (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted by the Applicant in accordance with this consent; and (b) the implementation of any actions or measures contained in these documents. | 1. Hard copies of letters provided to auditors during the site inspection component | | | Ashton provided hard copies of letters received over the audit period. Ashton also provided responses to these letters. | Compliance | |
| S2.5 | Mining Operations | The Applicant may carry out underground mining operations on the site until 31 December 2035, or a period of 12 years following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex, whichever is the longer. Notes: - Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of both the planning Secretary and the resources regulator. Consequently, this consent will continue to apply in all other respects other than the right to conduct mining operations until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily - re-handling/reshaping of previously emplaced overburden is not subject to this condition | | | | Mining has been ongoing over the audit period . This condition is not triggered. | Not Triggered | |
| S2.6 | Coal Production | The Applicant shall not extract more than: (a) 5.45 million tonnes of ROM coal from the development in a calendar year; and (b) Deleted. | 1.. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Coal production tracking sheets | | | The following amounts of ROM coal have been produced at the mine over the audit period : 2019: 2.04 million tonnes 2020: 3.38 million tonnes 2021: 2.60 million tonnes 2022: 2.09 million tonnes | Compliance | |
| | | The Applicant must: (a) not transport coal from the site by road (except in an emergency situation and with the prior approval of the planning Secretary); | | Interview with P. Brown and C. Eckersley | Coal infrastructure walk around | No coal is transported via road. All coal transported from site is via rail. | Compliance | |
| | | The Applicant must: (b) not transport any coal to the Macquarie Generation coal conveyor by internal or public road; and | | Interview with P. Brown and C. Eckersley | | No coal transported to AGLM coal conveyors during the audit period. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------|-------------------------------------|--|--|--|--|---|--------------------|----------------|
| S2.7 | Coal Transport | The Applicant must: (c) restrict coal processing for the Ashton Mine Complex and transport to/from the CHPP to a maximum of: • 8.6 million tonnes of ROM coal per calendar year; and • 5 train movements per day, averaged over a calendar month. Note: For the purposes of this condition, each train entering and exiting the site is classified as 2 train movements; and a day refers to the 24 hours from midnight to midnight the next day. | 1.. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Coal production tracking sheets | | | The following amounts of ROM coal have been produced at the mine over the audit period : 2019: 2.04 million tonnes 2020: 3.38 million tonnes 2021: 2.60 million tonnes 2022: 2.09 million tonnes The production spreadsheet listed each train leaving the CHPP. A review of this data indicates that the 5 trains per day limit (averaged monthly) was not exceeded. | Compliance | |
| S2.8 | Hours of Operation | The Applicant shall restrict construction works on the site to: (a) day periods only, in the case of construction of gas wells; and Note: Underground mining operations, ROM coal handling, CHPP operation, conveyor transport to and from the CHPP and train loading may be undertaken at any time. | 1. Example Ground Disturbance Permits 2. Complaints Register | | | As part of their groundworks approval process, Ashton provide construction teams with appropriate information relating to permitted construction hours. The Ground Disturbance Permits provided included restrictions on working hours to reduce noise impacts. Two complaints regarding noise were received over the audit period , however none of these complaints were in regard to noise generated by construction. | Compliance | |
| | | (b) day and evening periods only, in the case of all other construction activities. The applicant may undertake minor surface construction works outside of these hours in an emergency or where continuous operations are required (for example, raise boring), following the approval of the planning secretary. | 1. Example Ground Disturbance Permits 2. Complaints Register | | | As part of their groundworks approval process, Ashton provide construction teams with appropriate information relating to permitted construction hours. The Ground Disturbance Permits provided included restrictions on working hours to reduce noise impacts. Two complaints regarding noise were received over the audit period, however none of these complaints were in regard to noise generated by construction. | Compliance | |
| S2.9 | Blasting | Unless the planning Secretary agrees otherwise, the Applicant shall not carry out any blasting on the site for open cut mining operations. | | Interview with P. Brown and C. Eckersley | | No blasting has occurred during the audit period. | Compliance | |
| S2.10 | Structural Adequacy | The Applicant 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 and SA NSW. Notes: · Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; · Part 8 of the EP&A Regulation sets out the requirements for the certification of the development; · The development is located in the Patrick Plains Mine Subsidence District. Under Section 15 of the Mine Subsidence Compensation Act 1961, the Applicant is required to obtain the SA NSW approval before constructing any improvements on the site. | 1. Building Certification | | | A demountable bathhouse was constructed during the audit period. Ashton provided a hard copy of Building Certification to the auditor. | Compliance | |
| S2.11 | Demolition | 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. | | Interview with P. Brown and C. Eckersley | | No demolition was undertaken during the audit period. | Not Triggered | |
| S2.12 | Protection of Public Infrastructure | Unless the Applicant and the applicable authority agree otherwise, the Applicant shall: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development, except where impacts to such works have otherwise been fully compensated through the compensation provisions of the Mining Act 1992. Note: This condition does not apply to Lemington Road or Brunkers Lane, which has been separately addressed under condition 36 of schedule 3 | 1. Longwall 205 to 208 Built Features Management Plan. Revision 1. Dated October 2020 2. 11 kV Powerline Relocation documentation | | | Procedures and policies for public infrastructure repair or relocation are outlined in the Built Features Management Plan. Documentation regarding the relocation of the 11 kV powerline was provided in hard copy format. | Compliance | |
| S2.13 | Operation of Plant and Equipment | The Proponent shall ensure that all plant and equipment used at the site, or to transport extractive materials from the site, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner. | 1. Mechanical Engineering Management Control Plan. Revision 8. Dated 10 October 2022 2. Ashton Coal Operations Introduction to Site Procedure, Revision 8. Dated 29 September 2021 | | Based on site inspection equipment look well maintained. | Accountabilities for maintenance are outlined in Section 4 of the Mechanical Engineering Management Control Plan. The procedures for arranging new or hire plant being brought onto the site is detailed in the Ashton Coal Operations Introduction to Site Procedures. Based on site inspection equipment look well maintained. | Compliance | |
| S2.14 | | Deleted | | | | This condition has been removed from the consent and is therefore not triggered | Not Triggered | |
| S2.15 | Relationship Between Approvals | With the approval of the Planning Secretary, the Applicant may integrate any strategy, plan, program, report, review or audit required by this consent with any similar strategy, plan, program, report, review or audit (or part thereof) for the Ravensworth Underground Mine as approved under DA 104/96 and its subsequent modifications. | | Interview with P. Brown and C. Eckersley | | Environmental management documentation is currently being updated to reflect the integration of mining in RUM by Ashton. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------|--|---|--------------------|--|----------------------------|--|--------------------|----------------|
| S3.1 | Acquisition on Request | <p>Upon receiving a written request for acquisition from an owner of the land containing a residential receiver listed in Table 1, the Applicant shall acquire the land in accordance with the procedures in conditions 7 and 8 of Schedule 4.</p> <p>Table 1: Land Subject to Acquisition upon Request</p> <p>For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be included as part of the land to be acquired. Where the Applicant and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 7 and 8 of Schedule 4 shall be final.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.</p> <p>Note: To interpret the locations referred to in Table 1, see the applicable figures in Appendix 5.</p> | | Interview with P. Brown and C. Eckersley | | No acquisition has occurred over the reporting period. | Compliance | |
| S3.2 | Noise Criteria | <p>Except for the noise-affected land in Table 1, the Applicant shall ensure that the noise generated by mining operations at the Ashton Mine Complex does not exceed the criteria in Table 2 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land.</p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex. At all other times, condition 2 of Appendix 6 has effect in its place.</p> <p>Note: To interpret the locations referred to in Table 2, see the applicable figure in Appendix 5.</p> | | | | Open cut mining operations have not recommenced at the site, and therefore this condition remains not triggered. | Not triggered | |
| S3.3 | Noise - Additional Noise Mitigation Measures | <p>Upon receiving a written request from the owner of any residence on the land listed in Table 1 and/or at any residence where subsequent noise monitoring results shows the noise generated by the Ashton Mine Complex exceeds the noise criteria in Table 2 by 3-5 dB(A), the Applicant shall implement additional reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner.</p> <p>If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the planning Secretary for resolution.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex. At all other times, condition 3 of Appendix 6 has effect in its place.</p> <p>Note: For this condition to apply, the exceedance of the criteria must be systemic.</p> | | | | Open cut mining operations have not recommenced at the site, and therefore this condition remains not triggered. | Not triggered | |
| S3.4 | Noise - Noise Acquisition Criteria | <p>If the noise generated by the Ashton Mine Complex exceeds the criteria in Table 3 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land (except for the noise-affected residential receivers in Table 1), then upon receiving a written request for acquisition from the owner, the Applicant shall acquire the land in accordance with the procedures in conditions 7 and 8 of Schedule 4.</p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.</p> <p>Notes:</p> <ul style="list-style-type: none"> To interpret the locations referred to in Table 3, see the applicable figure in Appendix 5. For this condition to apply, the exceedance of the criteria must be systemic. | | | | Open cut mining operations have not recommenced at the site, and therefore this condition remains not triggered. | Not triggered | |
| S3.5 | Noise - Cumulative Noise Criteria | <p>The Applicant shall implement all reasonable and feasible measures to ensure that the noise generated by the Ashton Mine Complex combined with the noise generated by other mines in the vicinity does not exceed the criteria in Table 5 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land (except for the noise-affected residential receivers in Table 1).</p> <p>Cumulative noise is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria.</p> <p>For the purposes of this condition, 'reasonable and feasible avoidance and mitigation measures' includes, but is not limited to, the requirements in conditions 8 and 9 below to develop and implement a real-time noise management system that ensures effective operational responses to the risk of exceedance of the criteria.</p> <p>This condition only has effect following recommencement of open cut mining operations (including overburden removal) of the Ashton Mine Complex.</p> <p>Note: To interpret the locations referred to in Table 4, see the applicable figure in Appendix 5.</p> | | | | Open cut mining operations have not recommenced at the site, and therefore this condition remains not triggered. | Not triggered | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------|---|--|--|----------------------------|----------------------------|---|--------------------|----------------|
| S3.6 | Noise - Cumulative Noise Acquisition Criteria | If the cumulative noise generated by the Ashton Mine Complex combined with the noise generated by other coal mines in the vicinity exceeds the criteria in Table 5 at any residence on privately-owned land or on more than 25 per cent of any privately-owned land (except for the noise-affected residential receivers in Table 1), then upon receiving a written request from the landowner, the Applicant must, together with the relevant mines, acquire the land on as equitable basis as possible, in accordance with the procedures in conditions 7 and 8 of Schedule 4. Cumulative noise is to be measured in accordance with the relevant requirements of the NSW Industrial Noise Policy. Appendix 8 sets out the requirements for evaluating compliance with these criteria. <i>Note: To interpret the locations referred to in Table 5, see the applicable figure in Appendix 5.</i> | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Noise monitoring reports uploaded on the website: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A review of the noise monitoring undertaken over the audit period did not identify any non-compliances regarding cumulative noise impact criteria | Compliance | |
| S3.7 | Noise - Rail Noise | The Applicant must seek to ensure that its rail spur is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with noise limits in RailCorp's EPL (No. 12208) and ARTC's EPL (No. 3142), or otherwise approved by the EPA. | 1. Email from OneRail Australia to DPE dated 23 January 2023 | | | The rail noise annual performance report attached to the email from OneRail Australia to DPE indicates compliance with this condition. | Compliance | |
| S3.8 | Noise - Operating Conditions | The Applicant shall: (a) implement best practice noise management, including all reasonable and feasible noise mitigation measures, to minimise the operational, low frequency and rail noise generated by the Ashton Mine Complex at all times, including during temperature inversions; | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Noise monitoring reports uploaded on the website: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ 5. Complaints register | | | Two complaints were received over the audit period in relation to noise. Investigations undertaken by Ashton were adequate. A review of noise monitoring results covering the Audit Period found no non-compliances against the EPL noise limits. | Compliance | |
| | | (b) operate a comprehensive noise management system that uses a combination of predictive meteorological forecasting and real-time noise monitoring data to guide the day-to-day planning of mining operations and the implementation of both proactive and reactive mitigation measures to ensure compliance with the relevant conditions of this consent; | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Noise management is documented in Section 4.4 of the NMP. Monitoring (including the location of Real-Time noise monitoring) is detailed in Section 4.5. Noise monitoring results sighted. | Compliance | |
| | | (c) minimise the noise impacts of the development during meteorological conditions under which data is to be excluded for the purposes of assessing compliance with these conditions (see Appendix 8); and | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. 2. Complaints register | | | Noise management is documented in Section 4.4 of the NMP, of particular relevance to this condition is the mitigation measure under Section 6.2C. Two complaints over the reporting period indicate that in general, noise is being managed effectively at the premises. | Compliance | |
| | | (d) co-ordinate noise management at the Ashton Mine Complex with noise management at nearby coal mines to minimise the cumulative noise impacts of the mines, to the satisfaction of the Secretary. <i>Note: Condition 8b above only has effect following the commencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.</i> | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Coordination of cumulative noise impacts with neighbouring mines is covered in Section 4.4 of the NMP | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------|---|---|---|----------------------------|----------------------------|--|--------------------|--------------------------------|
| S3.9 | Noise - Noise Management Plan | The Applicant shall prepare and implement a Noise Management Plan for the Ashton Mine Complex to manage potential impacts of the development. This plan must: (a) be prepared in consultation with the EPA, and be submitted to the Secretary for approval; | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | The NMP has been prepared and is being implemented. The appendix of the NMP contains a letter from DPE indicating satisfaction with the plan. The EPA was not consulted as the changes in Version D12 of the NMP were administrative. | Compliance | |
| | | (b) describe the noise mitigation measures that would be implemented to ensure: • best practice noise management is being employed and is regularly: o benchmarked against contemporary industry standards; and o reviewed to ensure continual improvement; and • compliance with the noise criteria and operating conditions of this consent; | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Noise management is documented in Section 4.4 of the NMP. Monitoring (including the location of Real-Time noise monitoring) is detailed in Section 4.5. Requirements for monitoring and review are described in Section 6. The NMP has been reviewed and updated to reflect the recent approval of MOD 11. This has been submitted to DPE however remains unapproved at the time of audit. | Compliance | |
| | | (c) describe the noise management system in detail; | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Sections 3, 4 and 5 of the NMP detail the noise management system. | Compliance | |
| | | (d) include a noise monitoring program that: • uses a combination of real-time and supplementary attended monitoring measures to evaluate the noise performance of the Ashton Mine Complex; • includes a protocol for determining exceedances of the relevant conditions of this consent; • evaluates and reports on the effectiveness of the noise management system and the best practice noise management measures; • includes sufficient random audit of operational responses to the real-time noise management system to determine the ongoing effectiveness of these responses in maintaining compliance with all relevant noise criteria and the requirements of condition 8 above; and • includes a mechanism for publication of the results of these audits and for an independent annual review of these results, including any recommendations for improvement in performance and | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Section 4 of the NMP details the noise monitoring implemented (including both attended and unattended monitoring. Section 5.2 details the reporting and communications processes being implemented by Ashton. | Compliance | |
| | | (e) includes a protocol that has been prepared in consultation with the owners of nearby mines to minimise the cumulative noise impacts of the mines. The applicant must implement the approved management plan as approved from time to time by the Secretary | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Coordination of cumulative noise impacts with neighbouring mines is covered in Section 4.2.3 and 4.4 of the NMP | Compliance | |
| S3.10 | Odour | The Proponent shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the site. | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. 2. Complaints register | | | No complaints regarding odour were received over the audit period. No odours identified during the audit site inspection. | Compliance | |
| S3.11 | Greenhouse Gas Emissions | The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary. | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | An Air Quality and Greenhouse Gas Management Plan has been prepared for the site that details management and minimisation of greenhouse gas emissions. A letter of satisfaction from DPE is attached to the plan. | Compliance | |
| S3.12 | Air Quality and Greenhouse Gas - Air Quality Criteria | Except for the land listed as air quality impacted in Table 1 (whilst condition 1 has effect), the Applicant shall ensure that all reasonable and feasible avoidance and mitigation measures are employed so that the Ashton Mine Complex does not cause or contribute to exceedance of the criteria listed in Table 6 at any residence on privately-owned land or on more than 25 percent of any privately-owned land <i>Notes to Table 6:</i> <i>a: Total impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex plus background concentrations due to all other sources);</i> <i>b) Incremental impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex on its own);</i> <i>c) 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.</i> <i>d) Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity which has been endorsed by EPA and then agreed to by the Secretary.</i> For the purposes of this condition, 'reasonable and feasible avoidance and mitigation measures' include, but are not limited to, the requirements in conditions 16 and 17 to develop and implement a real-time air quality management system that ensures effective operational responses to the risks of exceedance of the criteria. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. 5. Complaints register 6. EPL Monitoring data spreadsheet 7. Email from DPE dated 29 July 2021 8. Letter from Yancoal to DPE dated 26/8/21 regarding reporting requirements for AQ monitoring exceedances | | | Two complaints regarding dust have been received over the reporting period. Investigations undertaken by Ashton were adequate and concluded that the dust being experienced by the complainant was not being generated by the mine. A review of the air quality data presented in annual reviews and the EPL Monitoring data spreadsheet was generally in compliance with the requirements of this condition. Following submission of the 2020 Annual Review, DPE raised question regarding how non-compliances are recorded by Ashton in a letter dated 29 July 2021. DPE stated that all exceedances of the daily PM10 criteria were required to be reported, even if the exceedance was not wholly caused by Ashton. Ashton replied on 26 August 2021 providing evidence that in 2016 there were given direction from DPE to only report exceedances of air quality criteria if the cause of the exceedance was wholly caused by Ashton. Ashton reported the following non-compliances for 24-hour PM10 in at site 10 for the following dates in the 2021 annual review: 12/09/2021 7/10/2021 29/10/2021 The most recent modification of the development consent has now formalised that the exceedance of 24 hour PM10 criteria is only applicable if the incremental impact is due to the Ashton Mine Complex on its own. Therefore no corrective action is required. | Non-compliance | No corrective action required. |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.13 | Air Quality and Greenhouse Gas - Additional Air Quality Mitigation Measures | <p>Upon receiving a written request from the owner of any residences on any privately-owned land where subsequent air quality monitoring shows the dust generated by the Ashton Mine Complex exceeds the air quality limits in Table 6, the Applicant must implement additional reasonable and feasible dust mitigation measures (such as a first-flush roof system, internal or external air filters and/or air conditioning) at the residence in consultation with the owner.</p> <p>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 Secretary for resolution.</p> <p><i>Note: For this condition to apply, the exceedance of the criteria must be systemic.</i></p> | | Interview with P. Brown and C. Eckersley | | No requests of this nature have been received during the Audit Period. | Not Triggered | |
| S3.14 | Air Quality and Greenhouse Gas - Exceedances at Occupied Residences on Mine-owned Land | <p>The Applicant shall ensure that particulate matter emissions generated by the Ashton Mine Complex do not exceed the criteria listed in Table 6, at any occupied residence on any mine-owned land (including land owned by adjacent mines) unless:</p> <p>(a) the tenant, and landowner (where owned by a mine other than the Applicant), has been notified of health risks in accordance with the notification requirements under Schedule 4 of this consent;</p> <p>(b) the tenant of land owned by the Applicant can terminate their tenancy agreement without penalty, subject to giving reasonable notice, and the Applicant uses its best endeavours to provide assistance with relocation and sourcing of alternative accommodation;</p> <p>(c) air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning are installed at the residence, if requested by the tenant and landowner (where owned by a mine other than the Applicant);</p> <p>(d) particulate matter air quality monitoring is undertaken to inform the tenant and landowner (where owned by a mine other than the Applicant) of potential health risks; and</p> <p>(e) the monitoring data is provided to the tenant in an appropriate format, for a medical practitioner to assist the tenant in making an informed decision on the health risks associated with occupying the property, to the satisfaction of the Secretary.</p> | | Interview with P. Brown and C. Eckersley | | No requests of this nature have been received during the Audit Period. | Not Triggered | |
| S3.15 | Air Quality and Greenhouse Gas - Air Quality Acquisition Criteria | <p>If particulate matter emissions generated by the Ashton Mine Complex cause or contribute to exceedance of the cumulative criteria, in Table 7 at any residence on privately-owned land, or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner, the Applicant shall acquire the land in accordance with the procedures in conditions 7 to 8 of Schedule 4.</p> <p><i>Notes to Table 7:</i></p> <p><i>a) Total impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex plus background concentrations due to all other sources);</i></p> <p><i>b) Incremental impact (i.e. incremental increase in concentrations due to the Ashton Mine Complex on its own);</i></p> <p><i>c) 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.</i></p> <p><i>d) Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity which has been endorsed by EPA and then agreed to by the Secretary.</i></p> | | Interview with P. Brown and C. Eckersley | | No requests of this nature have been received during the Audit Period. | Not Triggered | |
| | | <p>The Applicant must:</p> <p>(a) implement best practice air quality management, including all reasonable and feasible measures to minimise off-site odour, fume and dust emissions generated by the Ashton Mine Complex, including those generated by any spontaneous combustion.</p> | <p>1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020.</p> <p>2. Ashton Coal Spontaneous Combustion Principal Hazard Management Plan. Version 13, dated 7 December 2022</p> <p>3. Complaints register</p> | | | <p>Ashton has prepared an AQGGMP and a Ashton Coal Spontaneous Combustion Principal Hazard Management Plan that describe the management and minimisation air quality impacts.</p> <p>Two complaints regarding dust have been received over the audit period. Investigations undertaken by Ashton were appropriate.</p> | Compliance | |
| | | <p>(b) minimise the surface disturbance of the site;</p> | | | <p>Inspection of roads, active mining areas and workshops</p> | <p>During the site inspection, dust mitigation measures in the form of watercarts and sprayers were observed. Ashton are adequately minimising the disturbance areas within the site.</p> | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.16 | Operating Conditions | (c) minimise any off-site air pollution generated by the Ashton Mine Complex; | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. 5. Complaints register 6. EPL Monitoring data spreadsheet | | Inspection of roads, active mining areas and workshops | A review of the air quality data presented in annual reviews and the EPL Monitoring data spreadsheet was generally in compliance with the requirements of this condition despite the non-compliances described in Schedule Condition 3.12. Two complaints regarding dust have been received over the reporting period. Investigations undertaken by Ashton concluded that the dust being experienced by the complainant was not being generated by the mine. Dust mitigation measures were observed to be implemented during the site inspection. | Compliance | |
| | | (d) ensure that: • the conveyor is enclosed on at least 3 sides including the side facing Camberwell village, and on all 4 sides where the conveyor crosses Glennies Creek and the New England Highway, prior to the commencement of conveyor operations; • the bund along the northern boundary is constructed and revegetated as quickly as is practicable; | | | | As open cut mining has not recommenced, this condition remains not triggered. | Not Triggered | |
| | | (e) ensure that the ROM hopper operates water sprays during all dumping of coal. | | | | Water sprays were observed at the ROM hopper during the site audit. | Compliance | |
| | | (f) operate a comprehensive air quality management system that uses a combination of predictive meteorological forecasting, predictive and real-time air dispersion modelling 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 mitigation measures to ensure compliance with the relevant conditions of this consent; | | | | As open cut mining has not recommenced, this condition remains not triggered. | Not Triggered | |
| | | (g) manage PM2.5 levels in accordance with any requirements of an EPL; | | | | There is no requirement for PM2.5 management in the EPL. | Not Triggered | |
| | | (h) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see note under Table 7); | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | A process for reviewing weather forecasts and managing day to day activities is included in Table 6 of the AQGGMP. | Compliance | |
| | | (i) minimise the air quality impacts of the development during meteorological conditions when winds blow from the southerly direction (160-220 degrees), particularly when PM10 levels are elevated, or likely to be elevated; | | | | As open cut mining has not recommenced, this condition remains not triggered. | Not Triggered | |
| | | (j) co-ordinate the air quality management on site with the air quality management at nearby mines to minimise the cumulative air quality impacts of the mines, to the satisfaction of the Secretary. | Intermine meeting minutes from meeting 30 September 2019 | | | Meetings with other mines in the area occur on a quarterly basis. Air quality was on the agenda for the example meeting minutes provided to the auditor, | Compliance | |
| | | Note: Condition 16(d), (f) and (i) above only have effect following the recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex. | | | | Noted | | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.17 | Air Quality and Greenhouse Gas Management Plan | The Applicant must prepare and implement an Air Quality and Greenhouse Gas Management Plan for the Ashton Mine Complex to the satisfaction of the Secretary to manage potential impacts of the development. This plan must: (a) be prepared in consultation with the EPA, and be submitted to the Secretary for approval; | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | The plan was reviewed by DPE, who provided a letter indicating satisfaction with the plan. The letter provides direction that consultation requirements for this revision of the AQGGMP are waived. The letter is appended to the AQGGMP. | Compliance | |
| | | (b) describe the measures that would be implemented to ensure: • best practice air quality management is: o being employed; o regularly benchmarked against contemporary industry standards; and o regularly reviewed to ensure continual improvement; and • compliance with the air quality criteria, operating and greenhouse gas conditions of this consent; | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | Section 4 of the AQGGMP details the air quality control measures being implemented and Section 6 details the requirements for audit, review and updating. Note - this plan is currently being updated to reflect the recent approval of MOD 11. | Compliance | |
| | | (c) describe the air quality management system in detail; | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | The air quality management system is described adequately in the AQGGMP. Management of dust impacts through water suppression was viewed in the site inspection. | Compliance | |
| | | (d) include an air quality monitoring program that: • uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the Ashton Mine Complex; • includes a protocol for determining any exceedances of the relevant conditions in this consent; • evaluates and reports on the effectiveness of the air quality management system and the best practice air quality management measures; • includes sufficient random audit of operational responses to the real-time air quality management system to determine the ongoing effectiveness of these responses in maintaining the Ashton Mine Complex within the relevant criteria in this Schedule and the requirements of condition 16 above; • includes a mechanism for publication of the results of these audits and for an independent annual review of these results, including any recommendations for improvement in performance; and | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. 5. EPL Monitoring data spreadsheet | | | The air quality monitoring system is described in Section 4, 5 and 6 of the AQGGMP. The data gathered from the air quality monitoring system is presented in the annual reviews and on the EPL monitoring data spreadsheet. Monthly environmental inspections are undertaken by environmental staff. Ashton also receive regional dust alerts and undertake daily weather checks. AQGGMP identifies that as per schedule 3 condition 16 the real time air monitoring system is not currently required as open cut operations have not recommenced. Therefore random auditing is not covered as per the requirements of this condition. | Compliance | |
| | | (e) include a protocol that has been prepared in consultation with the owners of nearby mines to minimise the cumulative air quality impacts of all mines. The applicant must implement the approved management plan as approved from time to time by the secretary | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | Coordination of cumulative noise impacts with neighbouring mines is covered in Table 6 of the AQGGMP. | Compliance | |
| S3.18 | Meteorological Monitoring | For the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating 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. | 1. Maps attached to EPL 11879 2. Met Station Data 3. compliance letters provided by Novecom | | | Two meteorological monitoring stations are being operated and maintained by Ashton. Compliance for M2 (EPL point 12) with the approved methods for sampling was sighted via a letter of compliance from Novecom dated 14 December 2022. | Compliance | |
| S3.19 | Soil and Water - Water Licences | The Applicant shall obtain all necessary water licences for the development under the <i>Water Act 1912</i> or the <i>Water Management Act 2000</i> . | 1. Water Access Licences: WAL1358, WAL 15583, WAL 8404, WAL 997, WAL 1120, WAL 1121, WAL 6346, WAL 23912, WAL 984, WAL 19510, WAL 36702, WAL 36703, WAL 29566, WAL 41501, WAL 41552, WAL 41553 | | | Ashton have obtained the necessary water licences for the current operations. | Compliance | |
| S3.20 | Water Supply | The Applicant shall ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Secretary. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. 2. Ashton Coal Mine GoldSim Water Balance Report. Revision C dated 17 January 2020 3. Ashton Coal Mine Minerals Council of Australia 2020 Water Accounting Framework Report. Revision C dated 4 March 2021. 4. Ashton Coal Mine Minerals Council of Australia 2021 Water Accounting Framework Report. Revision B dated 15 February 2022. 5. Ashton - Ravensworth Underground Integration Modification Site Water Balance DRAFT. Third Draft, dated 25 October 2021 | | | Water accounting reports are prepared on an annual basis for the site. A report has been prepared to update the site water balance to incorporate proposed changes under MOD 11. This report is yet to be finalised. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.21 | | <p>The Applicant must provide compensatory water supply to any landowner of privately-owned land whose water entitlements are adversely and directly impacted (other than an impact that is negligible) as a result of the development, in consultation with DPI Water, and to the satisfaction of the Secretary.</p> <p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the development. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified.</p> <p>If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Secretary.</p> | | Interview with P. Brown and C. Eckersley | | Impacts of this nature have not occurred and therefore this condition remains not triggered. | Not Triggered | |
| S3.22 | Surface Water Discharges | 1. The Applicant shall ensure that any surface water discharges from the site comply with the: <ul style="list-style-type: none"> (a) discharge limits (both volume and quality) set for the development in any EPL; or (b) relevant provisions of the POEO Act or Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002. | | Interview with P. Brown and C. Eckersley | | No discharges have occurred from the site over the audit period | Not Triggered | |
| S3.23 | Bowmans Creek Setbacks and Diversions | 1. The Applicant must: <ul style="list-style-type: none"> (a) design underground workings to ensure that longwall mining voids are no closer than 40 metres from any point vertically beneath the high bank of Bowmans Creek (except those sections of channel made redundant by the Eastern and Western Diversions); | <ul style="list-style-type: none"> 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 208, dated October 2020 2. Bowmans Creek Diversion Rehabilitation Strategy (May 2010) | | | As described in the Extraction Plan for LW 205-208, workings have been designed in accordance with the requirements of this condition. | Compliance | |
| | | (b) construct, manage and maintain the Eastern and Western Diversions to the satisfaction of the Secretary; | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Construction of the Eastern and Western Diversions occurred prior to the audit period. Management and maintenance of the diversion drains is described in Section 4 of the WMP. | Compliance | |
| | | (c) submit an as-executed report to the Secretary and DPI Water, certified by a practising engineer, confirming that the Eastern and Western Diversions are sufficiently hydraulically and geomorphologically stable, within 6 months of completing construction of the diversions; | | | | An as-executed report was prepared and submitted prior to the audit period. This condition is therefore not triggered. | Not Triggered | |
| | | (d) prepare and implement a Bowmans Creek Diversion Management Plan for the proposed creek diversions in the underground mining area, which must: <ul style="list-style-type: none"> • be submitted to the Secretary for approval; • be consistent with any related requirements in future Extraction Plan(s); and include: <ul style="list-style-type: none"> o a vision statement for the creek relocations; o an assessment of the surface water and groundwater quality, ecological, hydrological and geomorphic baseline conditions within the creek; o detailed design specifications for the creek relocations; o a construction program for the creek relocations, describing how the work would be staged, and integrated with mining operations; o a revegetation program for the relocated creeks using a range of suitable native species; o water quality, ecological, hydrological and geomorphic performance and completion criteria for the creek relocations based on the assessment of baseline conditions; and o a program to monitor and maintain surface water and groundwater quality, ecological, hydrological and geomorphic stability of the creek diversions. <p>The applicant must implement the approved management plan as approved from time to time by the Secretary.</p> <p>Note: The diversions are shown on the relevant figure in Appendix 2.</p> | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | The WMP includes the Bowmans Creek Diversion Management Plan in Section 4. DPE approved the plan (that was prepared subsequent to the construction of the diversion) on 5 March 2013. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.24 | Tailings Pipeline | The Applicant must ensure that the alarm system for the tailings and water sharing pipelines is effectively maintained and operational and the emergency response procedures for the pipelines are maintained at all times during operation of the pipelines. | 1. Ravensworth Void No.4 Tailings Storage Facility Tailings Emplacement Operation Plan. Revision 3, Dated 30 December 2014 2. Procedural documentation provided | Interview with P. Brown and C. Eckersley | | The Tailings Emplacement Operation Plan outlines how tailings are managed on site. The tailings pipelines are continuously monitored from the CHPP control room. In addition weekly and shiftily inspections of the pipeline are also completed and logged as work orders. | Compliance | |
| S3.25 | Performance Measures | The Applicant must comply with the performance measures in Table 8 (performance measures listed below) to the satisfaction of the Secretary. | | | | | Noted | |
| | | Water Management – General • Maximise water sharing with the other mines in the region • Minimise the use of clean water on site | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | Interview with P. Brown and C. Eckersley | | No water sharing has occurred between 2020 and 2022 due to La Nina weather cycles and above average rainfall. Minimisation of clean water use onsite is detailed in section 3.4 of the WMP. | Compliance | |
| | | Construction and operation of infrastructure • Design, install and maintain erosion and sediment controls generally in accordance with the series Managing Urban Stormwater: Soils and Construction including Volume 1, Volume 2A – Installation of Services and Volume 2C – Unsealed Roads • Design, install and maintain all infrastructure within 40 m of watercourses generally in accordance with the Guidelines for Controlled Activities on Waterfront Land (DPI 2007), or its latest version • Design, install and maintain creek crossings generally in accordance with the Policy and Guidelines for Fish Friendly Waterway Crossings (NSW Fisheries, 2003) and Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries 2003), or their latest versions | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | Inspection of roads, active mining areas, CHPP, workshops and area south of New England Highway. | Surface water management is being undertaken as per the WMP. | Compliance | |
| | | Mine Sediment Dams • Design, install and maintain the dams generally in accordance with the series Managing Urban Stormwater: Soils and Construction – Volume 1 and Volume 2E Mines and Quarries | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | Inspection of roads, CHPP, active mining areas, workshops | Erosion and sediment control outlined in Section 5 of the WMP. The auditor viewed the mine sediment dams during the audit and deemed them to address the requirements of this condition. | Compliance | |
| | | Clean water diversion & storage infrastructure • Design, install and maintain the clean water system to capture and convey the 100 year ARI flood • Maximise as far as reasonable and feasible the diversion of clean water around disturbed areas on site | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | Inspection of roads, CHPP, active mining areas, workshops | Erosion and sediment control outlined in Section 5 of the WMP. The auditor viewed the clean water diversions during the audit and deemed them to address the requirements of this condition. | Compliance | |
| | | Mine water storages • Mine water storage infrastructure is designed to store a 100 year ARI 72 hour storm event • On-site storages (including tailings dams, mine infrastructure dams, groundwater storage and treatment dams) are suitably lined to comply with a permeability standard of < 1 x 10 ⁻⁹ m/s | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | Interview with P. Brown and C. Eckersley | Inspection of roads, CHPP, active mining areas, workshops | Erosion and sediment control outlined in Section 5 of the WMP. The auditor viewed the mine water storage during the audit and deemed them to address the requirements of this condition. No overflows of mine water storages have occurred during the audit period. | Compliance | |
| | | Tailings, acid forming and potentially acid forming materials • new In-pit or void emplacement, encapsulation or capping to prevent the migration of pollutants beyond the pit shell • Adequate freeboard within the pit void to minimise the risk of discharge to surface waters | 1. Ravensworth Void No.4 Tailings Storage Facility Tailings Emplacement Operation Plan. Revision 3, Dated 30 December 2014 2. Procedural documentation provided | Interview with P. Brown and C. Eckersley | | Tailings disposal is undertaken in accordance with the Tailings Emplacement Operation Plan. No incidents regarding discharge of tailings or acid forming materials has occurred during the audit period. | Compliance | |
| | | Chemical and hydrocarbon storage • Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standards | 1. Ashton Coal Pollution Incident Response Management Plan, Revision 1E, dated 20 December 2021. | | | Section 3.12 of the plan covers chemical and fuel storage. The storage of chemicals and fuels satisfy the requirements of AS 1940. | Compliance | |
| | | Bowmans Creek Diversion • In accordance with the condition 23 above | | | | Refer to Condition 3.23 above. | Compliance | |
| Aquatic and riparian ecosystems, including Bowmans Creek • Maintain or improve baseline channel stability • Develop site-specific in-stream water quality objectives in accordance with ANZECC 2000 and Using the ANZECC Guidelines and Water Quality Objectives in NSW procedures (DECC 2006), or its latest version | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. 2. Ashton Coal Aquatic Ecology Monitoring Bowmans and Glennies Creek Reports for 2020, 2021 and 2022 | | | Assessment of performance criteria for Bowmans Creek is discussed in Section 4 of the WMP. Water quality monitoring trigger levels are described in Section 6.1.2. aquatic ecology monitoring reports for Bowmans Creek sighted. | Compliance | | | |
| | | The Applicant shall prepare and implement a Water Management Plan for the Ashton Mine Complex to manage potential impacts of the development. This plan must: (a) be prepared in consultation with the resources regulator and Council, and be endorsed by DPI Water and then submitted to the secretary for approval; | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | The WMP has been prepared and implemented. Attached to the WMP is a letter from DPE dated 16/11/20, which documents DPE's satisfaction with the WMP and waives consultation requirements for this revision. | Compliance | |
| | | (b) include detailed performance criteria and describe measures to ensure that the Applicant complies with the Water Management Performance Measures (see Table 8); | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Sections 4.5, 6.2 and 7.2 of the WMP detail the performance criteria. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------|-------------------------------------|--|--|----------------------------|----------------------------|---|--------------------|----------------|
| S3.26 | Water Management Plan | (c) include a Site Water Balance, which must: <ul style="list-style-type: none"> include details of: <ul style="list-style-type: none"> sources and security of water supply; water use on site; water management on site; any off-site water transfers; and investigate and implement all reasonable and feasible measures to minimise water use by the Ashton Mine Complex; | 1. Ashton Coal Project Water Management Plan, Version 11, dated September 2020. | | | Section 3 of the WMP provides a description of the Site Water Balance. | Compliance | |
| | | (d) include an Erosion and Sediment Control Plan, which must: <ul style="list-style-type: none"> identify activities that could cause soil erosion, generate sediment or affect flooding; describe measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk; describe the location, function, and capacity of erosion and sediment control structures and flood management structures; and | 1. Ashton Coal Project Water Management Plan, Version 11, dated September 2020. | | | Section 5 of the WMP provides details of the Erosion and Sediment Control Plan | Compliance | |
| | | (e) include a Surface Water Management Plan, which must include: <ul style="list-style-type: none"> detailed baseline data on surface water flows and quality in creeks and other waterbodies that could potentially be affected by the development; surface water and stream health impact assessment criteria including trigger levels for investigating any potentially adverse surface water impacts (for existing creeks and reinstated/rehabilitated creeks); a program to monitor and assess: <ul style="list-style-type: none"> surface water flows and quality; impacts on water users; stream health; and channel stability; | 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. | | | Section 6 of the WMP provides details of the Surface Water Management Plan. In addition, Section 4 contains the Bowmans Creek Diversion Management Plan, which contains water monitoring procedures implemented. | Compliance | |
| | | (f) include a Groundwater Management Plan, which must include: <ul style="list-style-type: none"> detailed baseline data of groundwater levels, yield and quality in the region, particularly for privately-owned groundwater bores that could be affected by the development; groundwater impact assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts, a program to monitor and assess: <ul style="list-style-type: none"> groundwater inflows to the mining operations; impacts on regional aquifers; impacts on the groundwater supply of potentially affected landowners; impacts on the Bowmans Creek, Glennies Creek and Hunter River alluvial aquifers; and impacts on groundwater dependent ecosystems and riparian vegetation; | 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. | | | Section 7 of the WMP provides details of the Groundwater Management Plan. | Compliance | |
| | | (g) include a Surface and Ground Water Response Plan, which must include: <ul style="list-style-type: none"> a response protocol for any exceedances of the surface water and groundwater assessment criteria, including provisions for independent investigation by a suitably qualified hydrogeologist whose appointment has been approved by the Secretary; measures to offset the loss of any baseflow to watercourses caused by the development; measures to compensate landowners of privately-owned land whose water supply is adversely affected by the development; and measures to mitigate and/or offset any adverse impacts on groundwater dependent ecosystems or riparian vegetation. <p>The applicant must implement the approved management plan as approved from time to time by the Secretary.</p> | 1. Ashton Coal Water Management Plan Revision 10, dated 10 March 2018. | | | Section 8 of the WMP provides details of the Surface and Groundwater Response Plan. | Compliance | |
| S3.27 | Biodiversity - Biodiversity Offsets | The applicant must implement the biodiversity offset strategy as outlined in Table 9 and as generally described in the EA (and shown conceptually in Appendix 7), to the satisfaction of the Secretary. | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. | | | A BMP has been prepared. A letter from DPE dated 16/11/20 is appended to the plan which indicates DPE satisfaction. | Compliance | |
| | | The Applicant must prepare a Biodiversity Management Plan for the Ashton Mine Complex to the satisfaction of the Secretary to manage potential impacts of the development. | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. | | | A BMP has been prepared. A letter from DPE dated 16/11/20 is appended to the plan which indicates DPE satisfaction. | Compliance | |
| | | This plan must: (a) be prepared in consultation with BCD and Council, and be submitted to the Secretary for approval; | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. | | | A BMP has been prepared. A letter from DPE dated 16/11/20 is appended to the plan which indicates DPE satisfaction. The letter also waived the consultation requirements for this plan given the minor nature of the updates. | Compliance | |
| | | (b) describe how the implementation of the offset strategy would be integrated with the overall rehabilitation of the site (see below); | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. | | | Appendix D of the BMP contains the Biodiversity Offset Management Plan, which describes how the offset strategy is integrated with the overall rehabilitation of the site. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.28 | Biodiversity Offset Strategy | <p>(c) include:</p> <p>(i) a description of the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> • implement the offset strategy; and • manage the remnant vegetation and habitat on the site and in the offset areas; <p>(ii) detailed performance and completion criteria for implementation of the offset strategy;</p> <p>(iii) a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for:</p> <ul style="list-style-type: none"> • implementing revegetation and regeneration within the disturbance areas and offset areas, including establishment of canopy, sub-canopy (if relevant), understorey and ground strata; • maximising salvage and beneficial use of resources in areas that are to be impacted, including vegetative, soil and cultural heritage resources; • protecting vegetation and soil outside the disturbance areas; • rehabilitating creeks and drainage lines on the site (both inside and outside the disturbance areas), to minimise net loss of stream length and aquatic habitat; • managing salinity; • conserving and reusing topsoil; • undertaking pre-clearance surveys; • managing impacts on fauna; • landscaping the site and along public roads to minimise visual and lighting impacts, particularly along the New England Highway; • collecting and propagating seed; • salvaging and reusing material from the site for habitat enhancement; • salvaging, transplanting and/or propagating threatened flora and native grassland; • controlling weeds and feral pests; • managing grazing and agriculture on site and in the offset areas; • controlling access; and • bushfire management; <p>(iv) a program to monitor the effectiveness of these measures, and progress against the performance and completion criteria;</p> <p>(v) a description of the potential risks to successful revegetation, and a description of the contingency measures that would be implemented to mitigate these risks; and</p> <p>(vi) details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p>The Applicant must implement the approved management plan as approved from time to time by the Secretary.</p> | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. | | | <p>A review of the BMP found that it generally contains the required content of this condition. The following measures are identified in the BMP to be addressed elsewhere in the MOP:</p> <ul style="list-style-type: none"> - Management of salinity - Conserving and reusing topsoil - landscaping the site and along public roads to minimise visual and lighting impacts, particularly along the New England Highway; - Bushfire management <p>The BMP was approved by DPE on 16 November 2020</p> | Compliance | |
| S3.29 | Subsidence Performance Measures | The Applicant shall ensure that underground mining does not cause any exceedance of the performance measures in Table 10 (see below). | | | | | Noted | |
| | | Bowmans Creek - No greater impact or environmental consequences than predicted in the EA and the previous EAs. | 1. The Ashton Coal Project Environmental Impact Statement, 1 November 2001. | | Inspection of Bowmans Creek diversions | <p>The EIS (Section 5.1 states that groundwater and surface water will be impacted by mine subsidence. The EIS notes that subsidence cracking of alluvial will occur. The key impact mitigation strategy will be the diversion of Bowmans Creek.</p> <p>The impacts of the underground operations are consistent with those predicated in the EIS. The key mitigation strategy (diversion of Bowmans Creek) has been implemented prior to the audit period.</p> | Compliance | |
| | | Bowmans Creek - Eastern . and Western Diversions - Hydraulic and Geomorphologically stable | 1. Hardcopy note provided to the auditor | Interview with P. Brown and C. Eckersley | Inspection of Bowmans Creek diversions | <p>The most recently completed geomorphological report was produced in 2017 and indicated that the Bowmans Creek Diversions were Hydraulically and Geomorphologically stable. Reassessment was scheduled for 2022 however was not undertaken due to COVID-19 and wet weather. The assessment has been rescheduled for 2023.</p> | Compliance | |
| | | Bowmans Creek alluvial aquifer - No greater impact or environmental consequences than predicted in the EA and the previous EAs. | 1. The Ashton Coal Project Environmental Impact Statement, 1 November 2001. 2. Annual Groundwater Monitoring Reviews for 2019, 2020 and 2021 | | | <p>Annual groundwater reviews did not detect any impacts to groundwater levels associated with Bowmans Creek that were inconsistent with the predictions in the EIS.</p> | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| | | Biodiversity - Threatened Species, habitat and communities - Negligible impact | 1. Fauna Monitoring Program Summary Report for 2019, 2020 and 2021 | | | Annual biodiversity surveys did not detect any adverse impacts to biodiversity from the mining operations during the Audit Period. | Compliance | |
| | | Aboriginal Heritage - Water Hole Site - Negligible Impact | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Heritage Management Plan, dated September 2020 | | | The HMP identifies that no disturbance to the Waterhole Site would occur from underground mining activities. No impacts to Aboriginal Heritage were identified in the Annual Reviews for the audit period. | Compliance | |
| | | Aboriginal Heritage Sites - No greater impact or environmental consequences than approved under a permit issued under Section 90 of the NPW Act 1974 | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Heritage Management Plan, dated September 2020 | | | Several AHIPs are held by the mine, which are detailed in the HMP. Salvage undertaken over the reporting period has been undertaken in accordance with the AHIPs issued and the HMP. | Compliance | |
| | | Built Features - New England Highway and bridge over Bowmans Creek - Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repaired. | 1. Complaints Register | | | No complaints related to damage to the New England Highway (or any other built Structures) have been received by Ashton over the Audit Period. | Compliance | |
| | | Built Features - Lemington Road and Brunkers Lane - In accordance with the recommendations of the report prepared under Condition 36. | 1. Complaints Register | | | No complaints related to damage to the Lemington Road and Brunkers Lane (or any other built Structures) have been received by Ashton over the Audit Period. | Compliance | |
| | | Built Features Other - Always safe and serviceable. Damage that does not affect safety or serviceability must be fully repaired, replaced or compensated | 1. Complaints Register | | | No complaints related to damage to other built structures have been received by Ashton over the Audit Period. | Compliance | |
| | | Public Safety - No additional Risk due to mining | 1. Complaints Register | | | No potential public safety issues were identified during the audit. No complaints related to public safety have been received | Compliance | |
| S3.30 | | 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 Secretary, following consultation with the SA NSW and the resources regulator. Any decision by the Secretary shall be final and not subject to further dispute resolution under this consent. | | Interview with P. Brown and C. Eckersley | | No disputes relating to subsidence performance have occurred during the Audit Period. This condition therefore is not triggered | Not Triggered | |
| S3.31 | First Workings | The Applicant may carry out first workings within the underground mining area, other than in accordance with an approved Extraction Plan, provided that the resources regulator is satisfied that the first workings are designed to remain long-term stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings. <i>Note: The intent of this condition is not to require an additional approval for first workings, but to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible resulting direct subsidence impacts.</i> | | Interview with P. Brown and C. Eckersley | | Approval for extraction of LW 205-208 was approved prior to the audit period. First working approval for RUMEX Pikes Gully is yet to be submitted. This condition is therefore not triggered. | Not Triggered | |
| | | The Applicant shall prepare and implement an Extraction Plan for all second workings on site. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 208, dated October 2020 | | | Extraction Plans for LW 105-107, LW 201 - 204 and LW 205-208 have been prepared. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 53.32 | Extraction Plan | This plan must: (a) be prepared a team of suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | One extraction plan was prepared within the audit period. The Extraction Plan team was endorsed by DPE on 20 May 2020. | Compliance | |
| | | (b) be approved by the Secretary; | 1. Letter from DPIE dated 10 March 2021 | | | One extraction plan was prepared within the audit period. DPE approved the Extraction Plan for LW 205-208 in a letter to Ashton dated 10 March 2021. | Compliance | |
| | | (c) include detailed plans of the proposed second workings and any associated surface development; | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | The Extraction Plan for LW 205-208 (with associated sub plans appended) provide adequate detail to satisfy the requirements of this condition. | Compliance | |
| | | (d) include detailed performance indicators for each of the performance measures in Table 10; | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | Performance indicators are outlined in the Extraction Plan for LW 205-208 (with associated sub plans appended). Links and references have been added to existing management plans where gap analysis identified that additional plans are not required. | Compliance | |
| | | (e) provide revised predictions of the conventional and non-conventional subsidence effects, subsidence impacts and environmental consequences of the proposed second workings, incorporating any relevant information obtained since this consent, that specifically addresses the incremental and cumulative subsidence effects and impacts of multi-seam mining; | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | A subsidence assessment has been undertaken for LW205-208, and is appended to the Extraction Plan. The subsidence assessment satisfies the requirements of this condition. | Compliance | |
| | | (f) describe the measures that would be implemented to ensure compliance with the performance measures in Table 10, and remediate any predicted subsidence impacts and/or environmental consequences; | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | Section 2.5.1 of the extraction plan provides an overview of how the performance measures would be met and provides references to further details in relevant management plans. | Compliance | |
| | | (g) include the following, which have been prepared in consultation with the resources regulator: • a coal resource recovery plan that demonstrates effective recovery of the available resource; • a subsidence monitoring program to: - provide data to assist in the management of the risks associated with subsidence; - validate the subsidence predictions; and - analyse the relationship between the subsidence effects and impacts under the Extraction Plan and any ensuing environmental consequences; • a Built Features Management Plan, which has been prepared in consultation with the owners of such features, to manage the potential impacts and consequences of subsidence on any built features; • a Public Safety Management Plan to ensure public safety in the underground mining area; and • a revised Rehabilitation Management Plan | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | The Extraction Plan includes the information required to satisfy the requirements of this condition in the following appendices: - Coal Resource Recover Plan - Appendix I - Subsidence Monitoring Program - Appendix J - Built Features Management Plan - Appendix G - A Public Safety Management Plan - Appendix H A revised Mining Operations Plan (covering rehabilitation planning and management) was prepared as part of the Extraction Plan. | Compliance | |
| | | (h) include a: • Water Management Plan, which has been prepared in consultation with DPE Water, to manage the potential impacts and consequences of subsidence on surface water and groundwater resources, flooding and existing and proposed creek diversions, and which includes: - surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources or water quality; - a program to monitor and report groundwater inflows to underground workings; - a program to manage and monitor impacts on groundwater bores on privately-owned land; • Biodiversity Management Plan, which has been prepared in consultation with BCD, to manage the potential impacts and consequences of subsidence on biodiversity, and which includes: - a program of works to ensure that overall terrestrial and aquatic biodiversity values are the same or better than existing in Bowmans Creek prior to longwall mining; - measures to manage potential impacts and/or environmental consequences of the proposed second workings on aquatic and terrestrial flora and fauna; • Land Management Plan, which has been prepared in consultation with relevant landowners, to manage the potential impacts and consequences of subsidence on land in general; • Heritage Management Plan, which has been prepared in consultation with Heritage NSW and relevant stakeholders for Aboriginal heritage, to manage the potential impacts and consequences of subsidence on heritage sites or values; | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 2. Ashton Coal Water Management Plan, Version 11, Dated September 2020 3. Ashton Coal Project Biodiversity Management Plan, Version J, Dated 5 November 2020 4. Ashton Coal Heritage Management Plan, Dated September 2020 | | | The Extraction Plan includes the following appendices: - Water Management Plan Addendum (Appendix C) - Flora and Fauna Management Plan Addendum (Appendix E) - Land Management Plan Addendum (Appendix D) - Heritage Management Plan Addendum (Appendix F) These addendum plans include gap analysis identifying where each condition of approval is addressed in the management plans prepared for the site. Each of the management plans reviewed were identified to be compliant with the requirements of this condition. | Compliance | |
| | | (i) include Trigger Action Response Plans, or equivalent, to address potential subsidence impacts and environmental consequences that may result from mining subsidence; | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | A TARP is included in Appendix B. The TARP satisfies the requirements of this condition. | Compliance | |
| | | (j) include a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of any performance measures in Table 10, or where any such exceedance appears likely; and | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | A TARP is included in Appendix B which satisfies the requirements of this condition. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| | | (k) include a program to collect sufficient baseline data for future Extraction Plans. Note: A Subsidence Management Plan approved by the resources regulator or an Extraction Plan approved by the Secretary, prior to the date of approval of MOD 5, is taken to satisfy the requirements of this condition. The Applicant must implement the approved management plans as approved from time to time by the Secretary. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 2. Letter from DPIE dated 10 March 2021 | | | A subsidence monitoring program is appended to the Extraction Plan. The Extraction Plan was approved by DPE on 10 March 2021. | Compliance | |
| S3.33 | Subsidence - Payment of Reasonable Costs | The Applicant shall pay all reasonable costs incurred by the Department to engage suitably qualified, experienced and independent persons (if required) to review the adequacy of any aspect of the Extraction Plan. | | | | No requests for payment of costs incurred by DPE have been received during the Audit Period. | Not Triggered | |
| S3.34 | Heritage | The Applicant shall prepare and implement a Heritage Management Plan for the Ashton Mine Complex to the satisfaction of the Secretary to manage the potential impacts of the development. | 1. Ashton Coal Heritage Management Plan, Dated September 2020 | | | A HMP has been prepared. Appended to the HMP is a letter of satisfaction from DPIE dated 16/11/20. | Compliance | |
| | | This plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary; | 1. Ashton Coal Heritage Management Plan, Dated September 2020 | | | Appended to the HMP is a letter of satisfaction from DPIE dated 16/11/20. | Compliance | |
| | | (b) be prepared in consultation with Heritage NSW, Council, the Aboriginal Community, local historical organisations and relevant landowners; | 1. Ashton Coal Heritage Management Plan, Dated September 2020 | | | Comprehensive consultation was undertaken during the last major revision of this HMP in 2017 with Registered Aboriginal Parties (RAPs), Singleton Historic Society and Museum Inc, EES and AGL Macquarie Generation. Consultation requirements for this revision of the plan were waived by DPIE in a letter dated 16/11/20, which is appended to the HMP. | Compliance | |
| | | (c) include the following for the management of Aboriginal cultural heritage on the site: • an archaeological salvage program for the development disturbance area, which includes additional sub-surface testing of the more significant sites and landform units; • a description of the measures that would be implemented for: - the protection, monitoring and management of Aboriginal sites outside the development disturbance area and within the Southern Conservation Area; - maintaining and managing access for Aboriginal sites by the Aboriginal community; - managing the discovery of any human remains or previously unidentified Aboriginal objects that have conservation significance during the development; - ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage; and - heritage inductions for construction personnel (including procedures for keeping records of inductions); and | 1. Ashton Coal Heritage Management Plan, Dated September 2020 2. Site induction presentation 3. Briefing note to Ground Disturbance Operators | | Inspection of the underground mining area (above ground). | The HMP identifies the management of Aboriginal cultural heritage occurring on site in Appendix B. Heritage sites were observed to be fenced during the site audit. The general site induction covers heritage management. | Compliance | |
| | | (d) include the following for the management of historic heritage: • a description of the measures that would be implemented for: - managing the discovery of human remains or previously unidentified heritage items during the development; and - heritage inductions for construction personnel (including procedures for keeping records of inductions). The applicant must implement the approved management plan as approved from time to time by the secretary. | 1. Ashton Coal Heritage Management Plan, Dated September 2020 | | | The HMP identifies the management of Historic heritage occurring on site in Appendix B. | Compliance | |
| S3.35 | Transport - Monitoring of Coal Transport | The Applicant must keep accurate records of the: (a) amount of coal transported from the site (on a monthly basis); and (b) date and time of each train movement generated by the Ashton Mine Complex. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Records of the amount of coal transported from the site (on a monthly basis); and date and time of each train movement generated by the Ashton Mine Complex are maintained and were sighted during the Audit. Refer to Schedule 2 Condition 7. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.36 | Lemington Road Alignment | <p>The Applicant must, together with the owner of the Ravensworth Operations Project, if directed by the Secretary, commission and implement additional reports following extraction of each seam that the Applicant is permitted to extract. Each such additional report shall review the impacts of previous subsidence on Lemington Road/Brunkers Lane, review existing measures to monitor and manage subsidence impacts, and recommend appropriate monitoring and management measures to address subsidence impacts (including any continuing need to realign Lemington Road), to the satisfaction of the Secretary.</p> <p>The applicant must fund 50% of the costs of reports prepared under this condition and must implement the recommendations of such reports, to the satisfaction of the secretary.</p> <p>Any dispute over the interpretation or implementation of reports prepared under this condition shall be determined by the Secretary, whose decision shall be final.</p> <p>Notes:</p> <ul style="list-style-type: none"> Stacked or offset panel alignments for the Upper Liddell, Upper Lower Liddell and Lower Barrett seams are shown in the plans in Appendix 2. The owner of the Ravensworth Operations Project will be expected to fund the other 50% of report costs and to have similar responsibilities regarding implementation. | | Interview with P. Brown and C. Eckersley | | No mining has occurred under Lemington Road during the audit period, and therefore this condition is not triggered. | Not Triggered | |
| S3.37 | Lemington Road Alignment | <p>The Applicant must be responsible for implementing controls to ensure road traffic safety (including monitoring, maintenance and repairs of subsidence impacts) during any longwall extraction which may cause subsidence impacts to Brunkers Lane/Lemington Road.</p> <p>Note: This responsibility for implementing controls exists notwithstanding that funding of these controls may come from other parties, such as the owner of the Ravensworth Operations Project or the SA NSW.</p> | | Interview with P. Brown and C. Eckersley | | No mining has occurred under Lemington Road during the audit period, and therefore this condition is not triggered. | Not Triggered | |
| S3.38 | Visual Amenity | <p>The Applicant shall:</p> <ol style="list-style-type: none"> implement all reasonable and feasible measures to mitigate visual and off-site lighting impacts of the development; ensure no unshielded outdoor lights shine above the horizontal; ensure that all external lighting associated with the development complies with Australian Standard AS 4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting or its latest version; to the satisfaction of the Secretary. | <ol style="list-style-type: none"> Example Ground Disturbance Permits provided Complaints Register | | | <p>The previous review of lighting impacts was undertaken in 2019. Ashton restrict works to daytime hours to avoid the need for additional light mitigation measures.</p> <p>There have been no complaints regarding lighting received by Ashton during the Audit Period.</p> | Compliance | |
| S3.39 | Waste | <p>The Applicant shall:</p> <ol style="list-style-type: none"> minimise and monitor the waste generated by the development; ensure that the waste generated by the development is appropriately stored, handled and disposed of; manage on-site sewage treatment and disposal in accordance with the requirements of Council; and report on waste management and minimisation in the Annual Review, to the satisfaction of the Secretary. | <ol style="list-style-type: none"> Ashton Coal Project Waste Management Plan, Revision D dated June 2019. Environment Protection Licence 11879 - Please refer to the EPL section of the Compliance Table for an assessment of compliance against the relevant EPL licence conditions. Ashton Coal 2019 Annual Review, dated 31 March 2020. Ashton Coal 2020 Annual Review, dated 30 March 2021. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | <p>Inspection of effluent disposal area and waste storage around site</p> <p>Appropriate waste management processes and procedures have been implemented by Ashton. Waste management (generation and disposal) is reported in section 6.9 of the Annual Reports.</p> <p>The sewage treatment plant is licenced under the EPL and is therefore does not fall under the purview of Council. An assessment of compliance against the requirements of the EPL is provided in the EPL section of this Compliance Table.</p> | Compliance | | |
| S3.40 | Bushfire Management | <p>The Applicant shall:</p> <ol style="list-style-type: none"> ensure that the Ashton Mine Complex is suitably equipped to respond to fires on site; and assist the Rural Fire Service and emergency services as much as possible if there is a fire in the vicinity of the site. | <ol style="list-style-type: none"> Ashton Coal Project Bushfire Management Plan. Version C6 dated June 2014 Broad Brush Environment and Community Risk Assessment (CHPP/Underground/Surface. Dated 16 May 2022 | | | <p>A bushfire management plan has been prepared for the site.</p> <p>Ashton did consider bushfire risk in the Broad Brush Environment and Community Risk Assessment. The assessment concluded that existing controls reducing risks to levels as low as reasonably practicable. Ashton operations contain large water storage tanks that could be utilised to assist in firefighting purposes, if required. fire extinguishers were also sighted during the site inspection.</p> <p>No RFS assistance was requested during the audit period.</p> | Compliance | Review and update the Bushfire Management Plan |
| S3.41 | Rehabilitation - Rehabilitation Objectives | <p>The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining leases associated with the development under the Mining Act 1992 and in a manner that is generally consistent with the rehabilitation objectives in the EA and Table 11.</p> <p>Notes:</p> <ol style="list-style-type: none"> These rehabilitation objectives apply to all subsidence impacts and environmental consequences caused by mining undertaken following the date of approval of Modification 6 to this consent on 24 December 2010; and to all surface infrastructure that forms part of the development, whether constructed prior to or following the approval of Modification 6. Rehabilitation of subsidence impacts and environmental consequences caused by mining which took place prior to the approval of Modification 6 may be subject to the requirements of other approvals (e.g. under a mining lease or an Subsidence Management Plan approval) or the Applicant's commitments. | <ol style="list-style-type: none"> Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 Ashton Coal Project Rehabilitation Management Plan Version 1 dated 1 August 2022 | | <p>Inspection of rehabilitated areas.</p> <p>The approved MOP for the site incorporates the rehabilitation outcomes for the site. The approved MOP was developed to satisfy the requirements of producing a stand-alone Rehabilitation Management Plan. This approach was approved by the DRG within the previous version of the MOP (2013 – 2017). The MOP was approved as part of the Extraction Plan for LW205-LW208 on 10 March 2021.</p> <p>During August 2022, a RMP has been prepared for the site in line with changes to the Mining Act and Mining Regulations. The intent of the RMP is to supersede the MOP, however, at the audit date the RMP is yet to be approved. The existing MOP remains the approved document until such times as the RMP is approved.</p> <p>rehabilitation areas inspected during the site inspection appeared to be undertaken appropriately and successfully.</p> | Compliance | | |
| S3.42 | Rehabilitation - Rehabilitation Objectives | <p>The Applicant shall carry out rehabilitation progressively, that is, as soon as reasonably practicable following disturbance, to the satisfaction of the resources regulator</p> | <ol style="list-style-type: none"> Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 Ashton Coal Project Rehabilitation Management Plan Version 1 dated 1 August 2022 Ashton Coal 2019 Annual Review, dated 31 March 2020. Ashton Coal 2020 Annual Review, dated 30 March 2021. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | <p>Inspection of rehabilitated areas.</p> <p>Rehabilitation for the site is described in the approved MOP and the RMP. The annual reviews outline that progressive rehabilitation of disturbed areas is occurring. Rehabilitated areas were viewed during the site audit.</p> | Compliance | | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S3.43 | Rehabilitation - Rehabilitation Management Plan | The Applicant must prepare and implement a Rehabilitation Management Plan for the Ashton Mine Complex in accordance with the conditions imposed in the mining leases associated with the development under the Mining Act 1992. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 2. Ashton Coal Project Rehabilitation Management Plan Version 1 dated 1 August 2022 | | | As discussed in S3.41, the approved MOP was developed to satisfy the requirements of a Rehabilitation Management Plan in accordance with the conditions imposed by the mining leases. | Compliance | |
| | | This plan must: (a) deleted; | | | | This condition has been deleted and is not triggered | Not triggered | |
| | | (b) be prepared in accordance with any relevant resources regulator guideline, and be consistent with the rehabilitation objectives in Table 11 and the documents listed in condition 2 of schedule 2 and Appendix 4 of this consent; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 2. Ashton Coal Project Rehabilitation Management Plan Version 1 dated 1 August 2022 | | | The approved MOP was developed to satisfy the requirements of this consent and applicable mining leases for the site. The RMP was prepared in accordance with the 'Form and Way - Rehabilitation Management Plan for Large Mines' (NSW RR, 2021). The Rehabilitation Management Plan is consistent with documents listed in Condition 2.2 and the previous EIAs. The RMP is yet to be approved by Resources Regulator. | Compliance | |
| | | (c) build, to the maximum extent practicable, on the other management plans required under this consent; and | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 2. Ashton Coal Project Rehabilitation Management Plan Version 1 dated 1 August 2022 | | | The MOP refers to other management plans and is consistent with the requirements of this condition. | Compliance | |
| | | (d) address all aspects of rehabilitation and mine closure, including final land use assessment, rehabilitation objectives, domain objectives, completion criteria and rehabilitation monitoring, and include: • an evaluation of end land use options for the final void; and • a life of mine tailings management strategy, including an environmental risk assessment demonstrating that the emplacements can be designed, managed and rehabilitated appropriately. The applicant must implement the approved management plan as approved from time to time by DRE. Note: The plan should build on the conceptual final land use and offset strategy depicted in Appendix 7. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 2. Ashton Coal Project Rehabilitation Management Plan Version 1 dated 1 August 2022 | | | The approved MOP generally addresses all aspects of rehabilitation and mine closure. Specific items required by this condition are addressed in the following sections: - final land use assessment - Section 4 - rehabilitation objectives - Section 4.3 - domain objectives - Section 5.2 - completion criteria and rehabilitation monitoring, - Section 6 and include: - an evaluation of end land use options for the final void - Section 4 - a life of mine tailings management strategy, including an environmental risk assessment demonstrating that the emplacements can be designed, managed and rehabilitated appropriately - Life of Mine tailings strategy appended to Tailings Emplacement Operations Management Plan. | Compliance | |
| S4.1 | | Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the noise criteria in condition 2 of Schedule 3 or the dust criteria in condition 12 of Schedule 3, the Applicant shall: (a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Secretary. | 1. Example tenancy agreement | | | Ashton provided a hard copy example of a tenancy agreement. The tenancy agreement includes a copy of "Mine Dust and You". | Compliance | |
| S4.2 | Notification of Landowners | Within 2 weeks of obtaining monitoring results showing: (a) an exceedance of any relevant criterion in Schedule 3, the Applicant shall notify the affected landowner and/or tenants in writing of the exceedance, and provide regular monitoring results to each of these parties until the development is again complying with the relevant criterion; and (b) an exceedance of any relevant criterion in condition 12 of Schedule 3, the Applicant shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners and/or existing tenants of the land (including the tenants of mine-owned land). | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Complaints register 5. EPL Monitoring data spreadsheet 6. Emails from DPE regarding air quality exceedances | Interview with P. Brown and C. Eckersley | | Several exceedances of air quality criteria occurred over the audit period. Ashton provided responses from DPE regarding the air quality exceedances, who advised Ashton that no further action was required. All tenants were provided with a copy of Mine Dust and You as part of tenancy agreements. | Compliance | |
| S4.3 | | Independent Review If an owner of privately-owned land considers the development to be exceeding any relevant criteria in Schedule 3, then he/she may ask the Secretary in writing for an independent review of the impacts of the development on his/her land. | | Interview with P. Brown and C. Eckersley | | A request of this nature has not been received during the audit period. This condition therefore is not triggered | Not Triggered | |
| S4.4 | | If the Secretary is not satisfied that an independent review is warranted, the Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 60 days of the request for a review. If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Applicant shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: (i) consult with the landowner to determine his/her concerns; (ii) conduct monitoring to determine whether the development is complying with the relevant criteria; and (iii) if the development is not complying with these criteria then: • determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land; • identify the measures that could be implemented to ensure compliance with the relevant criteria; and (b) give the Secretary and landowner a copy of the independent review. | | Interview with P. Brown and C. Eckersley | | As per Schedule 4 Condition 3 | Not Triggered | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S4.5 | Independent Review | <p>If the independent review determines that the development is complying with the relevant criteria, then the Applicant may discontinue the independent review with the approval of the Secretary.</p> <p>If the independent review determines that the development is not complying with the relevant criteria, and that the development is primarily responsible for this non-compliance, then the Applicant shall:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the development complies with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.</p> <p>If the independent review determines that the development is not complying with the relevant acquisition criteria, and that the development is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant shall acquire all or part of the landowner's land in accordance with the procedures in conditions 7 to 8 below.</p> | | Interview with P. Brown and C. Eckersley | | As per Schedule 4 Condition 3 | Not Triggered | |
| S4.6 | | <p>If the independent review determines that the relevant criteria are being exceeded, but that more than one mine is responsible for this non-compliance, then together with the relevant mine/s, the Applicant shall:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until there is compliance with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner and other relevant mines to allow exceedances of the relevant criteria, to the satisfaction of the Secretary.</p> <p>If the independent review determines that the development is not complying with the relevant acquisition criteria, but that more than one mine is responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant must acquire all or part of the landowner's land on as equitable basis as possible with the relevant mine/s, in accordance with the procedures in conditions 7 to 8 below.</p> | | Interview with P. Brown and C. Eckersley | | As per Schedule 4 Condition 3 | Not Triggered | |
| S4.7 | Land Acquisition | <p>7. Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant shall make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the development, or the current market value of properties that are of an equivalent standard to the landowner's existing dwelling (including associated facilities such as a pool) in the Singleton or Muswellbrook local government areas (whichever is greater), having regard to the:</p> <ul style="list-style-type: none"> existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional mitigation measures required under conditions 3 and/or 13 of Schedule 3; <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> relocating within the Singleton or Muswellbrook local government areas, or to any other local government area determined by the Secretary; and obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and <p>(c) reasonable compensation for any loss attributable to disturbance and severance, if any, caused by the land acquisition process, if any;</p> <p>(d) reasonable compensation for any special value of the land to the person on the date of acquisition, if any; and</p> <p>(e) solatium, if any.</p> | | Interview with P. Brown and C. Eckersley | | No acquisition has occurred over the reporting period. | Not Triggered | |
| | | <p>For the purposes of this consent, the terms 'market value', 'disturbance', 'severance', 'special value' and 'solatium' are to be construed in the same way as those terms are defined in the Land Acquisition (Just Terms Compensation) Act 1991, and as interpreted by the judiciary with the same limitations applied.</p> <p>For the purposes of this consent the term 'landowner' is to be construed in the same way as the term 'owner' as defined in the land Acquisition (Just Terms Compensation) Act 1991, and as interpreted by the judiciary.</p> <p>However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <p>(a) consider submissions from both parties;</p> <p>(b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;</p> <p>(c) prepare a detailed report setting out the reasons for any determination; and</p> <p>(d) provide a copy of the report to both parties.</p> | | Interview with P. Brown and C. Eckersley | | No acquisition has occurred over the reporting period. | Not Triggered | |
| | | <p>Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <p>(a) consider submissions from both parties;</p> <p>(b) determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above;</p> <p>(c) prepare a detailed report setting out the reasons for any determination; and</p> <p>(d) provide a copy of the report to both parties.</p> | | Interview with P. Brown and C. Eckersley | | No acquisition has occurred over the reporting period. | Not Triggered | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| | | <p>Within 14 days of receiving the independent valuer's report, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to an independent arbiter agreed to by the parties. If the parties cannot agree on an independent arbiter, the matter must be referred to the Secretary to appoint an independent arbiter from the NSW Bar Association approved list or arbitrators.</p> <p>The independent arbitrator's costs must be borne by the Applicant, and the Applicant must compensate the landowner for any reasonable costs incurred by the landowner as a result of the matter being referred to arbitration, including any reasonable costs incurred by the landowner in obtaining legal and expert advice or representation for the purposes of arbitration.</p> <p>Within 14 days of receiving the independent arbiter's determination, the Applicant shall make a binding written offer to the landowner to purchase the land at a price not less than the independent arbiter's determination.</p> <p>If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Secretary determines otherwise.</p> | | Interview with P. Brown and C. Eckersley | | No acquisition has occurred over the reporting period. | Not Triggered | |
| S5.1 | Environmental Management Strategy | 1. The Applicant shall prepare an Environmental Management Strategy for the Ashton Mine Complex to the satisfaction of the Secretary. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | Ashton has prepared and implemented an EMS. Approved by DPE. | Compliance | |
| | | The strategy must: (a) be prepared in consultation with Community Consultative Committee (CCC); | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | Interview with P. Brown and C. Eckersley | | Ashton has prepared the EMS in consultation with the CCC. During the interviews undertaken, Phillip Brown noted that the CCC do not formally approve documents and that acceptance is assumed if no issues are raised against the document. | Compliance | |
| | | (b) be submitted to the Secretary for approval; | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | DPE approved the initial EMS on 2 October 2020 via a letter, which is attached to the EMS. | Compliance | |
| | | (c) provide the strategic framework for environmental management of the development; | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | The EMS describes the strategic framework for environmental management of the development. | Compliance | |
| | | (d) identify the statutory approvals that apply to the development; | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Letter to DPE dated 26 September 2022 | | | The EMS describes the statutory approvals that apply to the development in Appendix B. At the time of the audit, the approved EMS (Version F, dated September 2020) did not identify MOD 11 and the updated mining leases currently applicable to the site. This constitutes an administrative non-compliance. Following the approval of MOD 11, Ashton wrote to DPE informing them that a review of management plans had been undertaken and that the EMS would be updated to reflect the most recent statutory approvals relevant to the development. As this action undertaken by Ashton would achieve compliance with this condition, no further corrective action is proposed. | Non-compliance | No corrective action is proposed as compliance with this condition will be addressed through DPE approval of updated EMS document. |
| | | (e) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | The EMS adequately describes the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development in Section 3.4 | Compliance | |
| | | (f) describe the procedures that would be implemented to: • keep the local community and relevant agencies informed about the operation and environmental performance of the development; • receive, handle, respond to, and record complaints; • resolve any disputes that may arise during the course of the development; • respond to any non-compliance; • respond to emergencies; and | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | The EMS describes the procedures that would be implemented to ensure compliance with this Approval. The EMS also references other management plans required by this consent. | Compliance | |
| | | (g) include: • copies of any strategies, plans and programs approved under the conditions of this consent; and • a clear plan depicting all the monitoring to be carried out in relation to the development. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | The EMS includes copies of all relevant strategies, plans and programs approved under the conditions of this consent and a clear plan depicting all the monitoring to be carried out in relation to the development. These are referenced in Appendix B and C. | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| SS.2 | Management Plan Requirements | <p>The Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data; (b) a description of: <ul style="list-style-type: none"> - the relevant statutory requirements (including any relevant approval, licence or lease conditions); - any relevant limits or performance measures/criteria; and - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> - impacts and environmental performance of the project; and - effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the project over time; (g) a protocol for managing and reporting any: <ul style="list-style-type: none"> - incidents; - complaints; - non-compliances with statutory requirements; and - exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. <p>Note: At the discretion of the Director-General, some of these requirements may be waived where they are either not relevant or necessary.</p> | Refer to individual management plan conditions. | | | All management plans reviewed as part of the review of this Approval were prepared in accordance with the Condition and have been deemed to meet this condition through approval by DPE | Compliance | |
| SS.3 | Preparation of Management Plans etc. | <p>The Applicant must submit all management plans required under Schedule 3 (with the exception of Extraction Plans required under condition 32 of Schedule 3) for approval by the Secretary at least 3 months prior to recommencement of open cut mining operations (including overburden removal) at the Ashton Mine Complex.</p> <p>Prior to approval of management plans required under Schedule 3 (with the exception of Extraction Plans required under condition 32 of Schedule 3), all existing management plans, monitoring programs, strategies, programs, protocols, etc. in effect as at the date of approval of Modification 5 shall continue to have full force and effect, and may be revised under condition 6 below, or otherwise with the approval of the Secretary.</p> | | Interview with P. Brown and C. Eckersley | | Open cut operations have not commenced. This condition remains not triggered | Not Triggered | |
| SS.4 | Relationship Between Management Plans | <p>The Water, Biodiversity and Heritage Management Plans required by conditions 26, 28 and 34 of Schedule 3, respectively, are to be prepared in respect of all parts of the development that are not covered by an Extraction Plan, whether approved under condition 32 of Schedule 3 or otherwise approved as at the date of approval of MOD 5. In particular, the Water, Biodiversity and Heritage Management Plans should address all areas subject to existing or proposed surface disturbance associated with the development.</p> | <ol style="list-style-type: none"> 1. Ashton Coal Heritage Management Plan, Dated September 2020 2. Ashton Coal Project Biodiversity Management Plan, Version J, Dated 5 November 2020 3. Ashton Coal Water Management Plan, Version 11, Dated September 2020 | | | The HMP, BMP, WMP cover all of the operations. The intent of this Condition has been satisfied. | Compliance | |
| SS.5 | Updating and Staging Submissions of Strategies, Plans and Programs | <p>The applicant must regularly review the strategies, plans and programs required under this consent and ensure that these documents are updated to incorporate measures to improve the environmental performance of the development and reflect current best practice in the mining industry. To facilitate these updates, the Applicant may at any time submit revised strategies, plans or programs for the approval of the secretary. With the agreement of the secretary, the applicant may also submit any strategy, plan or program required by this consent on a staged basis.</p> <p>With the agreement of the Secretary, the applicant may prepare a revision or stage of any strategy, plan or program required under this consent, without undertaking consultation with all parties nominated under the applicable condition in this consent.</p> <p>With the agreement of the Planning Secretary, the Applicant may:</p> <ul style="list-style-type: none"> (a) 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); and (b) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required under the Ravensworth Underground Mine Consent for areas identified on Figure 5 of Appendix 2 as the "Operational Area to be managed by Ashton Coal Operations Ltd (Yancoal)" <p><i>Notes: while any strategy, plan or program may be submitted on a staged basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program.</i></p> | <ol style="list-style-type: none"> 1. Ashton Coal Heritage Management Plan, Dated September 2020 2. Ashton Coal Project Biodiversity Management Plan, Version J, Dated 5 November 2020 3. Ashton Coal Water Management Plan, Version 11, Dated September 2020 4. Ashton Coal Air Quality and Greenhouse Gas Management Plan, Version G1, Dated September 2020 5. Ashton Coal Project Noise Management Plan, Version D12, Dated September 2020 6. Ashton Coal Project Environmental Management Strategy, Version F, Dated September 2020 7. Letter to DPE dated 26 September 2022 | | | <p>Management plans have been reviewed and revised over the audit period. Updates to management plans were minor. DPE provided a letter of approval for consultation requirements to be waived for the revised plans. Letters are appended to management plans.</p> <p>Ashton wrote to DPE on 26 September 2022 informing them that management plans are being updated to incorporate RUM as per MOD 11. The auditor notes that this is in the process of being completed.</p> | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S5.6 | Revision of Strategies, Plans and Programs | <p>Within 3 months of:</p> <p>(a) submission of an incident report under condition 8 below;</p> <p>(b) submission of an annual review under condition 10 below;</p> <p>(c) submission of an audit under condition 11 below; and</p> <p>(d) any modification to the conditions of this consent (with the exception of MOD 5);</p> <p>The Applicant shall review, and if necessary revise, the strategies, plans, and programs required under this consent to the satisfaction of the Secretary.</p> <p>The Applicant shall publish on its website any revised document resulting from these reviews within 30 days of the Secretary's approval of the document.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</p> | <p>1. Ashton Coal Heritage Management Plan, Dated September 2020</p> <p>2. Ashton Coal Project Biodiversity Management Plan, Version J, Dated 5 November 2020</p> <p>3. Ashton Coal Water Management Plan, Version 11, Dated September 2020</p> <p>4. Ashton Coal Air Quality and Greenhouse Gas Management Plan, Version G1, Dated September 2020</p> <p>5. Ashton Coal Project Noise Management Plan, Version D12, Dated September 2020</p> <p>6. Ashton Coal Project Environmental Management Strategy, Version F, Dated September 2020</p> <p>7. Letter to DPE dated 26 September 2022</p> | | | <p>MOD11 was approved by DPE on 6 July 2022. Ashton wrote to DPE on 26 September 2022 advising that the plans had been reviewed and require updates to incorporate RUM. The update of plans is currently being undertaken.</p> | Compliance | |
| S5.7 | Community Consultative Committee | <p>The Applicant must establish a CCC for the development to the satisfaction of the Secretary. This CCC must:</p> <p>(a) be operated in general accordance with the Depts Community Consultative Committee Guidelines: SSD (2019) or its latest version, and</p> <p>(b) include the following provisions in its terms of reference:</p> <p>(i) the CCC must be provided with all strategies, plans, reviews and incident reports generated during the life of the development;</p> <p>(ii) the CCC may not be bound by confidentiality provisions in relation to these documents;</p> <p>(iii) the CCC can, from time to time, make recommendations to the Secretary, Minister and all relevant agencies; and</p> <p>(iv) the CCC can, from time to time, request representatives from government agencies to attend meetings as required.</p> <p>The members of the CCC must be paid if they so request by the Applicant at the rate for sitting fees set out in the NSW Premier and Cabinet document, Guidelines for NSW Board and Committee Members: Appointments and Remuneration.</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this consent. In accordance with the guideline, the Committee must include an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community. In establishing the CCC, the Department will accept the continued representation from existing CCC members. The CCC may be combined with any similar CCC for the Ashton Mine Complex. | <p>1. CCC Minutes uploaded on the project website: https://www.ashtoncoal.com.au/page/sustainability/community/community-consultative-committee/ccc-meeting-minutes/</p> | | | <p>The Community Consultative Committee has been established and has met three times per year over the audit period. The CCC established meets the requirements of this Condition.</p> | Compliance | |
| S5.7A | Community Consultative Committee | <p>With the agreement of the CCC Chairs and the approval of the Planning Secretary, matters associated with the Ravensworth Underground Mine Consent area being managed by the Applicant, as identified on Figure 5 of Appendix 2 as the "Operational Area to be managed by Ashton Coal Operations Ltd (Yancoal)", may be dealt with by the Ashton Coal Project CCC.</p> | | <p>Interview with P. Brown and C. Eckersley</p> | | <p>CCC was briefed and updated on RUM integration prior to approval submission and throughout acquisition process. However, management of the area of RUM have not commenced during the audit period. This condition therefore remains not triggered.</p> | Not Triggered | |
| S5.8 | | <p>Incident Reporting</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>1. Email to DPE dated 21 July 2022</p> <p>2. Letter to DPE dated 28 July 2022</p> | | | <p>One environmental incident occurred over the reporting period. On 21 July 2022, an excavator drove off a concrete causeway and ended up in Bowmans Creek triggering the PIRMP. The incident was lodged with DPE in the major projects portal. Incident notifications were also sent to DPE and the EPA via email.</p> | Compliance | |
| S5.8A | Reporting | <p>Non-compliance reporting</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>1. DPE responses to non-compliances</p> | | | <p>Ashton provide DPE with notifications via the Major Projects portal. Ashton provided DPE's acknowledgement of submission for dust exceedances recorded on 12/09/2021, 7/10/2021 and 29/10/2021.</p> | Compliance | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 55.9 | | Regular Reporting The Applicant must provide regular reporting on the environmental performance of the development on its website, in accordance with the reporting arrangements in any approved plans of the conditions of this consent. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Project website https://www.ashtoncoal.com.au/ | | | Ashton publish all Annual Reviews, Independent Audits and Environmental Monitoring Data to their website. | Compliance | |
| 55.10 | Annual Review | By the end of March each year (or other such timing as agreed by the Secretary), the Applicant shall review the environmental performance of the development to the satisfaction of the Secretary. This review must: (a) describe the works (including any rehabilitation) that were carried during the previous calendar year, and the works that are proposed to be carried out over the current calendar year; | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Section 4 of the Annual Review presents a summary of the Operations for the audit period. Section presents a description of the rehabilitation works completed during the audit period. | Compliance | |
| | | (b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the: • relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EA and the previous EIAs; | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Statutory licences and approvals are described in Section 3 A summary of the environmental monitoring results is presented in Section 6 | Compliance | |
| | | (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance; | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Non-compliance and incidents for each reporting period are presented in Section 11. | Compliance | |
| | | (d) identify any trends in the monitoring data over the life of the development; | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Monitoring data trends are discussed for each environmental factor required in Section 6 | Compliance | |
| | | (e) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | No discrepancies between monitoring results and EIS predicted impacts were identified. This discussed in Table 6.1. | Compliance | |
| | | (f) describe what measures will be implemented over the next year to improve the environmental performance of the development. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Activities to be completed over the next reporting period are described in Section 12. | Compliance | |
| 55.11 | Independent Environmental Audit | One year after the commencement of construction of the development, 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. | 1. Ashton Coal Mine Independent Environmental Audit, dated 5 March 2020. | | | The 2019 IEA was completed in accordance with the Approval. | Compliance | |
| | | This audit must: (a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; | 1. Ashton Coal Mine Independent Environmental Audit, dated 5 March 2020. | | | The 2019 IEA was undertaken by auditors approved by DPIE. The letter of approval is attached in Appendix C. | Compliance | |
| | | (b) include consultation with the relevant agencies; | 1. Ashton Coal Mine Independent Environmental Audit, dated 5 March 2020. | | | Consultation with the following agencies was undertaken for the 2019 IEA: - DPIE - DRE - NSW EPA - Singleton Council - Community Liaison Committee | Compliance | |
| | | (c) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); | 1. Ashton Coal Mine Independent Environmental Audit, dated 5 March 2020. | | | The 2019 IEA was completed in accordance with this condition. | Compliance | |
| | | (d) review the adequacy of any approved strategies, plans or programs required under these approvals; and, if appropriate | 1. Ashton Coal Mine Independent Environmental Audit, dated 5 March 2020. | | | The 2019 IEA was completed in accordance with this condition. | Compliance | |
| (e) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals. | 1. Ashton Coal Mine Independent Environmental Audit, dated 5 March 2020. | | | The 2019 IEA was completed in accordance with this condition. | Compliance | | | |

