



# Environmental Authority Third-Party Compliance Audit

**New Acland Coal Mine, Oakey QLD**

## **New Acland Coal Pty Ltd**

New Hope Group  
Level 16, 175 Eagle Street  
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Prepared by:

### **SLR Consulting Australia**

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SLR Project No.: 623.V30240.00000-R01

22 September 2023

Revision: 1.0

## Revision Record

Revision	Date	Issue	Prepared By	Checked By	Authorised By
0.1	28 June 2023	Draft for NAC comment	Anna Cochrane	Anna Cochrane	n/a
0.2	16 August 2023	Draft for NAC comment	Anna Cochrane	Anna Cochrane	n/a
0.3	13 September 2023	Draft for NAC comment	Anna Cochrane	Anna Cochrane	n/a
1.0	21 September 2023	Final report	Anna Cochrane	Stephen Shoesmith	Peter Smith

## Basis of Report

This report has been prepared by SLR Consulting Australia (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with New Acland Coal Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.



## Executive Summary

New Acland Coal Pty Ltd (NAC) undertook a third-party audit of compliance against conditions of their Environmental Authority EMPL 00335713 ('the EA') for the New Acland Coal Mine – Stage 3, as required by Condition A16 of the EA.

The audit was undertaken for the audit period 29 June 2022 to 28 June 2023, using current auditing best practice and protocols, including guidelines issued by AS/NZS ISO 19011:2014 *Guidelines for quality and/or environmental management systems auditing*. Exemplar Global Certified Lead Auditor – Environment Anna Cochrane led the audit team.

The audit scope included mining operations across New Hope Mining leases ML50170, ML50216, ML50232 and ML700002. Audit criteria included the EA conditions, and conditions of Enforceable Undertaking MAN-E-100271643, issued by DES in response to alleged disturbance of land for mining in the area known as West Pit.

The audit consisted of desktop review, site inspection and data verification, personnel interviews and assessment of compliance status against the applicable conditions.

NAC's overall score for this audit was 97.67% compliance with assessable, triggered audit criteria, an exemplary result that indicates a high-level of conformance with applicable requirements. The audit findings also indicate a high level of maturity developed in NAC's environmental compliance management and monitoring systems.

Of the 158 applicable conditions assessed, 4 non-compliances were identified which were generally administrative and low risk. Recommendations to address these identified non-compliances have been provided in the audit report.

In addition to the above, a range of opportunities for improvement were identified against some conditions for which compliance is indicated, yet opportunity to strengthen operational systems or processes has been identified during the audit. Recommendations outlining these opportunities for improvement have been included in the audit report for NAC's optional consideration as part of continuous improvement review processes.



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## 1.0 Introduction

### 1.1 Project Background

New Hope Group (New Hope), via New Hope Coal Pty Ltd (NAC) owns and operates the New Acland Coal Mine located in Cherrys Road, Muldu (Oakey), QLD, approximately 35km northwest of Toowoomba in the Darling Downs, Wallon Coal Measures area. The mine operates on four mining leases - ML50170, ML50216, ML50232 and ML700002 in accordance with the conditions of Environmental Authority EMPL 00335713 as issued by the Department of Environment and Science (DES), and which took effect on 14 November 2022 ('the EA').

Condition A16 of the EA requires NAC to undertake a third-party audit of compliance of its New Acland Coal Mine against conditions of the EA.

### 1.2 Audit Period

This is the first audit against conditions of the project's EA.

Condition A16 of the EA requires the initial third-party audit report be obtained by NAC within one year of commencement of the EA, and that this report must be submitted to DES within 90 days of completion.

Email advice provided by DES to NAC (Appendix A) indicates the audit period for Condition A16 should start from the date where that condition first appeared in the EA. Given the Condition A16 first appeared in the version of the EA issued by DES on 28 June 2022, the audit period relevant to this audit cycle is identified as follows:

- Audit period start: 29 June 2022.
- Audit period end: 28 June 2023.
- Audit report due to NAC: 28 June 2023.
- Completed audit report due to DES: 26 September 2023.

This audit report covers the period 29 June 2022 to 28 June 2023 (the audit period).

Site inspection, onsite interviews and onsite document review were conducted on 14 & 15 June 2023.

### 1.3 Audit Scope

The scope for the audit is to assess compliance with conditions of Environmental Authority EMPL 00335713 ('the EA').

Within the scope of the Audit, consideration was given to the environmental performance of operational activities allowed by the EA, and their effects on the surrounding environment.

### 1.4 Audit Criteria

The audit criteria were determined in accordance with Condition A16 of the Environmental Approval to assess the level of compliance with the following:

- Environmental Authority EMPL 00335713 as issued by the Department of Environment and Science (DES), and which took effect on 14 November 2022 ('the EA').
- Enforceable Undertaking MAN-E-100271643.



## 2.0 Audit Methodology

The audit methodology of the audit was determined in alignment with Section A16 of the Environmental Authority EPML00335713, and included the following:

- Undertake the audit using utilising current auditing best practice and protocols, including guidelines issued by AS/NZS ISO 19011:2014 *Guidelines for quality and/or environmental management systems auditing*.
- Desktop audit.
- Site verification.
- Interviews with key personnel.
- Site walkover inspection by Audit Team.
- Assessment of compliance status of the project operations against the conditions of the EA and enforceable undertaking for activities and operations carried out during the applicable audit period.
- Audit report including a detailed evaluation of performance, summary of performance, and suggestions for continuous improvement.
- Audit scoring to indicate compliance status for each of the respective criteria to be audited.
- Quality control and technical assurance to ensure reliability and accuracy.

In carrying out the assessment of compliance and environmental performance, the auditor considered the following:

1. An assessment of compliance with all conditions of consent applicable to the phase of the development that is being audited.
2. The status of implementation of previous audit findings, recommendations, and actions (if any).
3. Any other matters considered relevant by the auditor or the responsible authority, considering relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.

## 2.1 Audit Team

The audit was undertaken by the audit team presented in Table 1. The lead auditor, Anna Cochrane, is certified as a Lead Environmental Auditor by Exemplar Global (Certification No. C-427136, expires 17 Mar 2024).

**Table 1 Audit Team**

Name	Experience
<p><b>Anna Cochrane</b>                      SLR Principal Scientist                      Lead Auditor                      Project Manager</p> <p>M.OHSE Management, (50% complete)                      Cert IV (Workplace Assessment &amp; Training)</p>	<p>Anna is an environmental, safety and systems manager with over 25 years' experience in contaminated sites, industrial facilities, and waste management matters across a wide range of operational and green/brownfield facilities. Anna's experience includes environmental assessment, remediation, compliance, due diligence, licensing, incident response, Integrated Management Systems (IMS), auditing, and certification management.</p> <p>Multi-jurisdictional and multi-industry experience enables Anna to support clients wherever they are located. Having worked within environmental consulting, industry and government, Anna has</p>



Name	Experience
<p>G.Dip (Soil Science) B.Sc (Geology) Lead Auditor (ISO 14001:2015 Environment; Certificate No. C-427136, expires 17 Mar 2024) Internal Auditor (ISO 9001 Quality), ISO 22000 Food Safety, ISO 31000 Risk, ISO 45001 OH&amp;S, ISO 55001 Asset) Accredited Environmental Auditor (Victorian Desalination Project) Lead ICAM Incident Investigator) Level 1 Incident Controller - AIIMS</p>	<p>unique insight to the agendas and priorities of each of the major stakeholders and the interactions between each of these groups. Anna is an experienced Auditor's Representative / Program Manager for statutory environmental risk (contaminated sites &amp; industrial facilities) audits in a variety of jurisdictions, as well as range of third-party OHS and environmental compliance audits. Anna also has extensive experience for the design, implementation, management, and audit of complex Integrated Management Systems and compliance frameworks. This includes certification as Lead Auditor (ISO 14001 Environment); Internal Auditor (ISO 9001 Quality, ISO 22000 Food Safety, ISO 31000 Risk, ISO 45001 OH&amp;S, ISO 55001 Asset), alignment of IMS to these and a variety of other requirements including ISO 22000 Food Safety, ISO 31000 Risk, regulatory and contractual overlays.</p>
<p><b>Cassandra Nell</b> <i>Project Consultant</i> <i>Assistant Auditor</i> Environmental Assessment &amp; Management</p>	<p>Cassandra graduated from the University of Queensland in 2020 with a Masters of Conservation Science. She has been working as an environmental consultant with SLR for the past year across multiple sectors in mining including rehabilitation, coal seam gas and infrastructure. She has gained experience across multiple regions within Australia including QLD and NSW. Specifically, Cassandra has helped with the collation, analysis and preparation of impact assessments, EA amendments, approval documentation, mine rehabilitation and operational management plans.</p>

## 2.2 Audit Participants

Key personnel at the site involved in the audit are provided in Table 2.

**Table 2 Contact Details for Key Site Personnel**

Name	Position	Audit Role & Attendance
Anna Cochrane	Lead Auditor (SLR)	<p>Lead the audit program. Convened the opening &amp; post-audit meetings, audit interviews, onsite document review, site inspection. Lead the audit considerations and reporting.</p>
Cassandra Nell	Assistant Auditor (SLR)	<p>Attended throughout the audit. Assisted with audit interviews, Present at opening meeting, onsite document review and site inspection, audit record keeping. Assisted with audit considerations and reporting.</p>
Troy Cook	Environmental Superintendent	<p>Client Key Audit Contact Attended throughout the audit. Attended opening &amp; post-audit meetings. Provided environmental data &amp; support</p>





Name	Position	Audit Role & Attendance
Marnie Dugmore	Senior Environmental Advisor	Client Key Audit Contact Attended throughout the audit. Attended opening & post-audit meetings. Provided environmental data & support
Rebecca Murphy	Environmental Officer	Attended throughout the audit. Attended opening & post-audit meetings. Provided environmental data & support
Michael Law	Environmental Officer	Provided environmental data & support. Attended post-audit meeting.
Denis Littleton	Production Superintendent	Provided specialist data & support
Geoff Selman	CHPP Superintendent	Provided specialist data & support
Andrew Scouler	CHPP & Maintenance Manager	Provided specialist data & support; site visit
Paul Maloney	Aqualyng (contractor)	Provided specialist data & support

### 2.3 Audit Opening and Post-Audit Meetings

An opening meeting was undertaken onsite on 14 June 2023 prior to the site component of the audit. The opening meeting provided the opportunity to outline the audit process, methodology and scope, review the schedule and introduce key personnel responsible for environmental management at the site.