| Condition | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| S5.12 | | Within 6 weeks of the completing of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report. | 1. Ashton Coal Mine Independent Environmental Audit, dated 5 March 2020. | | | The 2019 IEA was finalised on 5 March 2020. The audit (including a proponents response to audit) was sent to DPIE on 6 March 2020. | Compliance | |
| S5.11 | Access to Information | The Applicant must: (a) make copies of the following publicly available on its website: • the documents listed in condition 2(a) • the current statutory approvals for the development • approved strategies, plans and programs required under the conditions of this consent; • a comprehensive summary of the monitoring results of the development, including model performance results which have been reported in accordance with the various plans and programs approved under the conditions of this consent; • a complaints register, which is to be updated on a monthly basis; • minutes of CCC meetings; • the annual reviews over the life of the development; • any independent environmental audit, and the Applicant's response to the recommendations in any audit; • any other matter required by the Secretary; and keep this information up to date by ensuring that all management plans, monitoring results and reports are available on the Applicant's website within 30 days of their completion. | 1. Ashton Coal Website: https://www.ashtoncoal.com.au/ | | | The Ashton Coal Website contains copies of all documents specified in this Condition. | Compliance | |
| Appendix 6 C1 | Application | Conditions 2 and 3 below have effect during times when open cut mining operations are not being undertaken at the Ashton Mine Complex, in the opinion of the Secretary. | | | | | Noted | |
| Appendix 6 C2 | Noise Criteria | Except for the noise-affected land in Table 1, 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 or on more than 25 per cent of any privately-owned land. Noise generated by the development is to be measured in accordance with the relevant requirements of the <i>NSW Industrial Noise Policy</i> . Appendix 8 sets out the requirements for evaluating compliance with these criteria. However, these noise criteria do not apply if the Applicant has an agreement with the relevant owner/s of the residence/ land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement. | 1. Noise Monitoring Results: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | No noise exceedances have been identified for the Audit Period. | Compliance | |
| Appendix 6 C3 | Additional Noise Mitigation Measures | Upon receiving a written request from the owner of any residence on any privately-owned land where subsequent operational noise monitoring shows the noise generated by the development exceeds the noise limits in Table 2, the Applicant must implement additional reasonable and feasible noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at the residence in consultation with the owner. If within 3 months of receiving this request from the landowner, the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution. Notes: - Noise generated by the development is to be measured in accordance with the relevant requirements for evaluating compliance with these criteria. - For this condition to apply, the exceedance of the criteria must be systemic. | | Interview with P. Brown and C. Eckersley | | No requests for noise mitigation measures was received by Ashton during the Audit Period. | Not Triggered | |
| Appendix 8 C1 | | Attended monitoring is to be used to evaluate compliance with the relevant conditions of this approvals. | | | | | Noted | |
| Appendix 8 C2 | | Data collected for the purposes of determining compliance with the relevant conditions of this approval is to be excluded under the following meteorological conditions: a) during periods of rain or hail; b) average wind speed at microphone height exceeds 5 m/s; c) wind speeds greater than 3 m/s measures at 10 m above ground level; and d) temperature inversion conditions greater than 3 °C/ 100 m. | | | | | Noted | |
| Appendix 8 C3 | Compliance Monitoring | Unless otherwise agreed with the Secretary, this monitoring is to be carried out in accordance with the relevant requirements relating for reviewing performance set out in the <i>NSW Industrial Noise Policy</i> (as amended from time to time), in particular the requirements relating to: a) monitoring locations for the collection of representative noise data; b) equipment used to collect noise data, and conformity with Australian Standards relevant to such equipment; c) modifications to noise data collected, including for the exclusion of extraneous noise and/or penalties for modifying factors apart from adjustments for duration. | | | | | Noted | |
| Appendix 8 C4 | | To the extent that there is any inconsistency between the <i>Industrial Noise Policy</i> and the requirements set out in this Appendix, the Appendix prevails to the extent of the inconsistency. | | | | | Noted | |
| Appendix 8 C5 | Determination of Meteorological Conditions | Except for wind speed at microphone height, the data to be used for determining meteorological conditions shall be that recorded by the meteorological station located in the vicinity of the site (as required by condition 18 of schedule 3). | 1. MetStation data | | | | Noted | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|--|--|--|----------------------------|----------------------------|---|--------------------|----------------|
| DA 309-11-2001-I Statement of Commitments | | | | | | | |
| MODIFICATION 6 | | | | | | | |
| 1.1 | All mining will be undertaken within the approved mining lease. | 1. Ashton Coal 2020 Annual Review, dated 30 March 2021. 2. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | All activities have been undertaken within the approved mining leases. | Compliance | |
| 1.2 | The final extraction design of each subsequent seam below the Pikes Gully seam, including whether longwall panels are stacked or offset, will be subject to the results of impact monitoring and subsidence from the preceding seam and would be detailed in an Extraction Plan. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 5. Annual Review documents 6. End of panel reports uploaded onto the project website: https://www.ashtoncoal.com.au/page/publications/mining/end-of-panel-reports/ | | | Mining is being undertaken in accordance with the approved Extraction Plans. Subsidence monitoring and impact assessment is reported upon in the Annual Reviews and End of Panel Reports. | Compliance | |
| 2.1 | Subsidence troughs will be reshaped and fill will be used where practicable to create a free draining landform. This approach is expected to reduce the potential for surface pooling and inflow into the mine. | 1. Mining Operations Plan | | | Rehabilitation planning is covered in the MOP. Subsidence cracking is repaired on a continual basis and work is undertaken where required to ensure public safety. | Compliance | |
| 2.2 | The diversion channels will be constructed in accordance with detailed civil and landscape design plans generally consistent with EA Plan Sets 2 and 3. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Water management for the site is outlined in the WMP, with the diversions being specifically covered in Section 4. The diversion channels were constructed in November 2012, outside the audit period. This condition is therefore not triggered. | Not Triggered | |
| 2.3 | A geosynthetic clay liner will be placed under the low flow section of the diversion channels to minimise loss of baseflow from the constructed channels and to preserve surface flows in the diverted creek. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020 | | | Water management for the site is outlined in the WMP, with the diversions being specifically covered in Section 4. The diversion channels were constructed in November 2012, outside the audit period. This condition is therefore not triggered. | Not Triggered | |
| 2.4 | All workers involved in the construction of the diversion channels and block banks will receive site specific induction that includes requirements for good environmental management, including management of noise and dust; erosion and sediment; Aboriginal heritage; hazardous materials; and waste. | | | | As the construction of diversion channels occurred outside the audit period, this condition remains not triggered. | Not Triggered | |
| 3.1 | Mine plans will be reviewed in response to actual subsidence and geotechnical behaviour associated with mining in the deeper seams based on monitoring experience, expert interpretation, and other advice. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | Extraction plans provide details impact monitoring and responses to subsidence impacts. | Compliance | |
| 3.2 | The Southern limits of LW5, LW6 and LW7 will be offset at least 200 m from the Hunter River alluvium. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107 , dated December 2015. 2. End of panel reports uploaded onto the project website: https://www.ashtoncoal.com.au/page/publications/mining/end-of-panel-reports/ | | | LW5 was completed in June 2010 and is therefore outside the scope of the audit. LW6a was completed November 2010 and is therefore outside the scope of the audit LW6b was completed October 2013 and is therefore outside the scope of the audit LW7a was completed August 2011 and is therefore outside the scope of the audit LW7b was completed January 2012 and is therefore outside the scope of the audit. This condition is therefore not triggered. Pikes gully would've been done under SMP - LW5-7 in pikes gully seam prior to audit program | Not Triggered | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|--|---|----------------------------|----------------------------|---|--------------------|----------------|
| 3.3 | Subsidence will be monitored and managed in accordance with approved Extraction Plans (or equivalent), the development of which will be informed by: <ul style="list-style-type: none"> Subsidence monitoring over LW1-4 in the lower seams, as each seam is mined, to allow more accurate predictions of subsidence parameters above LW5-8. An End of Panel Report for each longwall panel with a focus on subsidence. Consultation with the owner(s)/operator(s) of the Ravensworth Underground Mine on a seam by seam basis. | <ol style="list-style-type: none"> Mining Operations Plan Subsidence management plans Extraction plans | | | Subsidence management is detailed in the RMP, subsidence management plans and the extraction plans. The works in this area of the mine occurred prior to the current audit period | Not Triggered | |
| 3.4 | Subsidence and groundwater experts will be used to assess the western longwall (LW8) to ensure concurrent operation of the RUM and ACOL underground mines can be undertaken safely. | | | | Works in this area of the mine occurred prior to the audit period. This condition is therefore not triggered. | Not Triggered | |
| 3.5 | With the exception of Brunkers Lane as a public road: <ul style="list-style-type: none"> Existing surface infrastructure will be maintained to be safe, serviceable and repairable manner unless the owner agrees otherwise in writing. Damage to existing third party-owned infrastructure due to the ACOL induced subsidence will be mitigated or remediated. | <ol style="list-style-type: none"> Complaints Register | | | No complaints related to damage to built structures have been received by Ashton over the Audit Period. | Compliance | |
| 4.1 | The current ACP groundwater monitoring network will be maintained and expanded to enable monitoring of water extracted from the mine workings as the lower seams are developed and mined. | <ol style="list-style-type: none"> Ashton Coal Project Water Management Plan. Version 11, dated September 2020 | | | The WMP provides details of the surface and groundwater monitoring and management. | Compliance | |
| 4.2 | Additional (nested) groundwater monitoring bores will be installed in the alluvium and Pikes Gully overburden at the following locations: <ul style="list-style-type: none"> Southwest of LW6A. On the eastern side of LW6B near the downstream end of the Eastern Diversion. On the eastern side of LW6B near the upstream end of the Eastern Diversion. These monitoring points will be monitored monthly as part of the routine monitoring and weekly at the time that mining occurs in the Pikes Gully seam immediately below in order to monitor groundwater drainage from the alluvium. | <ol style="list-style-type: none"> Ashton Coal Project Water Management Plan. Version 11, dated September 2020 | | | Not triggered | Not Triggered | |
| 4.3 | The volume of water extracted from the mine workings will be monitored for the life of mine. | | | | Water extraction from the mine is monitored and reported annually in the annual review documents. | Compliance | |
| 4.4 | The volume and quality of individual sources of groundwater inflows, will be monitored where separation of sources is possible. | <ol style="list-style-type: none"> Ashton Coal 2019 Annual Review, dated 31 March 2020. Ashton Coal 2020 Annual Review, dated 30 March 2021. Ashton Coal 2021 Annual Review, dated 31 March 2022. Ashton Coal Project Water Management Plan. Version 11, dated September 2020 | | | Water extraction from the mine is monitored and reported annually in the annual review documents. | Compliance | |
| 4.5 | The existing ACP Groundwater Trigger Action Response Plan will be reviewed and extended to include monitoring of the lower seam inflows as they are mined. | <ol style="list-style-type: none"> Ashton Coal Project Water Management Plan. Version 11, dated September 2020 | | | The WMP was last updated in September 2020. Monitoring was undertaken generally in accordance with the WMP over the reporting period. | Compliance | |
| 5.1 | Water level monitoring will be undertaken in two pools immediately above LW6B as part of the routine monthly monitoring program and used to guide construction of block banks to their final level. While mining is occurring in LW6B, water levels will be monitored weekly. | | | | Construction of the block banks and mining of LW6B occurred prior to the audit period. This condition remains not triggered. | Not Triggered | |
| 5.2 | The existing ACP surface water quality monitoring program will be reviewed and updated where required. | <ol style="list-style-type: none"> Ashton Coal Project Water Management Plan. Version 11, dated September 2020 | | | The WMP was last updated in September 2020. Monitoring was undertaken generally in accordance with the WMP over the reporting period. | Compliance | |
| 5.3 | Setting back all secondary workings by at least 40 m (in a horizontal direction) to the high bank of Bowmans Creek in its diverted function form. | <ol style="list-style-type: none"> Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | Mining is being undertaken in accordance with the approved Extraction Plans. | Compliance | |
| 6.1 | Hold appropriate and adequate water entitlements to account for water from all sources impacted by underground operations on an annual basis. | <ol style="list-style-type: none"> Water Access Licences: WAL1358, WAL 15583, WAL 8404, WAL 997, WAL 1120, WAL 1121, WAL 6346, WAL 23912, WAL 984, WAL 19510, WAL 36702, WAL 36703, WAL 29566, WAL 41501, WAL 41552, WAL 41553 | | | Ashton Coal hold all required water licences | Compliance | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 6.2 | Returning flows to Bowmans Creek whenever the rules of the Water Sharing Plan for Jerrys Management Zone prohibit the taking of water, including provisions for returning flows post-mine closure. Returned flows will be of an equal or better quality than the receiving waters. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | No water discharges occurred from the operations during the Audit Period. | Not Triggered | |
| 6.3 | Retaining or retiring an equivalent licensed entitlement to account for the long-term annual water based impacts, post-mine closure. | | | | | Noted | |
| 6.4 | The provision of an ongoing financial contribution to cover the cost associated with returning flows to Bowmans Creek, post-mine closure, when baseflow impacts to Bowmans Creek are not permitted under the rules of the relevant water sharing plan (from 2015 onwards). | | | | | Noted | |
| 7.1 | The bed and bank of the diverted creek will be surveyed: • Six months, one year and two years after completing construction of the diversion channels. • At five yearly intervals, or immediately after a flood with a peak flow greater than 150 m ³ /s (about 5 years ARI), at existing cross sections in the retained sections of the existing creek. For purposes of this commitment, flow will be determined from the Office of Water gauging station. • At five yearly intervals, or immediately after a flood event with a peak flow greater than 150 m ³ /s (about 5 years ARI), at ten new cross section locations and along the thalweg of each diversion channel. The cross section locations will be established to be representative of the various geomorphic forms within the diverted channels. | 1. Letter Report from Hyder Consulting (addressed to J Cullen from Ashton Mining, titled "Bowman Creek Diversion - Certified As Executed Construction Report", dated 15 February 2013. 2. Reassessment of the Geomorphic performance of Bowmans Creek Diversion, prepared by Fluvial Systems, dated May 2017. The report noted that some high flow events had impacted the geomorphic performance of the diversions. Recommendations were made in relation to stabilisations and on-going monitoring. The report concluded that the changes in morphology in the diversions were consistent with the changes monitored in the un-diverted sections of the creek. | | | Last geomorphological report for Bowmans Creek stability was completed in 2017. The 5 yearly report due to be completed in 2022 was delayed until 2023 due to consultant availability and COVID. | Non-compliance | Ensure that the geomorphological assessment is undertaken in 2023. |
| 7.2 | At the same time as cross sectional and longitudinal (thalweg) surveys, bed samples will be collected from four locations in each diversion channel (two pools and two riffles). Samples will also be collected from eight comparable representative sites in the remaining functional sections of the creek for statistical comparison. If there is a variation of more than 20% in the statistics of the data from the diversions compared to the existing channel, ACOL will commission an appropriately qualified geomorphologist to investigate the causes and recommend any remedial actions. | 1. Letter Report from Hyder Consulting (addressed to J Cullen from Ashton Mining, titled "Bowman Creek Diversion - Certified As Executed Construction Report", dated 15 February 2013. 2. Reassessment of the Geomorphic performance of Bowmans Creek Diversion, prepared by Fluvial Systems, dated May 2017. The report noted that some high flow events had impacted the geomorphic performance of the diversions. Recommendations were made in relation to stabilisations and on-going monitoring. The report concluded that the changes in morphology in the diversions were consistent with the changes monitored in the un-diverted sections of the creek. | | | No identified non-compliances from review of 2017 geomorphology report | Compliance | |
| 8.1 | The diversion channels will be constructed during daylight hours: • 7am-6pm Monday to Saturday. • 8am-6pm Sundays and Public Holidays. | | | | Diversion channels were constructed prior to the audit period. | Not Triggered | |
| 8.2 | Erosion and sediment controls for the construction works will generally be consistent with: • The existing ACP Erosion and Sediment Control Management Plan. • Detailed diversion engineering design drawings (C045 – C047). • Managing Urban Stormwater: Soils and Construction – Volume 2E Mines and Quarries (DECC 2008, or its latest version). | | | | Diversion channels were constructed prior to the audit period. | Not Triggered | |
| 8.3 | Topsoil will be separately stockpiled within designated stockpile areas and used for rehabilitating disturbed areas, post construction, where required. | | | | Diversion channels were constructed prior to the audit period. | Not Triggered | |
| 8.4 | During and immediately after mining of the Pikes Gully seam, groundwater monitoring together with visual monitoring of stream flows and pools within Bowmans Creek (as diverted) will be undertaken. If there is any indication that significant drainage of the alluvium is occurring, or there is loss of stream flow, due to cracking, the full height block banks will be constructed immediately. | | | | outside of audit period | Not Triggered | |
| 8.5 | Noise and dust associated with construction activities will be minimised and managed consistent with existing ACP Noise and Dust Management Plans, including: • Monitoring against existing noise and dust impact assessment criteria at nearby sensitive receivers. • Minimising areas to be disturbed. • Using water trucks to suppress dust on all active haul roads and stockpile areas, where required. • Revegetating disturbed areas following completion of earthworks. | | | | Diversion channels were constructed prior to the audit period. | Not Triggered | |
| 8.6 | Appropriate signage will be installed on the New England Highway and at relevant public access points for the duration of construction activities. | | | | Diversion channels were constructed prior to the audit period. | Not Triggered | |
| 8.7 | A construction traffic management plan will be prepared and implemented to manage construction traffic interaction with the New England Highway, to the satisfaction of the RTA. | | | | Diversion channels were constructed prior to the audit period. | Not Triggered | |
| 8.8 | Detailed channel construction works will be carried out in consultation with appropriately qualified and experienced technical specialists. | | | | Diversion channels were constructed prior to the audit period. | Not Triggered | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 9.1 | Subsidence troughs will be rehabilitated to provide a free draining surface. | 1. Mining operations plan 2. Subsidence management plans 3. Extraction plans | | | Subsidence management is detailed in the subsidence management plans, MOP and the extraction plans. | Compliance | |
| 9.2 | Landscape restoration will generally be consistent with the: • The Rehabilitation Strategy described in the Response to Submissions Report. • Conceptual landscape design drawings presented in the EA. • Existing ACP Landscape and Revegetation Management Plan. • Existing ACP weed management protocols. | 1. Mining operations plan | | | The MOP describes the rehabilitation actions for the site. | Compliance | |
| 9.3 | Flood damage to the constructed channels will be remediated to restore hydraulic and geomorphic function. | | | | No damage requiring repair in reporting period | Not Triggered | |
| 9.4 | Stock proof fencing (at least 5 m from the alignment of any riparian trees) will be installed along both sides of the functioning diverted creek for its full length between the New England Highway and the Hunter River. | | | | No stock in area. | Compliance | |
| 9.5 | Stock watering troughs will be installed at strategic locations on pasture areas adjacent to the creek in the post-mine landscape, where required. | | | | This condition is only applicable to post mining. Therefore this condition is not triggered. | Not Triggered | |
| 10.1 | The existing ACP Flora and Fauna Management Plan will be updated where necessary to be consistent with the vegetation and habitat management objectives for the diverted and rehabilitated creek. | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. | | | A BMP has been prepared for the site, and was most recently updated in November 2020. | Compliance | |
| 10.2 | Habitat trees in close proximity to construction activities will be clearly marked and protected. | | | | Minor construction works such as drill pad construction have occurred over the reporting period. Major works requiring protection of habitat trees has not occurred over the reporting period. Works undertaken around block banks, ecological inspections were undertaken as part of GDPs. Ecologist flagged trees and were present during felling. GDP information sighted by auditor | Compliance | |
| 10.3 | Fish passage will be maintained in the diverted creek sections under at least moderate flow conditions. | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. 2. Ashton Coal Project Water Management Plan, Version 11, dated September 2020 | | | The BMP and WMP outlines that fish passage will be maintained in the diverted creek sections. Site inspection did not identify any blockages to fish passage | Compliance | |
| 10.4 | Resting pools will be included within the diverted creek sections. | | | | Construction of diversion drains occurred prior to the audit period. | Not Triggered | |
| 10.5 | Large woody debris will be used to restore aquatic habitat. | | | | Woody debris has been retained in the diversion drains | Compliance | |
| 10.6 | The loss of up to 1.8 ha of riparian and aquatic habitat will be replaced with 15.7 ha of combined aquatic and riparian habitat. An additional 58.7 ha of mixed riparian woodland and grassy floodplain woodland will be established on the adjacent floodplain to further improve terrestrial habitat. | | | | Occurred outside audit period | Not Triggered | |
| 10.7 | The collection of River Red Gum seeds will be conducted under the appropriate licence or certificate, as required under the Threatened Species Conservation Act 1995. | | | | | Noted | |
| 11.1 | All workers involved in construction will be given a site induction that includes awareness of the location of aboriginal heritage sites in the area, prohibition on entering identified sites and procedures to be followed in the event of any Aboriginal artefacts be detected during construction work. | | | | Occurred outside audit period | Not Triggered | |
| 11.2 | Should any Aboriginal artefacts be detected during construction, work in that location will cease immediately and the finds will be reported to the Environmental Manager, at which time the existing ACP Archaeology and Cultural Heritage Management Plan protocols will be implemented. Work will not recommence in the area until instructed to do so by the Environmental Manager. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Heritage Management Plan, dated September 2020 | | | Occurred outside audit period | Not Triggered | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 11.3 | There will be no construction within 70 m of the Waterhole Site grinding grooves and appropriate controls will be implemented to protect this site from inadvertent construction activity impacts, including: <ul style="list-style-type: none"> • Clear fencing of the site to form a boundary between contractors and the outer perimeter of the site. • Inclusion of a work method statement (WMS) that outlines the responsibilities of contractors in order to ensure that the site is not impacted and which outlines the repercussions of not adhering to the WMS (e.g. fines administered by OEH). • Inclusion of a cultural awareness component in the general induction of contractors working on the project. | | | | Occurred outside audit period | Not Triggered | |
| 11.4 | The management for sites and areas of potential Aboriginal heritage impacted by the proposed diversions will be developed in consultation with the registered Aboriginal Stakeholders, and approved through the Extraction Plan process. | 1. Heritage Management Plan, dated September 2020 2. Extraction plans | | | The HMP was prepared in consultation with relevant Aboriginal stakeholders. The extraction plans contain Heritage Management Plan Addendums relevant for each area of mining. | Compliance | |
| 11.5 | The oral history of the area will be recorded through consultation with relevant Aboriginal stakeholders, local landowners and other sources as appropriate to inform mitigation measures during construction. | | | | Oral history of the area was recorded prior to the audit period. | Not Triggered | |
| 11.6 | The existing ACP Archaeology and Cultural Heritage Management Plan will be reviewed and updated where required, in consultation with Aboriginal stakeholders, to include management of Aboriginal heritage within the Bowmans Creek diversion disturbance area. | 1. Heritage Management Plan, dated September 2020 | | | A HMP has been prepared and approved by DPE. Approval is included as an appendix to the plan. | Compliance | |
| 12.1 | The existing ACP Environmental Management Strategy: Phase 2 Underground Mining Operations will be reviewed and updated where required to include management, mitigation and monitoring objectives for the creek diversion. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | An EMS has been prepared and is being implemented. | Compliance | |
| 13.1 | Environmental monitoring will be carried out generally as described in the EA for the creek diversion. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 | | | Environmental Monitoring is undertaken in generally in accordance with the EMS and related management plans. | Compliance | |
| 13.2 | An Annual Environmental Management Report (AEMR) will be prepared and forwarded to relevant government departments, including DoP. The AEMR will include a summary of all monitoring undertaken during the year, including a discussion of any exceedances and responses taken to ameliorate these exceedances. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Annual Reviews have been prepared and issued each year covered by the audit period. | Compliance | |
| 13.3 | Completion criteria for the creek diversion, including a monitoring regime and reference sites will be formalised in a Rehabilitation Management Plan prepared in consultation with relevant government authorities. | 1. Mining operations plan | | | The MOP details rehabilitation plans for the site. | Compliance | |
| MODIFICATION 7 | | | | | | | |
| 1a | Monitoring of the open cut pit highwall will continue to be carried out to ensure the continued safe operation of Glennies Creek Road adjacent to the pit highwall. | 1. Geotechnical inspection reports | | | Ashton provided several geotechnical investigation reports undertaken over the audit period that satisfy the requirements of this condition. | Compliance | |
| 1b | Open cut recovery of the Hebden Seam and backfilling of the extracted area will be carried out in strips as described in the EA to ensure the integrity and stability of the pit highwall is maintained. | | | | These works occurred prior to this audit period. | Not Triggered | |
| 1c | The management measures described in existing approved ACOL environmental management plans will continue to be implemented. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. | Compliance | |
| 2a | Site disturbance will be minimised as far as practicable. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. | Compliance | |
| 2b | Vehicle access will be restricted to designated site access routes. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. | Compliance | |
| 2c | A water cart will be used to suppress dust on access tracks and on well pad disturbance areas, where required. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. | Compliance | |
| 2d | Disturbed areas not required for ongoing operations will be promptly rehabilitated. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Mining Operations Plan | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. The RMP details the rehabilitation actions for the site. | Compliance | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|--|---|----------------------------|----------------------------|---|--------------------|----------------|
| 2e | Mine related dust emissions will be monitored and managed to within acceptable criteria using real-time monitoring. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Dust monitoring data | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. Dust monitoring data was made available to the auditor during the audit. | Compliance | |
| 2f | Gas drainage infrastructure will be developed to capture gas from the underground mine prior to requiring gas drainage from the ULD Seam. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Annual reviews | | | Gas drainage infrastructure continued to be installed and operated during the reporting period. | Compliance | |
| 3a | Mine related noise emissions will be monitored and managed to within acceptable criteria using real-time noise monitors. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Complaints register | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. Noise monitoring data was made available to the auditor during the audit. | Compliance | |
| 3b | Blasting in the open cut pit will be designed and managed to ensure blast overpressure and vibration levels at surrounding sensitive receiver locations are within acceptable criteria. | | | | Blasting has not occurred during the audit period. | Not Triggered | |
| 4a | Locations of gas drainage well pads and access tracks will be developed to avoid known Aboriginal heritage sites, wherever practicable. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | A review of annual reviews indicate that the location of gas well pads were assessed for impacts on Aboriginal heritage items prior to establishment. Management of Aboriginal heritage items satisfies the requirements of this condition. | Compliance | |
| 4b | Locations of gas drainage well pads and access tracks will be surveyed in conjunction with Aboriginal community stakeholders for Aboriginal artefacts prior to disturbance and: • Where additional significant Aboriginal artefact sites are identified the well pad or access track will be relocated to avoid impacting the Aboriginal site. • Where impact to Aboriginal artefacts cannot be avoided these will either be salvaged or relocated in conjunction with Aboriginal community stakeholders in accordance the conditions of an Aboriginal Heritage Impact Permit. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | A review of annual reviews indicate that the location of gas well pads were assessed for impacts on Aboriginal heritage items prior to establishment. Works were undertaken in conjunction with the RAPs. Management of Aboriginal heritage items satisfies the requirements of this condition. | Compliance | |
| 4c | Site inductions will include identification of Aboriginal heritage exclusion areas and actions to be undertaken where additional Aboriginal artefacts are identified, in accordance with ACOL's existing Aboriginal heritage management protocols. | Site induction materials | | | Appropriate training programs (induction and operator specific training) for site personnel including the protection of heritage finds and known heritage sites. | Compliance | |
| 5a | Prior to developing any of the gas drainage wells proposed to be located on Macquarie Generation-owned land ACOL will finalise these access arrangements with Macquarie Generation. | | | | Land access agreement. Access conditions captured in GDPs and mining leases. | Not Triggered | |
| 5b | Each of the gas drainage wells will be adequately secured to prevent any adverse interaction between the development and use of the gas drainage wells with any other proposed use of the land. | | | | Land access agreement. Access conditions captured in GDPs and mining leases. | Not Triggered | |
| 6a | Locations of gas drainage well pads and access tracks will be developed to avoid clearing native vegetation. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Gas drainage infrastructure was constructed over the reporting period. Annual reviews indicate that disturbance associated with the construction of the well pads were rehabilitated adequately. | Compliance | |
| 6b | Ground disturbance will be minimised as far as practicable. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Mining Operations Plan | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. The MOP details the rehabilitation actions for the site. Ground disturbance appeared minimised through site inspection. | Compliance | |
| 6c | Site inductions will include identification of native vegetation exclusion areas and designated site access routes. | site induction materials | | | Site induction materials covered the protection of native vegetation. | Compliance | |
| 7a | Gas drainage well pads will be located to avoid impacts to surface drainage lines, wherever practicable. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Gas drainage infrastructure was constructed over the reporting period. Annual reviews indicate that disturbance associated with the construction of the well pads were rehabilitated adequately. | Compliance | |
| 7b | Self banded fuel tanks and chemical spill kits will be implemented at active gas drainage well pads. | | | | Gas drainage infrastructure was constructed over the reporting period. Annual reviews indicate that disturbance associated with the construction of the well pads were rehabilitated adequately. | Compliance | |
| 7c | The frequency of monitoring groundwater levels in monitoring bores surrounding the open cut pit will be increased to monthly for the duration of the extraction of coal from the Hebden Seam. | | | | No extraction of Hebden Seam in the audit period | Not Triggered | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------------------|--|--|----------------------------|----------------------------|--|--------------------|----------------|
| 8a | Industry standard sediment control measures will be implemented prior to ground disturbance, including use of clean water diversions, where required. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. | Compliance | |
| 8b | Long-term stockpiles will be stabilised with jute mesh or grass cover. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. | Compliance | |
| 8c | Clean water diversions will be implemented around gas drainage well pads. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. | Compliance | |
| 9a | The potential for visual screening of gas drainage wells on Macquarie Generation-owned land will be investigated to minimise the visual intrusion of the wells. | | | | Screen plantings were sighted by the Auditor. | Compliance | |
| 9b | The use of low profile well head covers to secure well heads following the active use of the gas drainage wells on Macquarie Generation-owned land will be investigated to minimise the visual intrusion of the wells. | | | | Low profile well head covers are being used for wells on land owned by AGLM. | Compliance | |
| 10a | Construction waste will be recycled or disposed of in accordance with the existing ACOL approved Waste Management Plan. | | | | Construction of works associated with MOD7 have been completed prior to the audit period. | Not Triggered | |
| MODIFICATION 9 | | | | | | | |
| 1a | Locations of the infrastructure, access track and sediment dam have been designed to avoid known Aboriginal heritage sites, wherever practicable. | | | | | Noted | |
| 1b | Infrastructure locations have been surveyed for Aboriginal artefacts prior to disturbance. Where Aboriginal artefacts are identified these will either be salvaged or relocated in accordance with the conditions of AHIP 1131017. | | | | | Noted | |
| 1c | A perimeter barricade will be placed around known objects located in proximity to the proposed works to avoid unintentional impacts during construction and operation. | | | | Works associated with MOD9 were completed prior to the audit period. | Not Triggered | |
| 1d | Site inductions will include identification of Aboriginal heritage exclusion areas and actions to be undertaken where additional Aboriginal artefacts are identified, in accordance with ACOL's existing Aboriginal heritage management protocols. | site induction materials | | | Site induction materials covered the protection of native vegetation. | Compliance | |
| 2a | A temporary noise barrier (e.g. site sheds or shipping container) will be installed east of the site during pilot hole and drop hole drilling. | | | | Works associated with MOD9 were completed prior to the audit period. | Not Triggered | |
| 2b | Noise monitoring will be undertaken during construction to ensure compliance with the relevant criteria. | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Works associated with MOD9 were completed prior to the audit period. Construction noise monitoring described in the NMP. | Not Triggered | |
| 3a | A water cart will be used to suppress dust on access tracks and on disturbed areas, where required. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. | Compliance | |
| 3b | Disturbed areas not required for ongoing operations will be promptly rehabilitated. | 1. Mining Operations Plan, 2 Ashton Coal 2019 Annual Review, dated 31 March 2020. 3. Ashton Coal 2020 Annual Review, dated 30 March 2021. 4. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Rehabilitation for the site is detailed in the MOP. The annual reviews outline that progressive rehabilitation of disturbed areas is occurring. | Compliance | |
| 4a | Ground disturbance will be minimised as far as practicable. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Mining Operations Plan | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. The MOP details the rehabilitation actions for the site. | Compliance | |
| 4b | Site access will be restricted to existing and proposed access tracks. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. | Compliance | |
| 4c | Site inductions will include identification of designated site access routes and correct driving behaviour. | Site induction materials | | | Site access and driver behaviour are covered by the site inductions. | Compliance | |
| 5a | Industry standard sediment control measures will be implemented prior to ground disturbance. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. | Compliance | |
| 5b | Clean water diversions will be implemented around the site. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. | Compliance | |
| 5c | An appropriately sized sediment dam will be constructed to capture surface water runoff from disturbed areas. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. | Compliance | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|------------------------|---|--|----------------------------|----------------------------|--|--------------------|----------------|
| 5d | Disturbed areas will be revegetated as soon as possible. | 1. Mining Operations Plan 2. Ashton Coal 2019 Annual Review, dated 31 March 2020. 3. Ashton Coal 2020 Annual Review, dated 30 March 2021. 4. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Rehabilitation for the site is detailed in the MOP. The annual reviews outline that progressive rehabilitation of disturbed areas is occurring. | Compliance | |
| 6a | Vehicle access, for construction and operation of this project, will be restricted to designated site access routes. ACOL and construction employee access to "Dairy Lane" will be restricted to left in and left out, where required. | | | | Construction of works associated with MOD9 have been completed prior to the audit period. | Not Triggered | |
| 6b | Temporary "trucks turning" signs will be installed on the New England Highway in both directions, 200 to 300 m in advance of the intersection, during construction. | | | | Construction of works associated with MOD9 have been completed prior to the audit period. | Not Triggered | |
| 7a | Screening vegetation will be used to limit visual exposure to the northwest and south. | | | | Construction of works associated with MOD9 have been completed prior to the audit period. | Not Triggered | |
| 7b | The colour of the ventilation fan infrastructure will be selected so as to be visually recessive with the surrounding landscape. | | | | Construction of works associated with MOD9 have been completed prior to the audit period. | Not Triggered | |
| 8a | Construction waste will be recycled or disposed of in accordance with the existing ACOL approved Waste Management Plan. | | | | Construction of works associated with MOD9 have been completed prior to the audit period. | Not Triggered | |
| MODIFICATION 10 | | | | | | | |
| 1a | A temporary noise barrier will be used to minimise drill noise while ever gas bore construction activities are in close proximity to Property 130. | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. 2. Complaints register | | | No wells drilled Property 130 during the audit period | Not Triggered | |
| 1b | Noise monitoring will be conducted at the boundary of Property 130 during gas bore construction in proximity to the property boundary. | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. 2. Complaints register | | | No wells drilled Property 130 during the audit period | Not Triggered | |
| 2a | Site disturbance will be minimised as far as practicably possible, including limiting vegetation clearing and soil disturbance and minimising the number and size of soil stockpiles. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Mining Operations Plan | | | The MOP details the rehabilitation actions for the site. Confirmed limited ground disturbance through site inspection | Compliance | |
| 2b | A water cart will be used to suppress dust on access tracks and on disturbance areas, particularly during dry and windy conditions. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans | | | Environmental management controls in accordance with the EMS and associated plans continue to be implemented. | Compliance | |
| 2c | Disturbed areas not required for ongoing operations will be promptly rehabilitated. | 1. Mining operations plan 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Rehabilitation for the site is detailed in the MOP. The annual reviews outline that progressive rehabilitation of disturbed areas is occurring. | Compliance | |
| 2d | Vehicle speeds on unsealed tracks will be restricted to a level that minimises dust generation. Vehicle movements (such as delivery and movement of materials) will be coordinated to avoid unnecessary trips on unsealed access tracks. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans Yancoal Roads or other vehicle operating areas Principal Mining Hazard Management Plan | | | Environmental management controls in accordance with the EMS and associated plans continue to be implemented. Roads or other vehicle operating areas Principal Mining Hazard Management Plan sighted which minimises dust | Compliance | |
| 2e | When a mobile gas plant is used on Macquarie Generation owned land or within 100 m of Property 130, Air sampling near non-ACOL owned land work areas will be implemented to measure methane levels. | | | | No wells drilled Property 130 during the audit period | Not Triggered | |
| 3a | Drained gas will be flared wherever practicably possible. | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | Gas flares have been installed. | Compliance | |
| 3b | Use of mobile flares in conjunction with use of the mobile gas plant will be investigated. | | | | These works occurred prior to this audit period. | Not Triggered | |
| 3c | Economically viable alternative uses of drained gas will be investigated. | | | | These works occurred prior to this audit period. | Not Triggered | |
| 4a | Aboriginal heritage sites will be avoided as far as practicably possible. Where Aboriginal heritage sites can not be avoided, potentially impacted objects will either be salvaged or relocated in accordance with an approved AHIP, ACOL's ACHMP and in consultation with Aboriginal community stakeholders. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Heritage Management Plan, dated September 2020 | | | A review of annual reviews indicate that where Aboriginal Heritage Items cannot be avoided, they are managed in accordance with the procedures outlined in the HMP and in conjunction with the RAPs. | Compliance | |
| 4b | A perimeter barricade will be placed around known objects located in proximity to the proposed works to avoid unintentional impacts during construction and operation. | 1. Heritage Management Plan, dated September 2020 | | | The HMP includes measures to satisfy the requirements of this condition. The HMP is being adequately implemented. | Compliance | |
| | Site inductions will include identification of Aboriginal heritage exclusion areas and actions to be undertaken where additional Aboriginal objects are identified, in accordance with ACOL's existing Aboriginal heritage management protocols. | Site induction materials | | | Appropriate training programs (induction and operator specific training) for site personnel including the protection of heritage finds and known heritage sites. | Compliance | |
| 5a | Ecologically sensitive areas will be avoided as far as practicably possible. | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. | | | A BMP has been prepared for the site and includes measures to protect ecologically sensitive areas. | Compliance | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|---|---|-----------------------------------|----------------------------|---|--------------------|----------------|
| 5b | Ground disturbance will be minimised as far as practicably possible. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Management plans 3. Mining Operations Plan | | | Environmental management controls in accordance with the EMS and associated plans are implemented on site. The MOP details the rehabilitation actions for the site. | Compliance | |
| 5c | The location of pipe laying and excavation will be assisted by a qualified ecologist including walking over of suitable habitat areas for target species immediately preceding construction. | | | | Not triggered . | Not Triggered | |
| 5d | Areas containing EEC species will be avoided as far as practicably possible, provided the safety of underground mine workers is not compromised. Where avoidance is not possible, areas to be disturbed will be selected to avoid clearing trees as far as practically possible. | 1. Ashton Coal Project Biodiversity Management Plan, Version J, dated 5 November 2020. GDPs for subsidence crack repairs | | | The BMP contains appropriate controls to minimise the impact on EEC species. GDPs for subsidence crack repairs were sighted. Ecological checks and pre clearance surveys noted | Compliance | |
| 6a | The "Dairy Lane" property access intersection will be used as a 'right in' intersection for south bound vehicles accessing the site when other approved ACP development is occurring with approved traffic controls. In the event these traffic controls do not exist, the 'dairy lane' intersection will be operated as a 'left in left out' only. | | | | report by exception - audit did not identify any non-compliances with this condition and identified Ashton vehicles utilising the intersection as required | Compliance | |
| 6b | Temporary "trucks turning" signs will be installed on the New England Highway in advance of site access intersections during construction. | | | | Construction of works associated with MOD10 occurred prior to the audit period. | Not Triggered | |
| 6c | Heavy vehicle use of the "Dairy Lane" intersection during school bus pick-up / drop-off and milk tanker access times will be minimised as far as practically possible. | | | | Based on information provided, no incidents or accidents have occurred. | Compliance | |
| 7a | Visual screening will be used to reduce the visibility of gas bores on Macquarie Generation owned land to the Brunkers Lane / realigned Lemington Road and New England Highway as far as practically possible. | | | | Screen plantings were sighted by the Auditor. Two well locations are ongoing. GDPs include conditions ensuring that this outcome happens | Compliance | |
| 7b | Gas flares will be finished with visually recessive colours where possible. | | | | The gas flares are finished in accordance with the requirements of this condition. Not visible from the road | Compliance | |
| 8a | Industry standard sediment control measures will be implemented prior to ground disturbance. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. Construction activities outside the audit period. Sed controls implemented around gas well pads. | Compliance | |
| 8b | Clean water diversions will be implemented around the gas drainage plant site. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control are described in the WMP. The auditor viewed erosion and sediment controls during the site audit, which were found to be satisfactory. Construction activities outside the audit period. Sed controls implemented around gas well pads. | Compliance | |
| 8c | Disturbed areas will be revegetated as soon as possible. | 1. Mining Operations Plan 2 Ashton Coal 2019 Annual Review, dated 31 March 2020. 3. Ashton Coal 2020 Annual Review, dated 30 March 2021. 4. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Rehabilitation for the site is detailed in the RMP. The annual reviews outline that progressive rehabilitation of disturbed areas is occurring. | Compliance | |
| 8d | Gas bores will be drilled by a licenced driller and in accordance with bore construction guidelines, where relevant, including sealing off alluvial aquifer zones. | 1. Selection of driller qualifications | | | Ashton provided a selection of driller qualifications. | Compliance | |
| 9a | Construction waste will be recycled or disposed of in accordance with the existing ACOL approved Waste Management Plan. | | | | waste appeared well managed - JR Richards total waste contract | Compliance | |
| 10a | Visual screening will be used to reduce the visibility of gas bores on Macquarie Generation owned land to the Brunkers Lane / realigned Lemington Road and New England Highway as far as practically possible. | | | | Screen plantings were sighted by the Auditor. | Compliance | |
| 10b | Monitoring for methane will be undertaken during free-venting in close proximity to Macquarie Generation work areas (including the Void 5 ash dam). | | | | Not during reporting period | Not Triggered | |
| 10c | Continue regular Ashton / Macquarie Generation interaction meetings as appropriate. | Evidence of meetings | | | Ashton to meeting minutes sighted during site interviews | Compliance | |
| 10d | Continue to consult about future gas supply / use options | Evidence of meetings | | | Ashton to meeting minutes sighted during site interviews | Compliance | |
| 11a | Access to property 130 will be maintained through all stages of the project through the ROW access track or the alternative access track. | | Interview C Eckersley and P Brown | | access maintained as required | Compliance | |