Post- audit meeting was held on 13 July 2023 via video link, following the site visit to discuss initial observations and recommendations as well as the process for completion and submission of the audit. The attendees of the meetings are listed in Table 2.

### 2.4 Site Inspections and Interviews

The site component of the audit was undertaken on 14 & 15 June 2023 including inspections and interviews with key NAC personnel.

The site inspections included the following areas:

- Operational areas.
- Maintenance areas.
- Coal Handling & Processing Plant.
- Haul Roads.
- Tailings storage areas.
- Rehabilitation & environmental protection areas.
- Water storages.
- Waste treatment / storage areas.
- Water supply & treatment systems.
- Environmental monitoring locations.
- Site surroundings.

Information obtained during the interviews conducted, whilst on site at the facility, were directly recorded as evidence. The auditor also used the interviews as an opportunity to



gain an appreciation of the extent to which the measures in place to manage environmental impacts from site operations were understood and implemented.

Photographs taken during the site inspections are included in Appendix C.

## 2.5 Audit Evidence and Document Review

Information was provided by NAC prior to, during and following the audit. SLR also sourced information from the New Hope Group website.

A large amount of information was made available and/or accessed by the Audit Team and considered as audit evidence during the audit process, including project approvals, plans, key project documents, monitoring records, reports, correspondence, and other lines of evidence. While this key evidence has been listed in the Compliance spreadsheets in Appendix B, it has not been attached to this audit report.

## 2.6 Compliance Status Descriptions

The terms used in the audit to describe compliance of the site with the relevant approval documentation are outlined in Table 3.

**Table 3 Compliance Status Descriptors**

Assessment Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Compliant with observation	Opportunity for improvement have been identified where compliance is indicated against the relevant requirement, yet opportunity to strengthen operational systems or processes has been identified during the audit review
Non-compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered	A requirement has an activation or timing trigger that had not been met during the temporal scope of the audit being undertaken, therefore an assessment of compliance is not relevant.
Note only	A statement or fact, where no assessment of compliance is required.

## 3.0 Audit Findings

### 3.1 Site Activities

Site activities observed during the audit site inspection and auditing activities included preparations to move mine from care-and-maintenance activities ahead of first coal extraction for Stage 3 project area, which is anticipated during September / October 2023. These activities included, for example:

- Recruitment, induction and training additional personnel to support Stage 3 activities.
- Procurement of additional equipment and other external resources (contractor services etc) required for Stage 3 activities.
- Fixed and mobile plant mechanical maintenance and overhauls, including trucks, loaders, Coal Handling & Processing Plant (CHPP).
- Vegetation clearing in Stage 3 project area.



- Drilling and initial blasting in Stage 3 project area.
- Overburden excavation & load-out in Stage 3 project area.
- Dust suppression including water truck activity.
- Haul road maintenance.
- Waste storage and management.
- Water management to minimise accumulated rainwater in void spaces.
- Ongoing rehabilitation, remediation of previously mined areas.
- Environmental compliance management, including:
  - Groundwater bore installation, monitoring and reporting.
  - Water quality monitoring and reporting.
  - Real-time air quality and noise monitoring and reporting, including installation and commissioning new noise monitoring locations.
  - Preparation for Lagoon Creek Crossing and permanent koala fence installation.
  - Preparations for implementation of a new Environmental Data Management System (EDMS).
  - Review and update of key environmental management plans and associated procedures.
  - Environmental monitoring and reporting.
  - Preparation for new Progressive Closure and Remediation Plan (PRCP).

The observed site activities were verified against relevant compliance criteria, as detailed in the compliance checklists in Appendix B. No significant findings were noted arising from these activities.

### 3.2 Summary of Compliance

A detailed review of the facility’s performance against each of the conditions of the EA and Enforceable undertaking is presented in the compliance spreadsheets in Appendix B and summarised in Table 4 and Figure 1 below.

**Table 4 Third-Party Audit Compliance Summary**

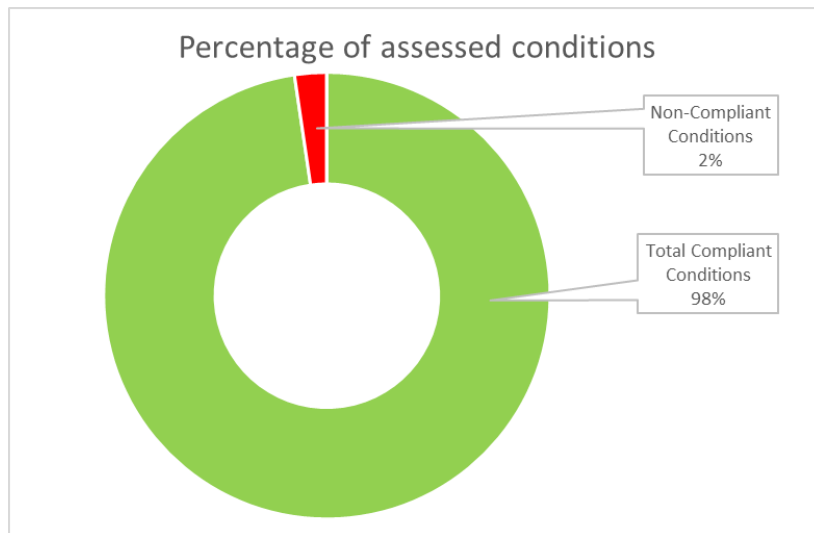
Compliance Status	Project Approval EMPL00335713	Enforceable Undertaking MAN-E- 100271643	Total	% of assessed conditions
Compliant Conditions	106	14	120	69.77%
Compliant Conditions with observation	48	0	48	27.91%
<b>Total Compliant Conditions</b>	154	14	168	<b>97.67%</b>
<b>Non-Compliant Conditions</b>	4	0	4	<b>2.33%</b>
Conditions Not Triggered	30	0	30	n/a
Notes only	3	16	19	n/a
Total Conditions	191	30	221	n/a
Total Assessed Conditions (excluding not triggered & notes)	158	14	172	100.00%



Overall, 221 total conditions were identified between the Project Approval and the Enforceable Undertaking; of these 30 (13.57%) were not triggered during the audit period, and 19 (8.6%) were a note for information. Of the 172 remaining auditable conditions, 168 (97.67%) were compliant and 4 (2.33%) were assessed as non-compliant. Non-compliances were generally administrative and low risk, as summarised in summarised in Section 3.3.

NAC's overall score for this audit was 97.67% compliance with assessable, triggered audit criteria, an exemplary result that indicates a high-level of conformance with applicable requirements, and a high level of maturity developed in NAC's environmental compliance management and monitoring systems.

**Figure 1: Summary of assessed conditions compliance**



### 3.3 Summary of Audit Findings

#### 3.3.1 Non-Compliances

Table 5 summarises the non-compliances identified against the conditions of the Project Approval and Enforceable Undertaking, along with relevant comments and recommended actions.

Note that only the non-compliant aspect of each non-conformance condition is listed in Table 5. The complete assessment of the overall compliance status and facility performance is included in the audit checklists presented in Appendix B.

Also note that where recommended actions apply to more than one condition, these have been reported in Table 5 as a single NC for action.

#### 3.3.2 Opportunities for Improvement

In addition to the audit compliance findings outlined in Section 3.3.1, 10 additional observations (OBS) have been made identifying potential opportunities for improvement for some conditions for which compliance is indicated, yet opportunity to strengthen operational systems or processes was identified during the audit.

Recommendations outlining these opportunities for improvement have been included in the audit compliance spreadsheets presented in Appendix B for NAC's optional consideration as part of continuous improvement review processes.



**Table 5 Summary of Non-Compliances**

NC#	Condition Number	Compliance Requirement	Audit Finding	Recommendation
NC1	A4	All plans, reports and programs referred to, or collected under, a condition of this environmental authority must be published on the environmental authority holder's website within one (1) month of completion.	<p>New Hope Group Website was reviewed (27 June 2023). Website records indicate most required records have been made available online, however some data gaps are noted as follows / for example:</p> <ul style="list-style-type: none"> <li>• Annual water monitoring reports / REMP monitoring reports for the audit period</li> <li>• Groundwater investigation report for 10PBr &amp; 4518WB investigation</li> <li>• Groundwater Monitoring and Management Program</li> <li>• Annual Groundwater Monitoring Reports (AGMR) for the audit period</li> <li>• Noise Monitoring Program</li> <li>• Annual rehabilitation progress reports</li> <li>• Mine Closure Plan (not yet required?)</li> <li>• Annual Regulated Structure Inspection Report (2021)</li> <li>• Register of Regulated Structures</li> </ul> <p>It is noted that NAC are required to submit some reports online via administering authority reporting systems, including WaTERS reports and noise &amp; vibration compliance reports, and that these reports are not presented in published format per se, and therefore are not published to the NAC website. The EA could be updated to clarify reporting requirements these online report submissions.</p>	<ol style="list-style-type: none"> <li>1. Review NAC website and update with all plans, programs and reports required by the EA for the audit period.</li> <li>2. Ensure all plans, reports and programs referred to, or collected under, a condition of the EA are published on the NAC website within one (1) month of completion.</li> <li>3. Prepare an EA amendment to clarify requirements in relation to reports submitted online via administering authority reporting systems.</li> </ol>