| Condition Reference | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|--|--|----------------------------|----------------------------|---|--------------------|----------------|
| 11b | Gas bores will be set-back a minimum of 12 m (from the edge of the pad) from the centre of the ROW access tracks. | Evidence of gas bore setbacks | | | sighted during audit | Compliance | |
| 11c | Gas bores will be set-back a minimum of 50 m from the Property 130 boundary. | no works near Property 130 during audit term | | | Not during reporting period | Not Triggered | |
| 11d | Monitoring of methane and odours will be undertaken during free-venting within 100 m of the Property 130 boundary. | | | | Not during reporting period | Not Triggered | |
| 11e | Heavy vehicle use of the "Dairy Lane" intersection during school bus pick-up / drop-off and milk tanker access times will be minimised as far as practically possible. | | | | Based on information provided, no complaints, incidents or accidents have occurred. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|--|---|--|----------------------------|----------------------------|---|--------------------|----------------|
| EPL 11879 | | | | | | | | |
| A1.1 | Administrative Conditions | This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition A2: Coal Works Mining for Coal Note: In relation to this licence, the licensee must comply with: a) the activity scale limits imposed by this licence; b) the activity scale limits which apply for the reporting period specified in this licence; and c) the activity scale limits imposed by other legal instruments, such as approvals currently in force under the Environmental Planning and Assessment Act 1979 | | | | noted | Compliance | |
| A2.1 | | This licence applies to the following premises: Ashton Coal Mine Glennies Creek Road and New England Highway Camberwell NSW 2330 Premises boundary defined by shape files and marked as 'Ashton Environmental Protection Licence Area' on the plan titled "Ashton Underground Environmental Protection Licence" drawing no. A-9846 dated 15/09/2022, with both shapefiles and plan provided to the EPA on 26/09/2022 (EPA reference doc22/850412). | | | | | Noted | |
| A3.1 | | Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence. | | | | | | Noted |
| P1.1 | Discharges to Air and Water and Applications to Land | 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 emission of pollutants from the point. Points 9, 10, 11 and 16 | 1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. | | | Monitoring points are identified in Section 4.4 of the AQGGMP and in EPA boundary plans | Compliance | |
| P1.2 | | The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area. | | | | | Noted | |
| P1.3 | | The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point. Points 2, 3, 4, .5, 6, 7, 8., 7, 17 to 31 | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Monitoring locations are identified in Section 6.1.2 and 7.2.2 of the WMP. On EPA boundary plans | Compliance | |
| 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. Points 12, 13, 14 and 15 and 32 | 1. Ashton Coal Project Noise Management Plan Version D12, dated September 2020. | | | Monitoring locations are identified in Section 4.5 of the NMP On EPA boundary plans | Compliance | |
| P1.5 | | For the purposes of Condition P1.1, P1.2 and P1.3, Figure 1 refers to the plan titled "Ashton Underground Mine Environment Protection licence 11879 Premises Boundary, Surface Infrastructure" dated 30/08/19 (EPA reference DOC19/761196) | | | | | Noted | |
| P1.6 | | For the purpose of Condition P1.4, Figure 2 refers to the plan titled "Ashton Underground Mine Environment Protection licence 11879 Premises Boundary, Monitoring" dated 30/08/19 (EPA reference DOC19/761196) | | | | | Noted | |
| P1.7 | | The datum for grid references in this Licence is the Geodetic Datum of Australia 1994 (GDA94), Zone 56. | | | | | Noted | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|----------------------|---|--|----------------------------|----------------------------|--|--------------------|----------------|
| L1.1 | Pollution of Waters | 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. | | | | No water discharges from the site have occurred during the Audit Period. One environmental incident occurred during the audit period relating to potential pollution of waters on 21 July 2022 where the PIRMP was triggered. Water sampling undertaken following the incident indicated that pollutants were not released into Bowmans Creek. | Compliance | |
| L2.1 | Concentration Limits | Flares must be operated by the licensee such that there is no visible emission other than for a total period of no more than 5 minutes in any 2 hours, except for heat haze. | 1. Complaints register | | | No complaints or incidents relating to flare operation were reported over the Audit Period No incidents. | Compliance | |
| L3.1 | Waste | The licensee must not cause permit or allow any waste generated outside the premises to be received at the premises except as permitted by this Licence. | site inspection | | | No wastes generated off-site were observed during the site inspection. | Compliance | |
| L3.2 | Waste | The Licensee must not dispose of waste on the premises unless authorised by a condition of this Licence. | | | | No wastes waste disposal end destination is onsite | Compliance | |
| L4.1 | Noise Limits | Noise from the premises must not exceed the noise limits presented in the table below. Residences referenced in this table are from the consent DA 309-11-2001-i and summarised in the EPA reference DOC19/761196 Point 13, 14, 15 and all other privately owned residences Day LAeq(15 min) 38 Evening LAeq(15 min) 38 Night LAeq(15 min) 36 Night LAeq(1 min) 46 | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Noise monitoring reports uploaded on the website: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ 5. Complaints register | | | A review of data presented in the Annual Review Documents as well as noise monitoring results uploaded onto the website indicate that noise limits have not been exceeded over the reporting period. Two noise related complaints were received during the Audit Period. The results of the investigations indicated that the noise sources were unlikely to have been the Ashton operations. | Compliance | |
| L4.2 | | For the purpose of Condition L4.1: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays, b) Evening is defined as the period from 6pm to 10pm, and c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays | | | | | Noted | |
| L4.3 | | The noise emission limits identified in condition L4.1 apply under the following meteorological conditions: a) wind speeds up to 3 m/s at 10 m above ground level; and b) temperature inversion conditions up to 3 degrees C/100 m. | 1. Noise monitoring reports uploaded on the website: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A review of select noise monitoring reports found that monitoring was being undertaken in accordance with the requirements of this condition. | Compliance | |
| L4.4 | | For the purposes of condition L4.1: a) Data recorded by the closest and most representative meteorological station installed on the premises at EPA Identification Point 12 must be used to determine meteorological conditions; and b) Temperature inversion conditions (stability category) are to be determined by the methods referred to in Fact Sheet D of the Noise Policy for Industry (2017) using EPA Identification Points 12 and 32 | 1. Noise monitoring reports uploaded on the website: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A review of select noise monitoring reports found that monitoring was being undertaken in accordance with the requirements of this condition. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|------------------------------------|--|--|----------------------------|----------------------------|--|--------------------|----------------|
| O1.1 | Operating Conditions | 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. | | | | Activities at the site are being undertaken in a competent manner as per the requirements of this condition. | Compliance | |
| O2.1 | Maintenance of plant and equipment | All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner. | Maintenance logs, service history etc. | | | Appropriate records of plant maintenance were sighted. | Compliance | |
| O2.2 | Sewage Treatment System | The licensee is responsible for the correct operation of the sewage treatment system on the premises. | | | | | Noted | |
| O2.3 | | Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system management requirements and must ensure that the necessary service contracts are in place. | Maintenance logs, service history etc. | | | Ashton has access to all relevant operational manuals, but utilises the services of a register wastewater treatment system engineer to inspect and maintain the site sewage treatment systems. Appropriate records of plant maintenance were sighted. Annual STP report in R conditions in EPL | Compliance | |
| 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. | Maintenance logs, service history etc. | | | The sewage treatment system was serviced by a suitably qualified technician over the reporting period. As above | Compliance | |
| O2.5 | | The licensee must record each inspection and any actions required or recommended by the technician including all results of tests performed on the sewage treatment system by the technician as required in Condition O2.4 | Maintenance logs, service history etc. | | | The sewage treatment system was serviced by a suitably qualified technician over the reporting period. As above | Compliance | |
| O2.6 | | The licensee must prepare a sewage treatment system maintenance program. The program must include: a) Certification from the system provider that the sewage treatment system is operating within its capacity; b) Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and c) Provide written records of each quarterly inspection. | Maintenance logs, service history etc. | | | The sewage treatment system was serviced by a suitably qualified technician over the reporting period. As above | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|------------------------------|--|---|----------------------------|----------------------------|--|--------------------|--|
| 03.1 | Dust | All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020. 5. Complaints register 6. EPL Monitoring data spreadsheet | | | Based on site inspection - operations appear to be carried out in a manner that minimised emission of dust by employing a range of controls in accordance with the AQGHGMP | Compliance | |
| 03.2 | | All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust. | | | | Based on site inspection - operations appear to be carried out in a manner that minimised emission of dust by employing a range of controls in accordance with the AQGHGMP | Compliance | |
| 03.3 | | The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises | | | | Based on site inspection - operations appear to be carried out in a manner that minimised emission of dust by employing a range of controls in accordance with the AQGHGMP | Compliance | |
| 04.1 | Effluent Application to Land | The licensee must ensure that the effluent discharge utilisation area perimeter is fenced and signposted "Effluent Re-Use Area Keep Out" and controlled in a manner to ensure exclusion of persons from that area. | | | | The effluent discharge area is appropriately signposted and fenced off from public access. | Compliance | |
| 04.2 | | The licensee must ensure that sprays or mists from irrigation do not drift beyond the boundary of the effluent discharge utilisation area and that no ponding occurs. | | | | No ponding or effluent overspray was observed during the audit. | Compliance | |
| 04.3 | | Application of wastewaters must only be applied at a rate that can be assimilated by the effluent discharge utilisation area and its evapotranspiration capacity. | | | | No ponding or effluent overspray was observed during the audit. | Compliance | |
| 05.1 | Emergency Response | The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations | 1. Ashton Coal Pollution Incident Response Management Plan, Revision 1E, dated 20 December 2021. | | | The PIRMP has been prepared and maintained for the site in accordance with Part 5.7A of the POEO Act 1997. The PIRMP was triggered due to potential for environmental harm as a result of an incident relating to an excavator falling into a creek on 21 July 2022. In accordance with the POEO Act, the PIRMP must be tested within 30 days of an incident triggering the PIRMP. Evidence of this test was sighted by the auditor during the audit. The PIRMP was retested on 25 July 2022. Ashton noted to the auditor that minor amendments have been made to the PIRMP. It is recommended that these updates are formalised through a new revision of the PIRMP. | Compliance | Ensure that the PIRMP is updated as per the outcomes of the PIRMP test. Publish the updated PIRMP to the project website and make available to site staff. |
| 06.1 | Processes and Management | Banks, channels and similar works must be constructed and maintained to divert stormwater away from disturbed or contaminated land surfaces such as mine workings, haul roads, overburden disposal areas, coal handling areas and wastewater treatment facilities. All diversion banks, channels and points of discharge must be constructed or stabilised so as to minimise erosion and scouring | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | Erosion and sediment control for the site are outlined in Section 5 of the WMP Surface water management infrastructure and controls installed generally meet the requirements of this Condition. | Compliance | |
| 07.1 | Waste Management | A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of mine water, sewage effluent and other wastewater. | 1. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | A water management system has been constructed and utilised, includes the collection, storage, treatment, use and disposal of mine water, sewage effluent and other wastewater. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 07.2 | | Bund(s) must be installed around areas in which fuels, oils and chemicals are stored. Bunds must: a) have walls and floors constructed of impervious materials; 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); c) have walls not be less than 250 millimetres high; d) have floors graded to a collection sump | | | | All chemicals and fuels sighted during the audit were stored in appropriately banded areas. Bund designs were constructed in accordance to the requirements of AS 1940 and met the requirements of this Condition. | Compliance | |
| 07.3 | | A wastewater treatment facility with oil separator and sediment trap must be installed to treat drainage from the hardstand, vehicle servicing and general workshop areas. | Weekly Workshop Proforma | | | Hardstand areas drain to appropriate oil / water / sediment traps. | Compliance | |
| 08.1 | Other Conditions | There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA. | Requested waste management plan | | | Ashton's waste management plan prohibits waste burning. No evidence was waste incineration or burning was identified during the site audit. | Compliance | |
| M1.1 | Monitoring Records | 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. | 1. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | In addition to the annual Reports and specific (consultant) environmental monitoring reports, EPL monitoring data is provided on the websites in spreadsheet format . The records maintained meet the requirements of the Condition. | Compliance | |
| M1.2 | | All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them. | 1. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | In addition to the annual Reports and specific (consultant) environmental monitoring reports, EPL monitoring data is provided on the websites in spreadsheet format . The records are adequate and range from the audit period back to 2012. | Compliance | |
| M1.3 | | The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample. | 1. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | The publicly available data includes information regarding sampling date and monitoring point. The auditor reviewed a select sample of internally kept monitoring records and found them to contain the relevant information required by this condition. | Compliance | |
| M2.1 | Monitoring Requirements | 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 | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. EPA Annual Return for 2019 5. EPA Annual Return for 2020 6. EPA Annual Return for 2021 7. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A non-compliance against this condition was recorded in the 2020 and 2021 EPA annual return, where sampling frequency for air quality was not adequate. The auditor notes that Condition M2.4 defines continuous as 95% of the time for the reporting period for condition M2.2. This condition was introduced in the latest modification of the EPL. Non-compliances reported in previous reporting period had data capture percentages above 95% and therefore no corrective action has been recommended. | Non-compliance | No corrective action required |
| M2.2 | Air Monitoring Requirements | Points 9, 10, 11 PM 10 Continuous AM-22 | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. EPA Annual Return for 2020 5. EPA Annual Return for 2020 6. EPA Annual Return for 2021 7. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ 8. Data provided for Annual review for 2022 | | | A non-compliance against this condition was also identified in the 2019 IEA. No corrective action was recommended, however Ashton committed to introducing of an automated alarm which notified staff upon non-receipt of monitoring data. Ashton also committed to incorporating this requirement into the AQGGMP. This has been completed. Non-compliances were also identified against this condition in regard to data capture in the 2020 and 2021 annual returns constituting a low risk non-compliance. As discussed in M2.1, Condition M2.4 defines continuous as 95% of the time for the reporting period for this condition. As non-compliances reported in the previous annual return periods had data capture percentages above 95% no corrective action has been recommended. | Non-compliance | No corrective action required |