NC#	Condition Number	Compliance Requirement	Audit Finding	Recommendation
NC2	C5	The environmental authority holder must ensure a stream flow gauging station/s is installed, operated, and maintained to determine and record stream flows in Lagoon and Spring Creek upstream of the discharge sites.	<p>AECOM stream flow gauging station installed upstream of Lagoon Creek discharge location, includes real-time online monitoring.</p> <p>No gauge has been installed on Spring Creek due to its location on private property and recent landholder access issues preventing access to this location. No discharge will ever be carried out via Spring Creek release point due to these access issues and inability to monitor stream flows in Spring Creek.</p> <p>An EA amendment is being prepared and will include removal of Spring Creek location.</p>	Ensure EA amendment includes removal of Spring Creek monitoring location / release point.
NC3	D16	Results of groundwater quality monitoring, conducted in accordance with conditions D12, D13 and D14, must not be exceeded at the same monitoring bore on three (3) consecutive monitoring events for any single contaminant limit specified in Table D5 – Groundwater Limits (ML50216 and ML50170).	<p>Table D5 criteria exceeded on 5 occasions to date (quarterly monitoring).</p> <p><b>NOTE</b> - Compliant with Condition D9 (Table D2 &amp; D3 criteria), although it is noted that the ERM groundwater reporting is compared against Conditions D12 to D21 (Table D5). Condition D14 criteria are exceeded for sulfate &amp; nitrate in bores 10PbR(843) and 4518WB(83P), which is inconsistent with criteria in Table D5. Refer to Condition D9 for further details.</p>	<p>Ensure EA amendment resolves conflict and inconsistencies between Table D2 to D5 groundwater criteria.</p> <p>(See also Condition D9 (OBS4))</p>
NC4	J36	The environmental authority holder must, at the same time as providing the annual return, supply to the administering authority a copy of the records contained in the Register of Regulated Structures, in the electronic format required by the administering authority.	No evidence was available to indicate that the Register of Regulated Structures has been submitted to DES as required by Condition J35.	Ensure a copy of the Regulated Structures Register is submitted to DES with the 2022-2023 annual return.



### 3.4 Previous Audit Recommendations

There is no previous audit to reference for this site, therefore no review of progress towards addressing previous audit findings can be made.

### 3.5 Discussion of Audit Evidence, Observations and Findings

During the audit, it was evident that the operation of the site is being undertaken in a responsible manner generally in accordance with the Project Approval and the relevant environmental management plans. Key strengths of the developments environmental management and performance are summarised as follows:

- Positive environmental performance and compliance culture, supported by NAC Management's leadership and commitment to environmental matters.
- Managers and supervisors throughout NAC onsite operations demonstrated a commitment to environmental management and understood their legal obligations to ensure environmental compliance in their area of control.
- Evidence of NAC's active engagement, implementation, monitoring and continual improvement of environmental performance and compliance management systems, evidenced by historic and ongoing implementation of real-time noise and air quality monitoring system, groundwater quality monitoring and response, and development and progress towards implementation of an improved environmental data management system.
- Thorough site records and an internal compliance management system with evidence of continual improvement, indicating implementation of Project Approval requirements into site development and operational activities.
- Evidence of NAC's active engagement, implementation, monitoring and continual improvement of environmental performance and compliance management systems, evidenced by historic and ongoing implementation of real-time noise and air quality monitoring system, groundwater quality monitoring and response, and development and progress towards implementation of an improved environmental data management system.
- Environmental performance and compliance processes are integrated into Business-As-Usual (BAU) activities, as evidenced by environmental approvals and considerations within blast planning and approvals process and the production planning and Fleet Management System.
- Generally good site housekeeping evidenced during the site inspection including clean, dry chemical bunds; well-maintained site grounds, facilities, signage, and infrastructure; and tidy, well organised waste management systems (refer photographs in Appendix C).
- While some minor opportunities for improvement were identified during the audit site inspection, spill controls at the site including in workshop and liquid storage areas were generally effective. Spill controls observed included spill kits identified in appropriate areas, bunded storage for liquids, informational signage installed at chemical storage and handling locations (refer photographs in Appendix C).
- Effective dust monitoring and management, resulting in negligible dust impacts at the site and upon sensitive receptors at the time of the audit.
- Effective weed management, as indicated by minimal weeds requiring management within the project area.



- Effective water management with minimal evidence of erosion or sedimentation observed during the site inspection and no evidence of overflow or malfunction of water treatment or storage systems.
- Successful management of the sensitive environmental areas including the koala management, Lagoon Creek Crossing and rehabilitation areas.

The key recommendations identified during the audit to address compliance nonconformances are:

- Review NAC website and update with all plans, programs and reports required by the EA for the audit period. (NC1)
- Ensure all plans, reports and programs referred to, or collected under, a condition of the EA are published on the NAC website within one (1) month of completion. (NC1)
- Amend the EA (and supporting documentation, as necessary) to achieve the following:
  - Clarify requirements in relation to reports submitted online via administering authority reporting systems. (NC1)
  - Remove Spring Creek monitoring location / release point. (NC2)
  - Resolve conflict and inconsistencies between EA Table D2 to D5 groundwater criteria. (NC3)
- Ensure a copy of the Regulated Structures Register is submitted to DES with the 2022-2023 annual return. (NC4)

Further opportunities to strengthen NAC's environmental performance and compliance systems and risk controls are outlined in the audit compliance tables presented in Appendix B for NAC's optional consideration.





## 4.0 Conclusion

SLR was commissioned to undertake Third-Party Audit ('the Audit') for the for the New Acland Coal Mine – Stage 3, against conditions of their Environmental Authority EMPL 00335713 ('the EA'), as required by Condition A16 of the EA. The audit was conducted in accordance with current best practice auditing protocols and AS/NZS ISO 19011:2014 Australian/New Zealand Standard: Guidelines for quality and/or environmental management systems auditing.

The audit has assessed compliance with the key approvals and documentation, including:

- Environmental Authority EMPL 00335713 as issued by the Department of Environment and Science (DES), and which took effect on 14 November 2022 ('the EA').
- Enforceable Undertaking MAN-E-100271643.

The site component of the audit was undertaken on 14 & 15 June 2023, with SLR being supplied additional documentation and information as requested following the site inspection.

During the audit, it was evident that the operation of the site is being undertaken in a responsible manner generally in accordance with the EA and the relevant environmental management plans. Key strengths of NAC's environmental management and performance are noted as follows:

- NAC site personnel and environmental staff interviewed demonstrate a thorough appreciation of the environmental issues at the site and appropriate environmental management measures.
- Thorough site records and an internal compliance management system indicating implementation of EA requirements into site development and operational activities.
- Effective environmental management measures and practices implemented and evidenced during the site inspection.

Overall, 221 total conditions were identified between the Project Approval and the Enforceable Undertaking; of these 30 (13.57%) were not triggered during the audit period, and 19 (8.6%) were a note for information. Of the 172 remaining auditable conditions, 168 (97.67%) were compliant and 4 (2.33%) were assessed as non-compliant. Non-compliances were generally administrative and low risk. NAC's overall score for this audit was 97.67% compliance with assessable, triggered audit criteria, an exemplary result that indicates a high-level of conformance with applicable requirements, and a high level of maturity developed in NAC's environmental compliance management and monitoring systems.

SLR has provided four (4) recommendations to address these identified non-compliances.

In addition to the above, SLR has provided ten (10) additional observations (OBS) identifying potential opportunities for improvement for some conditions for which compliance is indicated, yet opportunity to strengthen operational systems or processes was identified during the audit. Recommendations outlining these opportunities for improvement have been included in the audit compliance spreadsheets presented in Appendix B for NAC's optional consideration as part of continuous improvement review processes.



## 5.0 Feedback

At SLR, we are committed to delivering professional quality service to our clients. We are constantly looking for ways to improve the quality of our deliverables and our service to our clients. Client feedback is a valuable tool in helping us prioritise services and resources according to our client needs.

To achieve this, your feedback on the team's performance, deliverables and service are valuable and SLR welcome all feedback via <https://www.slrconsulting.com/en/feedback>. We recognise the value of your time and we will make a \$10 donation to our 2023 Charity Partner - Lifeline, for every completed form.



# Appendix A    Audit Planning Documents

## **Environmental Authority Third-Party Compliance Audit**

**New Acland Coal Mine, Oakey QLD**

**New Acland Coal Pty Ltd**

SLR Project No.: 623.V30240.00000-R01



# Audit Plan

## Audit Particulars

PROJECT NAME	Independent Environmental Audit - New Acland Coal Mine EA Audit
PROJECT NUMBER	623.30240.00000
CLIENT	New Hope Corporation Ltd
CLIENT CONTACTS	<p>Troy Cook Environmental Superintendent New Hope Group   Corporate Office M: 0400688927 E: <a href="mailto:TCook@newhopegroup.com.au">TCook@newhopegroup.com.au</a> W: <a href="http://www.newhopegroup.com.au">www.newhopegroup.com.au</a></p> <p>Marnie Dugmore Senior Environmental Advisor New Hope Group   New Acland M: 0408 234 064 E: <a href="mailto:MDugmore@newhopegroup.com.au">MDugmore@newhopegroup.com.au</a> W: <a href="http://www.newhopegroup.com.au">www.newhopegroup.com.au</a></p> <p><b>Real-Time Environmental Monitoring Data:</b> <a href="https://nac-emos.newhopegroup.com.au/dash/#/main">https://nac-emos.newhopegroup.com.au/dash/#/main</a></p> <p><b>Environmental Assessments, Approvals &amp; Reports:</b> <a href="https://newhopegroup.com.au/general-reporting/">https://newhopegroup.com.au/general-reporting/</a></p>
LEAD AUDITOR	Anna Cochrane M: 0408 052 844 E: <a href="mailto:acochrane@slrconsulting.com">acochrane@slrconsulting.com</a>
AUDIT TEAM	Cassandra Nell M: 0450 747 355 E: <a href="mailto:cnell@slrconsulting.com">cnell@slrconsulting.com</a>
AUDIT PERIOD	29 June 2022 to 28 June 2023
SITE VISIT	Wed 14 <sup>th</sup> & Thurs 15 <sup>th</sup> June 2023
REFERENCES	<i>AS/NZS ISO 19011:2014 Guidelines for quality and/or environmental management systems auditing</i>