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| M2.3 | Water Monitoring Requirements | <p>Point 2, 3, 4, 5, 6 and 7: Conductivity Monthly uS/cm Grab Sample pH Monthly Grab Sample TSS m/l Monthly Grab Sample</p> <p>Point 17,18 and 19 Faecal Coliforms cfu/100 mm Quarterly Grab Sample pH Quarterly Grab Sample</p> <p>Points 20-31 Conductivity Six-Monthly uS/cm Grab Sample Standing Water Level Six-Monthly Metres in situ</p> | <p>1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. EPA Annual Return for 2019 5. EPA Annual Return for 2020 6. EPA Annual Return for 2021 7. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/</p> | | | <p>A non-compliance against this condition was identified in the 2019 IEA. Ashton committed to adding new EPL groundwater monitoring sites to the groundwater monitoring program, as part of Site Water Management Plan (SWMP) review. This has been completed and is considered closed.</p> <p>One monthly surface water sample unable to be collected from SM9 (EPL Point 6) in March 2021 due to boggy conditions preventing safe access to sampling location. This constitutes a low risk non-compliance and was reported in the 2021 EPA Annual Return. As this has not occurred again since the non-compliance was reported, no corrective actions are proposed.</p> | Non-compliance | No corrective action required |
| M2.4 | | <p>For the purposes of conditions M2.2 and M4.1, 'Continuous' means the operation of equipment to achieve a minimum pollutant and/or meteorological data capture rate of 95% for the duration of the licence Annual Return reporting period. The calculation of the data capture rate does not include data loss caused by the following activities: a) routine maintenance; b) routine calibration, including zero and span checks; c) other activity or condition as approved in writing by the EPA.</p> <p>Note: The above condition is interim only. The minimum data capture rate and calculation method required to achieve continuous monitoring is subject to review and could change, resulting in a change of this condition</p> | | | | | Noted | |
| M3.1 | Testing Methods | <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: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.</p> <p>Note: The Protection of the Environment Operations (Clean Air) Regulation 2021 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> | <p>1. Ashton Coal Project Air Quality and Greenhouse Gas Management Plan. Version G1, dated September 2020.</p> | | | <p>The air quality monitoring methods used to monitor compliance meet the requirements of this Condition.</p> | Compliance | |
| M3.2 | | <p>Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.</p> | <p>To view water sampling records in audit</p> | | | <p>All water and sampling test reports sighted by the Auditor were provided by NATA Registered Laboratories. NATA Registration applies to the testing methods reported and meet the requirements of this Condition.</p> | Compliance | |
| M4.1 | Weather Monitoring | <p>The licensee must collect and analyse meteorological data at monitoring point 12 for the parameters, at a frequency, averaging period and using a method as specified in the table below.</p> <p>Temperature C Continuous 1 hr average AM-4 Rainfall mm Continuous 15 Minute average AM-4 Wind Direction @ degrees Continuous 10 Minute average AM-2 and AM-4 Wind Speed @ m/s Continuous 10 Minute average AM-2 and AM-4 Temperature Lapse Rate degrees Continuous 15 Minute average Factsheet D of the NSW NPfI</p> <p>Note: All methods are specified in the Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales and all monitoring must be conducted strictly in accordance with the requirements outlined in this document.</p> | <p>1. EPA Annual Return for 2019 2. EPA Annual Return for 2020 3. EPA Annual Return for 2021 4. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/</p> <p>Met Station letter of compliance</p> | | | <p>A non-compliance was recorded against this condition in the 2020 EPA annual return where the wind vane became frozen in place, meaning that wind direction was not able to be measured. This constitutes a low risk non-compliance. The EPA considered the action taken by Ashton Coal to be appropriate.</p> <p>A non-compliance was recorded against this condition in the 2021 EPA annual return as data capture was sub-continuous. This constitutes a low risk non-compliance. As discussed in M2.1, Condition M2.4 defines continuous as 95% of the time for the annual return period for this condition. As non-compliances reported in the previous annual return periods had data capture percentages above 95% no corrective action has been recommended.</p> <p>Letter of compliance for M2 with approved methods for sampling have been provided by Novecom for the stations dated 14 December 2022</p> | Non-compliance | No corrective action required |
| M5.1 | | <p>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.</p> | <p>1. Complaints Register</p> | | | <p>A public complaints register to maintained on the public website (that complaints register does not identify complainants).</p> | Compliance | |

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| M5.2 | Recording of Pollution Complaints | The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken. | 1. Complaints Register 2. Ashton internal form used to record complaints | | | A public complaints register to maintained on the public website (that complaints register does not identify complainants). This register contains the following information: - Date and time - Nature of complaint - Details and response (includes statement on how the complaint was made) Personal details are kept on an individual complaint records for privacy purposes. | Compliance | |
| M5.3 | | The record of a complaint must be kept for at least 4 years after the complaint was made. | 1. Complaints Register | | | Yearly complaints registers presented on the website go back longer than four years. | Compliance | |
| M5.4 | | The record must be produced to any authorised officer of the EPA who asks to see them. | | | | did not occur during audit period | Not Triggered | |
| M6.1 | Telephone Complaints Line | 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. | 1. Ashton Coal Website https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/ | | | A non-compliance against this condition was recorded during the 2019 IEA as DPE had found Ashton to be non-compliant within the reporting period. The 2019 Audit recommended that regular checks of the complaints line be undertaken. Ashton's website provides both email and telephone enquiries and complaints lines. The environmental hotline was tested by the auditor prior to the audit and was found to be functional and attended. | Compliance | |
| 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. | 1. Ashton Coal Website https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/ | | | Ashton's website provides both email and telephone enquiries and complaints lines. | Compliance | |
| M6.3 | | The preceding two conditions do not apply until 3 months after the date of the issue of this licence | | | | The initial licence for the Colliery was granted prior to the audit period, and therefore this condition remains not triggered. | Not Triggered | |
| M7.1 | Other Monitoring and Recording Conditions | The Licensee must record the average PM10 concentration at monitoring points 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 | 1. EPA Annual Return for 2019 2. EPA Annual Return for 2020 3. EPA Annual Return for 2021 4. Ashton environmental monitoring data spreadsheets: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A non-compliance against this condition was recorded in the 2021 Annual Return whereby sampling frequency was not undertaken in accordance with the requirements of this condition. This constitutes a low risk non-compliance. As per M2.4, data capture requirements have changed and therefore a non-compliance of this nature would not currently be a non-compliance. No corrective action is proposed. | Non-compliance | No corrective action required |
| M8.1 | Noise Monitoring | To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below. Points 13, 14 and 15 Assessment Period Night, Monthly, 15 min duration, 1 operational day | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Noise Monitoring Results: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A review of noise monitoring reports and the Annual Reviews indicate that attended noise monitoring is being undertaken in accordance with this condition. | Compliance | |
| M8.2 | | For the purposes of compliance monitoring and determining the noise generated at the premises the modification factors in the EPA's Fact Sheet C of the Noise Policy for Industry (2017) must be applied, as appropriate, to the noise levels measured by noise monitoring equipment. Definitions Noise refers to 'sound pressure levels' for the purpose of conditions L4.1 to L4.4 and condition M8. | 1. Noise Monitoring Results: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A review of select noise monitoring reports have found that monitoring is being undertaken in compliance with this condition. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| R1.1 | Reporting conditions | The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide the licensee notification that the Annual Review is due. | 1. EPA Public Register (EPL 11879) | | | All Annual Returns required over the Audit Period have been submitted to the EPA. The auditor notes that the 2022 Annual Return is not due until after this IEA will be complete. | Compliance | |
| R1.2 | | An Annual Return must be prepared in respect of each reporting period, except as provided below | 1. EPA Public Register (EPL 11879) | | | As per condition R1.1 | Compliance | |
| R1.3 | | Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose | | | | licence not transferred in last audit period | Not Triggered | |
| R1.4 | | Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates | | | | Ashton Coal have not surrendered a licence or had a licence revoked. This condition is therefore not triggered. | Not Triggered | |
| R1.5 | | The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date'). | 1. EPA Public Register (EPL 11879) | | | The Annual Return for the 2019 reporting period was submitted on 31 March 2020, greater than 60 days since the reporting period finished on 31 December 2019. This constitutes an administrative non-compliance. The Annual returns for 2020 and 2021 reporting period were submitted to the EPA within the 60 day timeframe. | Non-compliance | No corrective action is proposed. |
| 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. | 1. EPA Public Register (EPL 11879) | | | Ashton have access to copies of all Annual Returns. | Compliance | |
| R1.7 | | Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder. | 1. EPA Public Register (EPL 11879) | | | All annual returns are executed in accordance with this Condition. | Compliance | |
| R2.1 | Notification of Environmental Harm | Notifications of Environmental Harm must be made by telephoning the Environment Line service on 131 555. | | | | EPA notified by phone and email of an incident 21 / 7 / 22 | Compliance | |
| 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. Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act. | | | | sighted written letter to EPA dated 28/7/22 regarding excavator incident. Sighted PIRMP activation information and stakeholders notification process | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| R3.1 | Annual return documents | Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event | | | | sighted written letter to EPA dated 28/7/22 regarding excavator incident. Sighted PIRMP activation information and stakeholders notification process | Compliance | |
| 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. | | | | sighted written letter to EPA dated 28/7/22 regarding excavator incident. Sighted PIRMP activation information and stakeholders notification process. No further information requested by EPA | Compliance | |
| R3.3 | | The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters | | | | sighted written letter to EPA dated 28/7/22 regarding excavator incident. Which includes this information Sighted PIRMP activation information and stakeholders notification process. No further information requested by EPA | Compliance | |
| 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 | | | | sighted written letter to EPA dated 28/7/22 regarding excavator incident. Sighted PIRMP activation information and stakeholders notification process. No further information requested by EPA | Compliance | |
| R4.1 | Noise exceedance notifications | The licensee must report any exceedance of licence noise limits to the EPA Hunter at hunter.region@epa.nsw.gov.au as soon as practicable after the exceedance becomes know to the licensee or to one of the licensee's employees or agents | 1. Ashton Coal 2019 Annual Review, dated 30 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Noise Monitoring Results: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | No exceedances of noise limits occurred during the Audit Period. | Not Triggered | |
| R4.2 | Notification of pollution of waters | The Licensee must notify the EPA by telephoning the Environment Line service on 131 555 immediately after the Licensee becomes aware of any contravention or potential contravention of Condition L1 of the Licence | | | | One incident occurred during the audit period where an excavator was driven off a spillway into Bowmans Creek. The EPA were notified of the incident. Testing of water quality in Bowmans Creek indicated that pollution of waters did not occur and as there was no contravention of condition L1, this condition is not triggered. | Not Triggered | |
| R4.3 | | The Licensee must provide written details of the notification to the EPA Director Hunter at hunter.region@epa.nsw.gov.au within 7 days of the date of the notification | | | | Not triggered | Not Triggered | |
| R5.1 | Noise compliance assessment | A noise compliance assessment report must be submitted to the EPA on an annual basis with the Annual Return as set out in Condition R1. The report must be prepared by an accredited acoustical consultant and determine compliance with noise limits at noise monitoring points specified in Condition (s) P1.4 and L4.2 to L4.4 | 1. Noise Compliance Assessments for 2019, 2020 and 2021 (appended to Annual Reviews) | | | This condition was identified as being non-compliant in the previous IEA, whereby the auditor could not verify that the noise compliance assessments have been submitted to the EPA. Ashton committed to check for, and include, supporting reports as part of EPL Annual Return to be documented in the EMS. The EMS has been updated and therefore the recommendation from the previous audit is closed. Noise compliance reports have been prepared for 2019, 2020 and 2021 reporting year. 2022 in preparation. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| R5.2 | Water Quality Monitoring Report | The licensee must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following: a) for the monitoring required by the licence during the reporting period to which the Annual Return relates: (i) a summary of results for all ambient water quality monitoring required by the licence in table form and graphical form; (ii) total daily rainfall records from the premises meteorological monitoring required by the licence on the day that the sampling was undertaken in table form; (iii) total daily continuous rainfall records in graphical form; and (iv) a plan with the monitoring locations. b) A graphical presentation of the trends of monitoring results required by the licence for the reporting period to which the Annual Return relates and the preceding data for the period of record the licensee has monitoring results for the licensed location. c) A graphical representation of total daily continuous rainfall records required by the licence for the record that matches the ambient water quality results, if available | Annual reports for SW and GW quality completed by AGE consultants 2020, 2021 and 2022 sighted | | | Annual reports for SW and GW quality completed by AGE consultants 2020, 2021 and 2022 sighted and meet condition R5.2 | Compliance | |
| R5.3 | Groundwater quality monitoring report | The licensee must provide the EPA with its Annual Return an annual groundwater quality monitoring report prepared by an appropriately qualified and experienced person that includes the following: a) for the monitoring required by the licence during the reporting period to which the Annual Return relates: (i) a summary of results for all groundwater quality monitoring required by the licence in table form and graphical form; (ii) total daily rainfall records from the premises meteorological monitoring required by the licence on the day that the sampling was undertaken in table form; (iii) total daily continuous rainfall records in graphical form; and (iv) a plan with the monitoring locations. b) A graphical presentation of the trends of monitoring results required by the licence for the reporting period to which the Annual Return relates and the preceding data for the period of record the licensee has monitoring results for the licensed location. c) A graphical representation of total daily continuous rainfall records required by the licence for the record that matches the groundwater quality results, if available. | 1. Annual Groundwater Monitoring Review for 2019, 2020 and 2021 (appended to Annual Reviews) | | | Annual groundwater monitoring review reports have been prepared for 2019, 2020 and 2021 reporting year. These are appended to the Annual Reviews for the respective year. The annual groundwater monitoring reports have been prepared in accordance with the requirements of this condition. | Compliance | |
| R5.4 | Sewage Treatment Report | The sewage treatment system maintenance program required by Condition O2.6 must be submitted annually to the EPA with the Annual Return. | Ashton coal sewage treatment plant maintenance reports for 2019, 2020 and 2021 | | | Ashton coal sewage treatment plant maintenance reports for 2019, 2020 and 2021 | Compliance | |
| R5.5 | General | The licensee must retain a copy of each report required by Condition O2.5 for 3 years from the date each record is made. | | | | Ashton coal sewage treatment plant maintenance reports for 2019, 2020 and 2021 sighted | Compliance | |
| G1.1 | Copy of Licence | A copy of this licence must be kept at the premises to which the licence applies. | | | | A copy of the EPL was provided to the Auditor. | Compliance | |
| G1.2 | | The licence must be produced to any authorised officer of the EPA who asks to see it. | | | | Not triggered during report period | Not Triggered | |
| G1.3 | | The licence must be available for inspection by any employee or agent of the licensee working at the premises. | | | | auditor sighted during interviews | Compliance | |
| G2.1 | Telephone Contact Line | The licensee must operate one 24-hour telephone contact line for the purpose of enabling the EPA: a) to contact the licensee or a representative of the licensee who can respond at all times to incidents relating to individual premises, and b) to contact the licensee's senior employees or agents authorised at all times to: i) speak on behalf of the licensee, and ii) provide any information or document required under licence. | 1. Website: https://www.ashtoncoal.com.au/page/sustainability/community/community-complaints-register/ | | | Ashton's website provides both email and telephone enquiries and complaints lines. | Compliance | |
| G3.1 | | completed programs | | | | These programs were completed prior to the audit period, and therefore this condition is not triggered | Not Triggered | |