## Audit Scope

<b>AUDIT SCOPE</b>	<p>The scope for the audit is to assess compliance with conditions of Environmental Authority EMPL 00335713 ('the EA').</p> <p>Within the scope of the Audit, consideration will be given to the environmental performance of operational activities allowed by the EA, and their effects on the surrounding environment.</p>
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## Audit Criteria

<b>AUDIT CRITERIA</b>	<p>The audit criteria are determined in accordance with condition A16 of the Environmental Approval, to assess the level of compliance of New Acland Coal Mine during the audit period 29 June 2022 to 28 June 2023 against conditions of the Environmental Authority EPML00335713, as modified and dated as taking effect on 14 November 2022.</p> <p>Compliance against conditions of Enforceable Undertaking MAN-E-100271643, issued by DES in response to alleged disturbance of land for mining in the area known as West Pit was also assessed during the audit, due to the EA compliance obligations within the EU.</p>
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## Audit Methodology

<b>AUDIT METHODOLOGY</b>	<p>The audit methodology of the audit is determined in accordance with Section A16 of the Environmental Authority EPML00335713, and includes the following:</p> <ul style="list-style-type: none"><li>• Undertake the audit using utilising current auditing best practice and protocols, including guidelines issued by AS/NZS ISO 19011:2014 <i>Guidelines for quality and/or environmental management systems auditing</i>.</li><li>• Desktop audit.</li><li>• Site verification.</li><li>• Interviews with key personnel.</li><li>• Site walkover inspection by audit team.</li><li>• Assessment of compliance status of the project operations against the conditions of the EA and enforceable undertaking for activities and operations carried out during the applicable audit period.</li><li>• Audit report including a detailed evaluation of performance, summary of performance, and suggestions for continuous improvement.</li><li>• Audit scoring to indicate compliance status for each of the respective projects to be audited.</li><li>• All reports will be subject to SLR's quality control and technical assurance to ensure reliability and accuracy.</li></ul> <p>In carrying out the assessment of compliance and environmental performance, the auditor will consider the following:</p> <ol style="list-style-type: none"><li>1. An assessment of compliance with:<ol style="list-style-type: none"><li>a. All conditions of consent applicable to the phase of the development that is being audited.</li><li>b. All post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the</li></ol></li></ol>
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	<p>implementation of Environmental Management Plans and Sub-plans.</p> <p>2. The status of implementation of previous Independent Audit findings, recommendations, and actions (if any).</p> <p>3. Any other matters considered relevant by the auditor or the responsible authority, taking into account relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.</p>
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### Audit Timetable (Indicative)

NOTE – Audit Plan provided is an indicative outline of proposed onsite auditing activities during the onsite component of the audit. The planned activities and timings can be adjusted / varied in consultation with all parties to the suit availability of facility personnel or resources and may be adjusted in response to audit trail investigations.

DAY / TIME	ACTIVITY	PERSONNEL
<b>DAY 1 - WEDNESDAY 14<sup>TH</sup> JUNE 2023</b>		
7:30am	Arrive at site Visitor inductions	Environmental Superintendent and/or Senior Environmental Advisor
8:30am	<p><b>Opening Meeting</b></p> <ul style="list-style-type: none"> <li>• Introductions</li> <li>• Purpose &amp; scope of audit</li> <li>• Site access</li> <li>• Data collection methods – photographs, confidentiality</li> <li>• Audit process &amp; timing</li> <li>• Confirmation of proposed schedule &amp; resources</li> </ul>	<p>Environmental Superintendent Senior Environmental Advisor</p> <p>Site personnel as relevant – e.g. site manager, maintenance, operations, monitoring personnel</p>
9:00am	<p><b>Site Activity Overview</b></p> <ul style="list-style-type: none"> <li>• Discussion of site activities during audit period</li> </ul>	<p>Environmental Superintendent and/or Senior Environmental Advisor</p> <p>Operations Manager / Site representatives as relevant</p>



DAY / TIME	ACTIVITY	PERSONNEL
9:30am – 10:00am	<p><b>Previous Environmental Audit Findings &amp; Incidents</b> Review any environmental incidents, events and nonconformities during audit period including investigations and corrective actions:</p> <ul style="list-style-type: none"> <li>• Enforceable Undertaking dated 23 June 2022</li> <li>• Groundwater exceedance investigation: <i>New Acland Mine EA Bores 10PbR &amp; 4518WB Exceedance Investigation</i>, dated 23 December 2022</li> <li>• Any internal/external environmental audit nonconformances</li> <li>• Any environmental incidents, events or near misses</li> </ul>	<p>Environmental Superintendent and/or Senior Environmental Advisor</p> <p>Other site personnel as relevant</p>
10:00am – 11:00am	<p><b>EA Preliminary Conditions &amp; Schedule A - General</b></p> <ul style="list-style-type: none"> <li>• Environmental systems and processes</li> <li>• Document &amp; records control</li> <li>• Schedule A – General</li> <li>• Maintenance arrangements &amp; records</li> <li>• Monitoring &amp; calibration arrangements &amp; records</li> <li>• Risk management processes and records</li> <li>• Notifications</li> <li>• Complaints</li> <li>• Third-party reporting</li> <li>• Hazardous &amp; combustible materials storage and handling</li> </ul>	<p>Environmental Superintendent and/or Senior Environmental Advisor</p> <p>Other site personnel as relevant, e.g. Risk Manager Maintenance Manager</p>
11:00am – 12:30pm	<p><b>Site Walkover / Tour</b></p> <ul style="list-style-type: none"> <li>• Operational areas</li> <li>• Maintenance areas</li> <li>• Waste treatment / storage areas</li> <li>• Water supply &amp; treatment systems</li> <li>• Environmental monitoring locations</li> <li>• Site surroundings</li> </ul>	<p>Site supervisor / Environmental representatives as relevant</p>
12 – 12:30pm	Lunch	

#### ENVIRONMENTAL AUTHORITY COMPLIANCE REVIEW

12:30pm – 1:30pm	<p><b>Schedule B: Air</b></p> <ul style="list-style-type: none"> <li>• Dust &amp; particulate monitoring</li> <li>• Air Emissions Management Plan</li> <li>• Air Quality Management Program</li> <li>• Odour</li> <li>• Air quality monitoring results</li> <li>• Response to exceedances</li> </ul>	<p>Environmental Superintendent and/or Senior Environmental Advisor</p>
1:30pm – 2:00pm	<p><b>Schedule E: Sewage Treatment</b></p> <ul style="list-style-type: none"> <li>• Wastewater Treatment Plant (WWTP) processes overview</li> <li>• WWTP operation, maintenance &amp; monitoring</li> <li>• Effluent irrigation &amp; reuse</li> <li>• Risk control implementation and monitoring</li> </ul>	<p>Environmental Superintendent and/or Senior Environmental Advisor</p>



DAY / TIME	ACTIVITY	PERSONNEL
	<ul style="list-style-type: none"> <li>Response to exceedances</li> </ul>	Other site personnel as relevant, e.g. WWTP Operator, Maintenance Manager
2:00pm – 3:00pm	<b>Schedule C: Water</b> <ul style="list-style-type: none"> <li>Contaminant risk management &amp; monitoring</li> <li>Mine affected water releases</li> <li>Release event notifications &amp; response</li> <li>Annual water quality reporting</li> <li>Stormwater and sediment risk control</li> <li>Water Management Plan implementation</li> <li>Water quality monitoring results</li> <li>Response to exceedances</li> </ul>	Environmental Superintendent and/or Senior Environmental Advisor
3:00pm – 4:00pm	<b>Schedule D: Groundwater</b> <ul style="list-style-type: none"> <li>Contaminant risk management &amp; monitoring</li> <li>Groundwater bore specifications and management</li> <li>ML50232 groundwater monitoring</li> <li>ML50216 and ML50170 groundwater monitoring</li> <li>Groundwater Monitoring and Management Program implementation</li> <li>Annual Groundwater Monitoring Report</li> <li>Response to exceedances</li> </ul>	Environmental Superintendent and/or Senior Environmental Advisor
4:00pm – 4:30pm	Auditor wrap up & preparation for Day 1 summary meeting	
4:30pm – 5:00pm	<b>Day 1 Summary meeting</b> <ul style="list-style-type: none"> <li>Overview of activities and findings from Day 1 audit activities</li> </ul> Confirmation of arrangements for Day 2	
5:00pm	<b>Leave site – End of Day 1</b>	
<b>DAY 2 - THURSDAY 15<sup>TH</sup> JUNE 2023</b>		
7:30am	Arrive at site	
7:45 am – 8:00am	<b>Day 2 Opening Meeting</b> <ul style="list-style-type: none"> <li>Confirmation of arrangements for Day 2</li> </ul>	Environmental Superintendent and/or Senior Environmental Advisor Other site personnel as relevant
8:00am – 9:00am	<b>Schedule F: Noise</b> <ul style="list-style-type: none"> <li>Noise Monitoring Program review, approval and implementation</li> <li>Annual noise monitoring program report</li> </ul>	Environmental Superintendent and/or





DAY / TIME	ACTIVITY	PERSONNEL
	<ul style="list-style-type: none"> <li>Real-time monitoring data</li> <li>Noise and vibration Management Plan implementation</li> <li>Monthly noise compliance reporting</li> <li>Noise risk control implementation and monitoring</li> <li>Response