| Clause | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| Standard Conditions Mining Regulation 2016 Schedule 8A Part 2 | | | | | | | | |
| 4(1) | Must prevent or minimise harm to environment | The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease. | 1. Ashton Coal Project Environmental Management Strategy, Version F dated September 2020 2. Monitoring data on website: https://www.ashtoncoal.com.au/page/sustainability/environment/air-quality-monitoring/ | | | A review of monitoring data and the management plans prepared for the project found that in general, Ashton are conducting activities in a way that minimises harm to the environment. | Compliance | |
| 4(2) | | In this clause— harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997. | | | | Noted | Noted | |
| 5 | Rehabilitation to occur as soon as reasonably practicable after disturbance | The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | The RMP prepared for the site describes how rehabilitation will be undertaken. The RMP states that approximately 68 ha of land has been rehabilitated to Agricultural – Grazing areas and approximately 71 ha of land has been rehabilitated to Native Ecosystems | Compliance | |
| 6(1) | Rehabilitation must achieve final land use | The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | Final land use for the site is described in Section 2 of the RMP. As the site is not planning on closure in the near future, this condition remains not triggered. | Not Triggered | |
| 6(2) | | The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1). | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | Regulatory requirements and planning approvals are described in Section 2.1 of the RMP. A review of the RMP indicates that Ashton are complying with the requirements of this condition. | Compliance | |
| 6(3) | | The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1). Note— Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | A rehabilitation risk assessment is presented in Section 3 and Attachment 1 of the RMP. | Compliance | |
| 6(4) | | In this clause— final land use for the mining area means the final landform and land uses to be achieved for the mining area— (a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and (b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and (c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition. planning approval means— (a) a development consent within the meaning of the Environmental Planning and Assessment Act 1979, or (b) an approval under that Act, Division 5.1. | | | | | Noted | |
| 7(1) | Rehabilitation risk assessment | The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that— (a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease— (i) the rehabilitation objectives, (ii) the rehabilitation completion criteria, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and (b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | A rehabilitation risk assessment is presented in Section 3 and Attachment 1 of the RMP. The rehabilitation risk assessment is compliant with the requirements of this condition. | Compliance | |
| 7(2) | | The holder of the mining lease must implement the measures identified. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | To view rehabilitated areas during audit | Ashton implemented existing controls identified in the rehabilitation risk assessment. | Compliance | |

| Clause | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 7(3) | | The holder of a mining lease must conduct a rehabilitation risk assessment— (a) for a large mine—before preparing a rehabilitation management plan, and (b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and (c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and (d) whenever given a written direction to do so by the Secretary. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | A rehabilitation risk assessment as prepared prior to the finalisation of the RMP. It is appended in Attachment 1 of the RMP. | Compliance | |
| 8 | Application of Division | This Division does not apply to a mining lease unless— (a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or (b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease. | 1. Mining leases granted (ML1529, ML1533, ML1623, ML1696) | | | The minimum deposit for a mining lease is outlined in Clause 261BF of the <i>Mining Act 1992</i> and Clause 93 of the <i>Mining Regulation 2016</i> . For the purposes of section 261BF of the <i>Mining Act</i> , the minimum deposit for an authorisation is— (a) \$200 for a small-scale title, and (b) \$1,000 for an environmental assessment permit, and (c) \$10,000 for any other authorisation The security deposit is larger than \$10,000 and therefore this division is applicable to the site. | Noted | |
| 9 | General requirements for documents | A document required to be prepared under this Division must— (a) be in a form approved by the Secretary, and Note— The approved forms are available on the Department's website. (b) include any matter required to be included by the form, and (c) if required to be given to the Secretary—be given in a way approved by the Secretary. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | The RMP was prepared in accordance with the 'Form and Way Rehabilitation Management Plan for Large Mines' (NSW RR, 2021) | Compliance | |
| 10(1) | Rehabilitation management plans for large mines | The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following— (a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area, (b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation, (c) a summary of rehabilitation risk assessments conducted by the holder, (d) the risk control measures identified in the rehabilitation risk assessments, (e) the rehabilitation outcome documents for the mining lease, (f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | The RMP has been prepared in accordance with the requirements of this condition. The matters required by (a) to (f) of this condition are satisfied in the sections below (a) Section 6.2 (b) Section 5 (c) Section 3 (d) Section 3, Attachment 1 (e) Section 4 and 5 (f) Section 4 | Compliance | |
| 10(2) | | If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document. | | | | The RMP was prepared prior to the Rehabilitation Objectives and Rehabilitation Completion Criteria being approved by NSW Resources Regulator. Ashton have made the commitment to update the RMP following approval of the Rehabilitation Objectives and Completion Criteria | Compliance | |
| 10(3) | | A rehabilitation management plan is not required to be given to the Secretary for approval. | | | | | Noted | |
| 10(4) | | The holder of the mining lease— (a) must implement the matters set out in the rehabilitation management plan, and (b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | As the RMP was prepared in August 2022, the requirement to produce an Annual Rehabilitation Report and Forward Program has not been triggered. | Not Triggered | |
| 11 | Amendment of rehabilitation management plans | The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows— (a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved, (b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made, (c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted, (d) whenever given a written direction to do so by the Secretary—in accordance with the direction. | | | | No triggers of this condition have occurred during the reporting period. | Not Triggered | |

| Clause | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 12(1) | Rehabilitation outcome documents | The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval— (a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area, (b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives, (c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | The RMP has been prepared in accordance with the requirements of this condition. The matters required by (a) to (c) of this condition are satisfied in the sections below (a) Section 4 (b) Section 4 (c) Section 5 | Compliance | |
| 12(2) | | If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 | | | Condition S3.41 of the project approval states rehabilitation objectives for various components of the site. These have been incorporated into the rehabilitation objectives outlined in the RMP. | Compliance | |
| 13(1) | | The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following— (a) a schedule of mining activities for the mining area for the next 3 years, (b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years, (c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs. | 1. Ashton Coal Mine Forward Program - Friday 31 December 2021 to Monday 30 December 2024 2. Ashton Coal Project Annual Rehabilitation Report and Forward Program, Version 1 dated August 2022 2. Submission receipt dated 25 January 2023 | | | The forward program satisfies the requirements of this condition. | Compliance | |
| 13(2) | Forward program and annual rehabilitation report | The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes— (a) a description of the rehabilitation undertaken over the annual reporting period, (b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period, (c) a report demonstrating progress made towards the achievement of the following— (i) the objectives set out in the rehabilitation objectives statement, (ii) the criteria set out in the rehabilitation completion criteria statement, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan. | | | | The timeframe for the annual report is determined by clause 13(5). This condition is not triggered. | Not triggered | |
| 13(3) | | If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document. | | | | The timeframe for the annual report is determined by clause 13(5). This condition is not triggered. | Not triggered | |
| 13(4) | | The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary. | 1. Submission receipt dated 25 January 2023 | | | The receipt of submission was provided for the forward program. The requirement to submit an annual rehabilitation report has not been triggered as per condition 13(5). | Compliance | |
| 13(5) | | In this clause— annual reporting period means each period of 12 months commencing on— (a) the date on which the mining lease is granted, or (b) if the Secretary approves another date in relation to the mining lease—the other date. | | | | The timeframe for the annual report has not been exceeded. This condition is not triggered. | Not triggered | |
| 14(1) | | This clause applies to— (a) a rehabilitation outcome document if it has been approved by the Secretary, and (b) a forward program if it has been given to the Secretary. | | | | Noted | Noted | |
| 14(2) | Amendment of rehabilitation outcome documents and forward program | The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless— (a) the Secretary gives the holder a written direction to do so, or (b) the Secretary, on written application by the holder, gives a written approval of the amendment. | | | | No directions of this nature have been served in the reporting period. This condition is therefore not triggered. | Not triggered | |

| Clause | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 14(3) | | The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval. | | | | No directions of this nature have been served in the reporting period. This condition is therefore not triggered. | Not triggered | |
| 14(4) | | Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval. | | | | | Noted | |
| 15(1) | | The holder of a mining lease must do the following before the end of the initial period— (a) prepare a rehabilitation management plan, and (b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and (c) prepare a forward program and give it to the Secretary. | 1. Rehabilitation Management Plan, Version 1 dated 1 August 2022 2. Ashton Coal Project Annual Rehabilitation Report and Forward Program, Version 1 dated August 2022 | | | A RMP has been prepared for the site dated 1 August 2022. The rehabilitation outcomes for the site are described in Section 4. The forward program was drafted separately to the RMP. | Compliance | |
| 15(2) | | The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before— (a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or (b) a later date approved by the Secretary. | | | | The first annual reporting period following the preparation of the RMP has not concluded. Refer to 13(1). Therefore, this condition remains not triggered. | Not Triggered | |
| 15(3) | | A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary. | | | | The first annual reporting period following the preparation of the RMP has not concluded. Refer to 13(1). Therefore, this condition remains not triggered. | Not Triggered | |
| 15(4) | Times at which documents must be prepared and given | The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before— (a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or (b) a later date approved by the Secretary. | | | | The development consent has not been modified since the preparation of the rehabilitation outcomes. This condition is therefore not triggered. | Not Triggered | |
| 15(5) | | A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3). | | | | As condition 15(3) is not triggered, this condition also remains not triggered. | Not Triggered | |
| 15(6) | | The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause. | | | | No requests of this nature have been issued over the reporting period. This condition is not triggered. | Not Triggered | |
| 15(7) | | The holder of the mining lease must comply with the direction. | | | | Refer to above. | Not Triggered | |
| 15(8) | | In this clause— initial period means the period commencing when the mining lease is granted and ending— (a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or (b) if this Division applies to the mining lease because of an increase in the required security deposit— (i) when the surface of the mining area is disturbed by activities under the mining lease, or (ii) at a later date approved by the Secretary. | | | | | Noted | |
| 16(1) | | This clause applies to the following documents— (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report. | | | | | Noted | |
| 16(2) | Certain documents to be publicly | The holder of a mining lease must make a document to which this clause applies publicly available by— (a) publishing it on its website in a prominent position, or (b) if the holder does not have a website— providing a copy of it to a person— (i) on the written request of a person, and (ii) without charge, and (iii) within 14 days after the request is received. | Ashton Coal Website https://www.ashtoncoal.com.au/ | | | The RMP is available on the Ashton Coal Website and is located in a prominent position. The Forward Program is not on the website, therefore constituting an administrative non-compliance. | Non-compliance | Publish the Forward Program on the website. |

| Clause | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 16(3) | available | If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published— (a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or (b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended, | Ashton Coal Website https://www.ashtoncoal.com.au/ | | | The RMP is available on the Ashton Coal Website. The Forward Program is not on the website, therefore constituting an administrative non-compliance. | Non-compliance | As above. |
| 16(4) | | Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause. | | | | | Noted | |
| 17 | Records demonstrating compliance | The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part. Note— The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained. | | | | Ashton provided documentation readily during the audit. | Compliance | |
| 18(1) | | The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with— (a) a condition of the mining lease, or Note— The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition. (b) a requirement of the Act or this Regulation relating to activities under the mining lease | | | | No non-compliances have been identified by Ashton post 1 July 2022, and therefore this condition is not triggered. Note: Compliance against this condition was not assessed prior to 1 July 2022 as per Resources Regulator direction during the audit consultation process. | Not Triggered | |
| 18(2) | Report on non-compliance | The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance. | | | | Refer above. | Not Triggered | |
| 18(3) | | The holder of the mining lease must ensure the report— (a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and (b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and (c) describes the causes or likely causes of the non-compliance, and (d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance. | | | | Refer above. | Not Triggered | |
| 19(1) | | The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act. Note— The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act. | | | | The Manager - Land Tenements is the nominated contact person. | Compliance | |
| 19(2) | Nominated contact person | The holder of the mining lease must give written notice to the Secretary of— (a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and (b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs. | 1. Letter to DPE from Ashton Coal dated 21 December 2022 | | | Ashton nominated the Manager - Tenements and Land Access as the identified contact person in a lodgement on the Resources Regulator Portal dated 11 July 2022. Ashton provided a follow up letter confirming the nominated person on 21 December 2022. | Compliance | |
| 19(3) | | The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses. | Notification to secretary | | | The notification provided Resources Regulator with the required details. | Compliance | |
| 20(1) | Additional requirements—application for or to modify development consent | The holder of a mining lease must give written notice to the Secretary within 10 days after— (a) making an application for development consent that relates to the mining area, or (b) making an application for modification of a development consent— (i) under the Environmental Planning and Assessment Act 1979, section 4.55(2), and (ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area. | | | | The most recent modification (MOD11) was undertaken as an SSD modification. Therefore, as per condition 20(2), this condition is not triggered. | Not triggered | |

| Clause | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 20(2) | | This clause does not apply if the development is State significant development | | | | Refer to 20(1). | Not triggered | |
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| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|--|-----------------------------------|---|----------------------------------|----------------------------|----------------------------|---|--------------------|----------------|
| ML1529 (Standard Conditions Mining Regulation 2016 Schedule 8A Part 2 Covered in other table) | | | | | | | | |
| General conditions | | | | | | | | |
| 1 | Notice to landholders | (a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing: (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area. | 1. Notifications to landholders. | | | Ashton provided the landholder notification which was given to landholders within the required timeframe. | Compliance | |
| | | (b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated | | | | Noted | Noted | |
| 2 | Group Security | The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future. The amount to be provided and maintained as a group security deposit is \$23,852,000. The leases covered by the group security include: ML 1529 (Head lease) ML 1533 ML1623 ML1696 | 1. Proof of group security | | | Proof of the group security being held was provided in hard copy during the audit. | Compliance | |
| 3 | Cooperation agreement | The lease holder must make every reasonable attempt and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1992. The cooperation agreement should address but not be limited to: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. | | | | Ashton have cooperation agreements with the following surrounding organisations: - Glendell (dated 1 July 2003) - AGLM (dated 24 February 2012) | Compliance | |
| 4 | Assessable Prospecting Operations | (a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless: (i) it is carried out in accordance with any necessary development consent; or (ii) if development consent is not required, the prior written approval of the Minister has been obtained. | | | | No prospecting has occurred since the renewal of the mining lease to the end of this audit period. | Not triggered | |
| | | (b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. | | | | As above | Not triggered | |
| | | (c) An approval granted by the Minister under this condition may be granted subject to terms. | | | | As above | Not triggered | |
| | | (d) The lease holder must comply with the approval granted to the holder under this condition. | | | | As above | Not triggered | |
| Special conditions | | | | | | | | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------------------|-------------|--|--|----------------------------|----------------------------|--|--------------------|----------------|
| Nil | | | | | | | | |
| Exploration Reporting | | | | | | | | |
| Note | | Exploration Reports (Geological and Geophysical) The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation 2016. Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales. | 1. Annual Exploration Report for the period 10/09/2019 to 9/09/2020 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 2 October 2020 2. Annual Exploration Report for the period 10/09/2020 to 9/09/2021 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 8 October 2021 3. Annual Exploration Report for the period 10/09/2021 to 9/09/2022 Mining Leases No's. ML 1529, ML 1533, ML 1623 and ML 1696 (1992) | | | Annual exploration reports were provided for the 2020, 2021 and 2022 reporting year. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|--|-----------------------------------|---|----------------------------|----------------------------|----------------------------|---|--------------------|----------------|
| ML1533 (Standard Conditions Mining Regulation 2016 Schedule 8A Part 2 Covered in other table) | | | | | | | | |
| General conditions | | | | | | | | |
| 1 | Notice to landholders | (a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing: (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area. | | | | The mining lease was varied on 8 September 2022. A renewal or grant of this lease has not occurred in the audit period and therefore this condition is not triggered. | Not triggered | |
| | | (b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated | | | | Note | Noted | |
| 2 | Group Security | The security deposit to be provided and maintained for this mining lease is part of a group security deposit. The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future. The amount of the security deposit to be provided as a group security deposit has been assessed at \$23,852,000. The leases covered by the group security include this ML 1533 (1992) and: ML1529 ML1623 ML1696 | 1. Proof of group security | | | Proof of the group security being held was provided in hard copy during the audit. | Compliance | |
| 3 | Cooperation agreement | The lease holder must make every reasonable attempt and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1992. The cooperation agreement should address but not be limited to: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. | | | | Ashton have cooperation agreements with the following surrounding organisations: - Glendell (dated 1 July 2003) - AGLM (dated 24 February 2012) | Compliance | |
| 4 | Assessable Prospecting Operations | (a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless: (i) it is carried out in accordance with any necessary development consent; or (ii) if development consent is not required, the prior written approval of the Minister has been obtained. | | | | No prospecting has occurred since the renewal of the mining lease to the end of this audit period. | Not triggered | |
| | | (b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. | | | | As above | Not triggered | |
| | | (c) An approval granted by the Minister under this condition may be granted subject to terms. | | | | As above | Not triggered | |
| | | (d) The lease holder must comply with the approval granted to the holder under this condition. | | | | As above | Not triggered | |
| Special conditions | | | | | | | | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|-----------------------------|--|--|----------------------------|----------------------------|--|--------------------|----------------|
| 5 | Dams Safety - Mining Leases | (a) The lease holder must not mine within any part of the lease area which is within the notification area of the Ravensworth In pit Storage Dam and the Ravensworth Void 5 Ash Dam without the prior written approval of the Minister and subject to any conditions the Minister may stipulate | 1. Letter to DRG, dated 15 August 2017 | | | Notification for mining within the Ravensworth Void 5 Ash Dam was triggered prior to the audit period. | Not triggered | |
| | | (b) Where the lease holder desires to mine within the notification area, the lease holder must: (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 (ii) provide such information as the Minister may direct | | | | Notification for mining within the Ravensworth Void 5 Ash Dam was triggered prior to the audit period. | Not triggered | |
| | | (c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. (i) This sub-paragraph is complied with if (a) Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined (c) the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal (d) Dams Safety NSW 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 (e) where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph (ii) Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier | | | | | Noted | |
| | | (d) The Minister, on notice from Dams Safety NSW, may at any time or times: (i) cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed | | | | | | Noted |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|-------------|--|--|----------------------------|----------------------------|--|--------------------|----------------|
| Note | | Exploration Reports (Geological and Geophysical) The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation 2016. Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales. | <ul style="list-style-type: none"> 1. Annual Exploration Report for the period 10/09/2019 to 9/09/2020 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 2 October 2020 2. Annual Exploration Report for the period 10/09/2020 to 9/09/2021 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 8 October 2021 3. Annual Exploration Report for the period 10/09/2021 to 9/09/2022 Mining Leases No's. ML 1529, ML 1533, ML 1623 and ML 1696 (1992) | | | Annual exploration reports were provided for the 2020, 2021 and 2022 reporting year. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---|-----------------------------------|---|----------------------------|----------------------------|----------------------------|---|--------------------|----------------|
| ML 1623 (Standard Conditions Mining Regulation 2016 Schedule 8A Part 2 Covered in other table) | | | | | | | | |
| General conditions | | | | | | | | |
| 1 | Notice to landholders | (a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing: (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area. | | | | The mining lease was varied on 8 September 2022. A renewal or grant of this lease has not occurred in the audit period and therefore this condition is not triggered. | Not triggered | |
| | | (b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated | | | | Note | Noted | |
| 2 | Group Security | The security deposit to be provided and maintained for this mining lease is part of a group security deposit. The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future. The amount of the security deposit to be provided as a group security deposit has been assessed at \$23,852,000. The leases covered by the group security include this ML 1623 (1992) and: ML1529 ML1533 ML1696 | 1. Proof of group security | | | Proof of the group security being held was provided in hard copy during the audit. | Compliance | |
| 3 | Cooperation agreement | The lease holder must make every reasonable attempt and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1992. The cooperation agreement should address but not be limited to: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. | | | | Ashton have cooperation agreements with the following surrounding organisations: - Glendell (dated 1 July 2003) - AGLM (dated 24 February 2012) | Compliance | |
| 4 | Assessable Prospecting Operations | (a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless: (i) it is carried out in accordance with any necessary development consent; or (ii) if development consent is not required, the prior written approval of the Minister has been obtained. | | | | No prospecting has occurred since the renewal of the mining lease to the end of this audit period. | Not triggered | |
| | | (b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval. | | | | As above | Not triggered | |
| | | (c) An approval granted by the Minister under this condition may be granted subject to terms. | | | | As above | Not triggered | |
| | | (d) The lease holder must comply with the approval granted to the holder under this condition. | | | | As above | Not triggered | |
| Special conditions | | | | | | | | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|-----------------------------|--|--|----------------------------|----------------------------|--|--------------------|----------------|
| 5 | Dams Safety - Mining Leases | (a) The lease holder must not mine within any part of the lease area which is within the notification area of the Ravensworth In pit Storage Dam and the Ravensworth Void 5 Ash Dam without the prior written approval of the Minister and subject to any conditions the Minister may stipulate. | 1. Letter to DRG, dated 15 August 2017 | | | Notification for mining within the Ravensworth Void 5 Ash Dam was triggered prior to the audit period. | Not triggered | |
| | | (b) Where the lease holder desires to mine within the notification area, the lease holder must: (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 (ii) provide such information as the Minister may direct | | | | Notification for mining within the Ravensworth Void 5 Ash Dam was triggered prior to the audit period. | Not triggered | |
| | | (c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with. (i) This sub-paragraph is complied with if (a) Dams Safety NSW as constituted by section 6 of the Dams Safety Act 2015 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined (c) the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal (d) Dams Safety NSW 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 (e) where Dams Safety NSW has made recommendations the approval is in terms that are: - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph (ii) Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: - as determined by agreement between the Minister and the Minister administering the Dams Safety Act 2015; or - in the event of failure to reach such agreement - as determined by the Premier | | | | | Noted | |
| | | The Minister, on notice from Dams Safety NSW, may at any time or times: (i) cancel any approval given where a notice pursuant to section 19 of the Dams Safety Act 2015 is given. (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed | | | | | | Noted |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|-------------|--|--|----------------------------|----------------------------|--|--------------------|----------------|
| Note | | Exploration Reports (Geological and Geophysical) The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation 2016. Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales. | <ul style="list-style-type: none"> 1. Annual Exploration Report for the period 10/09/2019 to 9/09/2020 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 2 October 2020 2. Annual Exploration Report for the period 10/09/2020 to 9/09/2021 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 8 October 2021 3. Annual Exploration Report for the period 10/09/2021 to 9/09/2022 Mining Leases No's. ML 1529, ML 1533, ML 1623 and ML 1696 (1992) | | | Annual exploration reports were provided for the 2020, 2021 and 2022 reporting year. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---|-----------------------|---|----------------------------|----------------------------|----------------------------|---|--------------------|----------------|
| ML 1696 (Standard Conditions Mining Regulation 2016 Schedule 8A Part 2 Covered in other table) | | | | | | | | |
| General conditions | | | | | | | | |
| 1 | Notice to landholders | (a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing: (i) that this mining lease has been granted or renewed; and (ii) whether the lease includes the surface. The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area. | | | | The mining lease was varied on 8 September 2022. A renewal or grant of this lease has not occurred in the audit period and therefore this condition is not triggered. | Not triggered | |
| | | (b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated | | | | Note | Noted | |
| 2 | Group Security | The security deposit to be provided and maintained for this mining lease is part of a group security deposit. The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future. The amount of the security deposit to be provided as a group security deposit has been assessed at \$23,852,000. The leases covered by the group security include this ML 1696 (1992) and: ML1529 ML1533 ML1623 | 1. Proof of group security | | | Proof of the group security being held was provided in hard copy during the audit. | Compliance | |
| 3 | Cooperation agreement | The lease holder must make every reasonable attempt and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the Mining Act 1992 and petroleum titles issued under the Petroleum (Onshore) Act 1992. The cooperation agreement should address but not be limited to: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. | | | | Ashton have cooperation agreements with the following surrounding organisations: - Glendell (dated 1 July 2003) - AGLM (dated 24 February 2012) | Compliance | |
| Special conditions | | | | | | | | |
| Nil | | | | | | | | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|----------------------|--|--|---|----------------------------|--|--|--------------------|----------------|
| Former ML1529 | | | | | | | | |
| 1 (a) | Notice to Landholders | Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the leaseholder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. | | | | This Mining Lease was issued in November 2010, which is before the audit period. This condition is therefore not triggered | Not triggered | |
| 1 (b) | | If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area | 1. Copy of news paper advertisement notifying landowners of the grant of this mining lease | | | This Mining Lease was issued in November 2010, which is before the audit period. This condition is therefore not triggered | Not triggered | |
| 2 | Rehabilitation | Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | Inspection of the rehabilitation area. | Rehabilitation implementation is described in Section 7 of the MOP. The auditor viewed the rehabilitation area during the site inspection component of the audit. | Compliance | |
| 3(a) | Mining Operations Plan | The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | A non-compliance against this condition was identified in the previous IEA whereby an inspection by DRE inspectors identified a number of instances where the requirements of the MOP were not being fully implemented. The previous IEA recommended to ensure that all that all commitments in the MOP (and other management plans) are fully implemented. A review of management plans undertaken during the audit and the site inspection identified that mining was being undertaken generally in accordance with the approved MOP. | Compliance | |
| 3(b) | | The MOP must: (i) identify areas that will be disturbed by mining operations; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The MOP outlines the disturbance area in Section 7.2. | Compliance | |
| | | (ii) details the staging of specific mining operations, mining purposes and prospecting; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The staging of mining operations is presented in the mining plans in Section 10 | Compliance | |
| | | (iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | Section 4 of the MOP describes post mining land use and rehabilitation. | Compliance | |
| | | (v) reflects the conditions of approval under: • the Environmental Planning and Assessment Act 1979; • the Protection of the Environment Operations Act 1997; and • any other approvals relevant to the development including the conditions of this mining lease. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | Section 3 of the MOP describes the environmental issues relevant to the operations and how those issues will be addressed. | Compliance | |
| 3(c) | | The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The MOP was prepared in accordance with ESG3: Mining Operations Plan (MOP) Guidelines September 2013 | Compliance | |
| 3(d) | | The lease holder may apply to the Minister to amend an approved MOP at any time. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The MOP has not been amended during the audit period. | Not triggered | |
| 3(e) | It is not a breach of this condition if: (i) the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004/ Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. | | | | No breaches of this nature have occurred during the reporting period. This condition is therefore not triggered. | Not triggered | | |
| 3(f) | The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must: (i) provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; (ii) be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and (iii) be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment . Note: The Rehabilitation Report replaces the Annual Environmental Management Report. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Annual review receipts for 2019, 2020 and 2021. | | | Whilst this condition states that the Rehabilitation Report replaces the Annual Review, Resources Regulator have accepted the Annual Reviews as satisfying the requirements of this condition. | Compliance | | |
| 4(a) | The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | The annual reviews for 2020 and 2021 provide a summary of compliance for the reporting period. | Compliance | | |
| 4(b) | The Compliance Report must include: (i) the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with; (ii) particulars of any non-compliance with any such conditions or provisions, (iii) the reasons for any such non-compliance; (iv) any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | The annual reviews for 2020 and 2021 provide a summary of compliance for the reporting period. | Compliance | | |
| 4 (c) | The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Annual review receipts for 2019, 2020 and 2021. | | | Resources Regulator have accepted the Annual Review to satisfy the requirements of this condition. | Compliance | | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|----------------------|-------------------------------|--|--|----------------------------|----------------------------|---|---|----------------|
| Former ML1529 | | | | | | | | |
| 4(d) | | In addition to annual lodgement under condition 4(c) above, a Compliance Report: (i) must accompany any application to renew this mining lease under the Act; (ii) must accompany any application to transfer this mining lease under the Act; and (iii) must accompany any application to cancel, or to partially cancel, this mining lease under the Act | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Annual review receipts for 2019, 2020 and 2021. | | | Resources Regulator have accepted the Annual Review to satisfy the requirements of this condition. | Compliance | |
| 4(e) | | Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | The annual reviews for 2020 and 2021 provide a summary of compliance for the reporting period. These are submitted to DPE on the 31 March Annually. | Compliance | |
| 4(f) | | A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease. | | | | This mining lease was renewed and therefore this condition is not triggered. | Not triggered | |
| 5(a) | Environmental Incident Report | The lease holder must notify the Department of all: (i) breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and (ii) breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach. Note. Refer to www.resources.nsw.gov.au/environment for notification contact details. | | | | One environmental incident occurred over the reporting period. On 21 July 2022. However, as per the direction from Resources Regulator in the audit consultation process, compliance against this version of the mining lease is only required to be assessed up to 1 July 2022. This condition is therefore not triggered. | Not triggered | |
| 5(b) | | The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include: (i) the details of the mining lease; (ii) contact details for the lease holder; (iii) a map identifying the location of the incident and where material harm to the environment has or is likely to occur; (iv) a description of the nature of the incident or breach, likely causes and consequences; (v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a). (vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease. Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.gov.au/environment for further details. | | | | Refer above. | Not triggered | |
| 5(c) | | In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease | | | | | Noted | Noted |
| 6(a) | Extraction Plan (as amended) | In this condition: (i) approved Extraction Plan means a plan, being: A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or B. a subsidence management plan relating to the mining operations subject to this lease: i. submitted to the Secretary on or before 31 December 2014; and ii. approved by the Secretary. (ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease. | | | | Noted | Noted | |
| 6(b) | | The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 4. Ashton Coal 2019 Annual Review, dated 31 March 2020. 5. Ashton Coal 2020 Annual Review, dated 30 March 2021. 6. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Extractions plans have been prepared for works undertaken by Ashton. The annual reviews prepared indicate that all works have been in areas under approved extraction plans. | Compliance | |
| 6(c) | | The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | | Extraction plans include subsidence management and monitoring measures. | Compliance |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| Former ML1529 | | | | | | | | |
| 6 (d) | | The lease holder must notify the Secretary within 48 hours of any: (i) incident caused by subsidence which has a potential to expose any person to health and safety risks; (ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or (iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: A. built features; Public safety; or C. subsidence monitoring. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Subsidence impacts have been within predicted limits. | Compliance | |
| 7 | Resource Recovery | The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible | | | | | | |
| 8 | Group security | The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$6,720,000. The leases covered by the group security include: Mining Lease No's 1529,1533 & 1623 (Act 1992) | | | | | Noted | |
| 9 | Cooperation Agreement | The lease 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 title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues. | | | | Ashton have cooperation agreements with the following surrounding organisations: - Glendell (dated 1 July 2003) - AGLM (dated 24 February 2012) | Compliance | |
| 10 | Barrier | The lease holder unless with the consent of the Minister and subject to such conditions as the Minister may impose shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows: The land within the zone beneath and adjacent to the Great Northern Railway enclosed by an angle of draw of 35° from the vertical plane of the boundary parallel to thirty (30) metres horizontally distant from either side of the railways land, such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, whichever may be the higher, to the floor of the coal seam in which mining operations are being carried out. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | All works have been undertaken within the approved mining lease boundaries. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| Former ML 1533 | | | | | | | | |
| 1 (a) | Notice to Landholders | Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the leaseholder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. | | | | This Mining Lease was issued in November 2010, which is before the audit period. This condition is therefore not triggered | Not triggered | |
| 1 (b) | | If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area | 1. Copy of news paper advertisement notifying landowners of the grant of this mining lease | | | This Mining Lease was issued in November 2010, which is before the audit period. This condition is therefore not triggered | Not triggered | |
| 2 (a) | | The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease. | | | | Environmental management controls in accordance with the EMS and associated plans are generally implemented adequately. Refer to assessment of compliance against the development consent and EPL 11879 for further details. | Compliance | |
| 2 (b) | Environmental Harm | For the purposes of this condition: (i) environment means components of the earth, including: (A) land, air and water, and . (B) any layer of the atmosphere, and (C) any organic or inorganic matter and any living organism, and (D) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C). | | | | | Noted | |
| | | (ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people. | | | | | | Noted |
| 3(a) | | Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | A non-compliance against this condition was identified in the previous IEA whereby an inspection by DRE inspectors identified a number of instances where the requirements of the MOP were not being fully implemented. The previous IEA recommended to ensure that all that all commitments in the MOP (and other management plans) are fully implemented. A review of management plans undertaken during the audit and the site inspection identified that mining was being undertaken in accordance with the approved MOP. | Compliance | |
| 3(b) | Mining Operations Plan | The MOP must: (i) identify areas that will be disturbed by mining operations; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The MOP outlines the disturbance area in Section 7.2. | Compliance | |
| | | (ii) detail the staging of specific mining operations; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The staging of mining operations is presented in the mining plans in Section 10 | Compliance | |
| | | (iii) identify how the mine will be managed to allow mine closure; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | Section 4 of the MOP describes post mining land use and rehabilitation. | Compliance | |
| | | (iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment; (v) reflect the conditions of approval under: • the Environmental Planning and Assessment Act 1979 • the Protection of the Environment Operations Act 1997 • and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director-General. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | Section 3 of the MOP describes the environmental issues relevant to the operations and how those issues will be addressed. Section 1.3 presents a summary of the licences and approvals under which the mine operates. | Compliance | |
| 3(c) | | The leaseholder may apply to the Director-General to amend an approved MOP at anytime | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The MOP has not been amended in the audit period. This condition is therefore not triggered. | Not triggered | |
| 3(d) | | It is not a breach of this condition if: (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and (ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. | | | | No breaches of this nature have occurred during the reporting period. This condition is therefore not triggered. | Not triggered | |
| 3(e) | | A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General | | | | Noted | Noted | |
| 4(a) | Environmental Management Report | The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Annual Reviews have been prepared and for each year covered by the Audit Period. | Compliance | |
| 4(b) | | The EMR must: (i) report against compliance with the MOP; (ii) report on progress in respect of rehabilitation completion criteria; (iii) report on the extent of compliance with regulatory requirements; and (iv) have regard to any relevant guidelines adopted by the Director-General | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | The Annual Reviews report on the progress of rehabilitation and regulatory compliance performance as required by this condition. | Compliance | |
| 5(a) | | The lease holder must report any environmental incidents. The report must: (i) be prepared according to any relevant Departmental guidelines; (ii) be submitted within 24 hours of the environmental incident occurring | | | | Noted | Noted | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
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| 5(b) | Environmental Incident Report | For the purposes of this condition, environmental incident includes: (i) any incident causing or threatening material harm to the environment (ii) any breach of Conditions 1 to 9 and 11 to 24; (iii) any breach of environment protection legislation; or, (iv) a serious complaint from landholders or the public. | | | | Noted | Noted | |
| 5(c) | | For the purposes of this condition, harm to the environment is material if: (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment. | | | | Noted | Noted | |
| 6 | Additional Environmental Reports | Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed. | | | | No additional environmental reports were requested during the Audit Period. This condition remains not triggered. | Not triggered | |
| 7 | Rehabilitation | Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | Inspection of the rehabilitation area. | Rehabilitation implementation is described in Section 7 of the MOP. The auditor viewed the rehabilitation area during the site inspection component of the audit. | Compliance | |
| 8 (a) | Extraction Plan (as amended) | In this condition: (i) approved Extraction Plan means a plan, being: A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or B. a subsidence management plan relating to the mining operations subject to this lease; I. submitted to the Secretary on or before 31 December 2014; and II. approved by the Secretary. (ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease. | | | | Noted | Noted | |
| 8 (b) | | The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 5. Ashton Coal 2019 Annual Review, dated 31 March 2020. 6. Ashton Coal 2020 Annual Review, dated 30 March 2021. 7. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Extraction plans have been prepared for works undertaken by Ashton. The annual reviews prepared indicate that all works have been in areas under approved extraction plans. | Compliance | |
| 8 (c) | | The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | Extraction plans include subsidence management and monitoring measures. | Compliance | |
| 8 (d) | | The lease holder must notify the Secretary within 48 hours of any: (i) incident caused by subsidence which has a potential to expose any person to health and safety risks; (ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or (iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: A. built features; B. public safety; or C. subsidence monitoring. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Subsidence impacts have been within predicted limits. | Compliance | |
| 9 (a) | Working Requirement | The lease holder must ensure that at least 36 competent people are efficiently employed in relation to the mining process or mining operation on the lease area OR | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | The number of employees exceeded 2 over the reporting period. | Compliance | |
| 9 (b) | | expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$630,000 per annum whilst the lease is in force. 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 | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Annual Exploration Report for the period 10/09/2019 to 9/09/2020 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 2 October 2020 | | | Expenditure on the operations exceeded \$630,000 annually during the Audit Period. No notices of this nature have been served over the audit period. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|--|--|--|--|---------------------------------------|---|---|----------------|
| 10 (a) | Blasting | 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, Climate Change and Water. | | Interview with P. Brown and C. Eckersley | | No blasting has occurred during the audit period. | Compliance | |
| 10 (b) | | 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 the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case maybe, unless determined otherwise by the Department of Environment, Climate Change and Water. | | Interview with P. Brown and C. Eckersley | | No blasting has occurred during the audit period. | Compliance | |
| 11 | Safety | Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drillholes 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 leaseholder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General; | | | Inspection of the active mining area. | The mine access portals are located within the site and are not public ally accessible. | Compliance | |
| 12 | Prevention of soil erosion and pollution | Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater)pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Ashton Coal Project Water Management Plan. Version 11, dated September 2020. | | | A review of activities and data presented in the annual reviews indicate that prospecting activity is being carried out in a manner consistent with the requirements of this condition. Environmental management controls in accordance with the EMS and section 5 of the WMP (Erosion and Sediment Control Plan) continue to be implemented. Refer to assessment of compliance for each factor required under the project approval. | Compliance | |
| 13 | Transmission Lines Communication Lines and pipelines | Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated | 1. Longwall 205 to 208 Built Features Management Plan. Revision 1. Dated October 2020 2. 11 kV Powerline Relocation documentation | | | Procedures and policies for public infrastructure repair or relocation are outlined in the Built Features Management Plan. Documentation regarding the relocation of the 11 kV powerline was provided in hard copy format. | Compliance | |
| 14 (a) | Roads and Tracks | The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund. | | Interview with P. Brown and C. Eckersley | | No requests for repair of damaged roads have been received over the audit period. | Compliance | |
| 14 (b) | | During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. | | Interview with P. Brown and C. Eckersley | | No impacts to public roads occurred over the audit period. The Dairy Lane Right of Way is maintained in a serviceable condition to provide access to Property 130. | Compliance | |
| 14 (c) | | Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, water courses or vegetation. | 1. Example ground disturbance permits | | | The example ground disturbance permits provided to the auditor during the audit describe access arrangements for works. | Compliance | |
| 14 (d) | | Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease. | 1. Example ground disturbance permits | Interview with P. Brown and C. Eckersley | | Rehabilitation and revegetation of temporary access tracks is covered in the Ground Disturbance Permit approvals. | Compliance | |
| 15 (a) | Trees and vegetation | The lease holder must not fell trees, strip bark or cut timber on any land subject of this lease without the consent of the landholder who is entitled to the use of the timber. | 1. Example ground disturbance permits | Interview with P. Brown and C. Eckersley | | All vegetation clearing within the site is authorised under the issue of Ground Disturbance Permits. | Compliance | |
| 15 (b) | | The lease holder must contact Forests NSW and obtain any required permit, licence or approval before taking from any Crown land within the lease area. Note: Any clearing not authorised under the Act must comply with the requirements of the Native Vegetation Act 2003. Any clearing or taking of timber on Crown land subject to the requirements of the Forestry Act 1916. | 1. Example ground disturbance permits | Interview with P. Brown and C. Eckersley | | All vegetation clearing within the site is authorised under the issue of Ground Disturbance Permits. | Compliance | |
| 17 (a) | Resource Recovery | 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, notice in writing to the lease holder may be given requiring the holder to recover such minerals. | | | | No notices have been received by Ashton related to resource recovery during the Audit Period. | Not triggered | |
| 17 (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 | | | | No notices have been received by Ashton related to resource recovery during the Audit Period. | Not triggered | |
| 17 (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 | | | | | No notices have been received by Ashton related to resource recovery during the Audit Period. | Not triggered |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|---------------------------------|---|---|----------------------------|----------------------------|---|--------------------|----------------|
| 18 | Indemnity | 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 | | | | Noted | Noted | |
| 21 | Single Security | The single security in the sum of \$6,7200,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Mining Lease 1529, Mining Lease 1 533 and Mining Lease 1623 (Act 1992) | | | | | Noted | |
| 22 (a) | | Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Ravensworth Mine In pit Storage and Ravensworth Void 5 Ash Dam without the prior written approval of the Minister and subject to any conditions he may stipulate. | 1. Letter to DRG, dated 15 August 2017 | | | Notification for mining within the Ravensworth Void 5 Ash Dam was triggered prior to the audit period. | Not triggered | |
| 22 (b) | | Where the lease holder desires to mine within the notification area he or she must: (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 (ii) provide such information as the Minister may direct | 1. Letter to DRG, dated 15 August 2017 | | | Notification for mining within the Ravensworth Void 5 Ash Dam was triggered prior to the audit period. | Not triggered | |
| 22(c) | Prescribed dam | 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. This sub-paragraph is complied with if: (i) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. (iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal. (iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and (v) where the Dams Safety Committee has made recommendations the approval is in terms that are in accordance with those recommendations; or where the Minister does not accept those recommendations or any of them - in accordance with a determination under subparagraph (ii) of this paragraph. (vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or in the event of failure to reach such agreement - as determined by the Premier. | | | | Noted | Noted | |
| 22(d) | | The Minister, on notice from the Dams Safety Committee, may at any time or times: (i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given. (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed | | | | Noted | Noted | |
| 23 | Suspension of mining operations | The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister. | | | | Mining has not been suspended during the reporting period. This condition is not triggered . | Not triggered | |
| 24 | Cooperation Agreement | The lease 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 title(s). The cooperation agreement should address but not be limited to issues such as: • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues. | | | | Ashton have corporation agreements with the following surrounding organisations: - Glendell (dated 1 July 2003) - AGLM (dated 24 February 2012) | Compliance | |
| 25 | Travelling stock reserves | The lease holder must permit the free and uninterrupted passage of stock through that part of the lease area covered by Travelling Stock Reserve No 66768 and must conduct operations in a manner that does not cause danger to travelling stock | | | | | Noted | |
| 26 | Barrier—Great Northern Railway | The lease holder unless with the consent of the Minister and subject to such conditions as the Minister may impose shall not work or cause to be worked any seam of coal by underground methods within the subject area within the barrier defined as follows: The land within the zone beneath and adjacent to the Great Northern Railway enclosed by an angle of draw of 35 from the vertical plane of the boundary parallel to thirty (30) metres horizontally distant from either side of the railway lands, such angle of draw being measured outwards from the point on the vertical plane of the said boundary at the surface or at the level of the horizontal plane of the railway track, which ever may be the higher, to the floor of the coal seam in which mining operations are being carried out | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | All works have been undertaken within the approved mining lease boundaries. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|-----------------------|---------------------------------|--|---|----------------------------|----------------------------|--|--------------------|----------------|
| Former ML 1623 | | | | | | | | |
| 1 (a) | Notice to Landholders | Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the leaseholder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice. | | | | This Mining Lease was issued in November 2010, which is before the audit period. This condition is therefore not triggered | Not triggered | |
| 1 (b) | | If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area | 1. Copy of news paper advertisement notifying landowners of the grant of this mining lease | | | This Mining Lease was issued in November 2010, which is before the audit period. This condition is therefore not triggered | Not triggered | |
| 2 (a) | | The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease. | | | | Environmental management controls in accordance with the EMS and associated plans are generally implemented adequately. Refer to assessment of compliance against the development consent and EPL 11879 for further details. | Compliance | |
| 2 (b) | Environmental Harm | For the purposes of this condition: (i) environment means components of the earth, including: (A) land, air and water, and (B) any layer of the atmosphere, and (C) any organic or inorganic matter and any living organism, and (D) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C). | | | | | Noted | |
| | | (ii) harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people. | | | | | | Noted |
| 3(a) | | Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | A non-compliance against this condition was identified in the previous IEA whereby an inspection by DRE inspectors identified a number of instances where the requirements of the MOP were not being fully implemented. The previous IEA recommended to ensure that all that all commitments in the MOP (and other management plans) are fully implemented. A review of management plans undertaken during the audit and the site inspection identified that mining was being undertaken in accordance with the approved MOP. | Compliance | |
| 3(b) | Mining Operations Plan | The MOP must: (i) identify areas that will be disturbed by mining operations; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The MOP outlines the disturbance area in Section 7.2. | Compliance | |
| | | (ii) detail the staging of specific mining operations; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The staging of mining operations is presented in the mining plans in Section 10 | Compliance | |
| | | (iii) identify how the mine will be managed to allow mine closure; | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | Section 4 of the MOP describes post mining land use and rehabilitation. | Compliance | |
| | | (iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment; (v) reflect the conditions of approval under: • the Environmental Planning and Assessment Act 1979 • the Protection of the Environment Operations Act 1997 • and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director-General. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | Section 3 of the MOP describes the environmental issues relevant to the operations and how those issues will be addressed. Section 1.3 presents a summary of the licences and approvals under which the mine operates. | Compliance | |
| 3(c) | | The leaseholder may apply to the Director-General to amend an approved MOP at anytime | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | | The MOP has not been amended in the audit period. This condition is therefore not triggered. | Not triggered | |
| 3(d) | | It is not a breach of this condition if: (i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and (ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. | | | | No breaches of this nature have occurred during the reporting period. This condition is therefore not triggered. | Not triggered | |
| 3(e) | | A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General | | | | Noted | Noted | |
| 4(a) | Environmental Management Report | The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Annual Reviews have been prepared and for each year covered by the Audit Period. | Compliance | |
| 4(b) | | The EMR must: (i) report against compliance with the MOP; (ii) report on progress in respect of rehabilitation completion criteria; (iii) report on the extent of compliance with regulatory requirements; and (iv) have regard to any relevant guidelines adopted by the Director-General | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | The Annual Reviews report on the progress of rehabilitation and regulatory compliance performance as required by this condition. | Compliance | |
| 5(a) | | The lease holder must report any environmental incidents. The report must: (i) be prepared according to any relevant Departmental guidelines; (ii) be submitted within 24 hours of the environmental incident occurring | | | | Noted | Noted | |
| 5(b) | Environmental | For the purposes of this condition, environmental incident includes: (i) any incident causing or threatening material harm to the environment (ii) any breach of Conditions 1 to 9 and 11 to 24; (iii) any breach of environment protection legislation; or, (iv) a serious complaint from landholders or the public. | | | | Noted | Noted | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|----------------------------------|---|--|----------------------------|--|--|--------------------|----------------|
| 5(c) | Incident Report | For the purposes of this condition, harm to the environment is material if: (i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or (ii) it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment. | | | | Noted | Noted | |
| 6 | Additional Environmental Reports | Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed. | | | | No additional environmental reports were requested during the Audit Period. This condition remains not triggered. | Not triggered | |
| 7 | Rehabilitation | Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General. | 1. Ashton Coal Operations Mining Operations Plan 2018-2024, Amendment 1 dated 13 September 2019 | | Inspection of the rehabilitation area. | Rehabilitation implementation is described in Section 7 of the MOP. The auditor viewed the rehabilitation area during the site inspection component of the audit. | Compliance | |
| 8 (a) | Extraction Plan (as amended) | In this condition: (i) approved Extraction Plan means a plan, being: A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or B. a subsidence management plan relating to the mining operations subject to this lease; I. submitted to the Secretary on or before 31 December 2014; and II. approved by the Secretary. (ii) relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease. | | | | Noted | Noted | |
| 8 (b) | | The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 5. Ashton Coal 2019 Annual Review, dated 31 March 2020. 6. Ashton Coal 2020 Annual Review, dated 30 March 2021. 7. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Extractions plans have been prepared for works undertaken by Ashton. The annual reviews prepared indicate that all works have been in areas under approved extraction plans. | Compliance | |
| 8 (c) | | The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease. | 1. Ashton Coal Project Upper Liddell Seam Extraction Plan, dated December 2015. 2. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 105- 107, dated December 2015. 3. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 201 - 204, dated November 2016. 4. Ashton Coal Project Upper Liddell Seam Extraction Plan LW 205 - 2008, dated October 2020 | | | Extraction plans include subsidence management and monitoring measures. | Compliance | |
| 8 (d) | | The lease holder must notify the Secretary within 48 hours of any: (i) incident caused by subsidence which has a potential to expose any person to health and safety risks; (ii) significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or (iii) significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: A. built features; B. public safety; or C. subsidence monitoring. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | Subsidence impacts have been within predicted limits. | Compliance | |
| 9 (a) | Working Requirement | The lease holder must: ensure that at least 2 competent people are efficiently employed in relation to the mining process or mining operations on the lease area | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | The number of employees exceeded 2 over the reporting period. | Compliance | |
| 9 (b) | | pend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$35,000.00 per annum whilst the lease is in force. 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 | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. 4. Annual Exploration Report for the period 10/09/2019 to 9/09/2020 ML 1529, ML 1533, ML 1623 and ML 1696 (1992) Group Report , dated 2 October 2020 | | | Expenditure on the operations exceeded \$35,000 annually during the Audit Period. No notices of this nature have been served over the audit period. | Compliance | |
| 11 | Safety | Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drillholes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure 'that access tot hem by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the leaseholder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General; | | | Inspection of the active mining area. | The mine access portals are located within the site and are not public ally accessible. | Compliance | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|--|---|---|--|----------------------------|---|--------------------|----------------|
| 12 | Prevention of soil erosion and pollution | Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. | 1. Ashton Coal 2019 Annual Review, dated 31 March 2020. 2. Ashton Coal 2020 Annual Review, dated 30 March 2021. 3. Ashton Coal 2021 Annual Review, dated 31 March 2022. | | | A review of activities and data presented in the annual reviews indicate that prospecting activity is being carried out in a manner consistent with the requirements of this condition. Environmental management controls in accordance with the EMS and associated plans continue to be implemented. Refer to assessment of compliance for each factor required under the project approval. | Compliance | |
| 13 | Transmission Lines Communication Lines and pipelines | Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated | 1. Longwall 205 to 208 Built Features Management Plan. Revision 1. Dated October 2020 2. 11 kV Powerline Relocation documentation | | | Procedures and policies for public infrastructure repair or relocation are outlined in the Built Features Management Plan. Documentation regarding the relocation of the 11 kV powerline was provided in hard copy format. | Compliance | |
| 14 (a) | Roads and Tracks | The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund. | | Interview with P. Brown and C. Eckersley | | No requests for repair of damaged roads have been received over the audit period. | Compliance | |
| 14 (b) | | During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. | | | | Compliance | | |
| 14 (c) | | Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, water courses or vegetation. | 1. Example ground disturbance permits | | | The example ground disturbance permits provided to the auditor during the audit describe access arrangements for works. | Compliance | |
| 14 (d) | | Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease. Subject to any conditions stipulated. | | | | Rehabilitation and revegetation of temporary access tracks is covered in the Ground Disturbance Permit approvals. | Compliance | |
| 17 (a) | Resource Recovery | 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, notice in writing to the lease holder may be given requiring the holder to recover such minerals. | | | | No notices have been received by Ashton related to resource recovery during the Audit Period. | Not triggered | |
| 17 (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 | | | | No notices have been received by Ashton related to resource recovery during the Audit Period. | Not triggered | |
| 17 (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 | | | | No notices have been received by Ashton related to resource recovery during the Audit Period. | Not triggered | |
| 18 | Indemnity | 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 | | | | Noted | Noted | |
| 21 | Single Security | The single security in the sum of \$6,7200,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under Mining Lease 1529, Mining Lease 1 533 and Mining Lease 1623 (Act 1992) | | | | | Noted | |
| 22 (a) | | Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the notification area of the Ravensworth Mine In pit Storage and Ravensworth Void 5 Ash Dam without the prior written approval of the Minister and subject to any conditions he may stipulate. | | | | Longwall 208 is within the Ravensworth Void 5 Ash Dam Notification Area. | Noted | |
| 22 (b) | | Where the lease holder desires to mine within the notification area he or she must: (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 (ii) provide such information as the Minister may direct | 1. Letter to DRG, dated 15 August 2017 | | | Notification for mining within the Ravensworth Void 5 Ash Dam was triggered prior to the audit period. | Not triggered | |
| 22(c) | Prescribed dam | 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. This sub-paragraph is complied with if: (i) the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). (ii) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. (iii) the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal. (iv) the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and (v) where the Dams Safety Committee has made recommendations the approval is in terms that are in accordance with those recommendations; or where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph. (vi) Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or in the event of failure to reach such agreement - as determined by the Premier. | Noted | | | Noted | Noted | |

| Condition Reference | Short Title | Condition | Documents Reviewed | Interviews / Conversations | Inspections / Observations | Assessment | Compliance Finding | Recommendation |
|---------------------|--------------------------------|---|--------------------|----------------------------|----------------------------|---|--------------------|----------------|
| 22(d) | | The Minister, on notice from the Dams Safety Committee, may at any time or times: (i) cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given. (ii) suspend for a period of time, alter, omit from or add to any approval given or conditions imposed | | | | Noted | Noted | |
| 23 | Suspension of mining operation | The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister. | | | | Mining has not been suspended during the reporting period. This condition is not triggered . | Not triggered | |
| 24 | Cooperation Agreement | The lease 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 title(s). The cooperation agreement should address but not be limited to issues such as: <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts and • rehabilitation issues. | | | | Ashton have cooperation agreements with the following surrounding organisations: <ul style="list-style-type: none"> - Glendell (dated 1 July 2003) - AGLM (dated 24 February 2012) | Compliance | |

Appendix D

Independent audit submission form


| Independent Audit Declaration Form | |
|------------------------------------|---|
| Project name | Ashton Mine |
| Consent Number | DA 309-11-2001-i |
| Description of project | Independent Environmental Audit in accordance with Schedule 5, Condition 11 of DA 309-11-2001-i |
| Project address | 20 New England Hwy, Camberwell NSW 2330 |
| Proponent | Ashton Coal Pty Ltd |
| Title of audit | Independent Environmental Audit for DA 309-11-2001-i |
| Date | 26/05/2023 |

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 will be reported truthfully, accurately and completely;
- iii. I will exercise due diligence and professional judgement in conducting the audit;
- iv. I will 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 will be 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:

- b. 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
- c. The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both

| | |
|----------------------------|---|
| Name of auditor | Michelle Kiejda |
| Signature |  |
| Qualification | Technical Director – Environment |
| Email address | michelle.kiejda@ghd.com |
| Company and address | GHD Pty Ltd (GHD) GHD Tower, Level 3, 24 Honeysuckle Drive Newcastle NSW 2300 |
| Date | 26/05/2023 |



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→ **The Power of Commitment**

Our ref: DA309-11-2001-I-PA-14

Phillip Brown
Environment & Community Relations Superintendent
Ashton Coal Operations Limited
Wonnarua Country

17/10/2023

Sent via the Major Projects Portal only

Subject: Ashton Coal - Independent Environmental Audit 2023

Dear Mr Brown

Reference is made to the revised Independent Environmental Audit (IEA) report and Response to Audit Recommendations (RAR) for the period 1 October 2019 to 18 January 2023, submitted as required by the conditions of development consent DA309-11-2001-I as modified (the consent) to the NSW Department of Planning and Environment (NSW Planning) on 2 June 2023.

NSW Planning considers the IEA report to generally satisfy the reporting requirements of the consent. As required by the consent, please make publicly available a copy of the IEA Report on the company website.

Please note that NSW Planning's acceptance of this IEA report is not an endorsement of the compliance status of the project.

Non-compliances identified in the IEA have been assessed by NSW Planning in accordance with its Compliance Policy, with NSW Planning on this occasion determining to record the breaches with no further enforcement action proposed. However, please note that recording the breach does not preclude NSW Planning from taking an alternative enforcement action, should it become apparent that an alternative response is more appropriate.

Please include a status update for all actions provided in the RAR in the next Annual Review, until all actions are completed.

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

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary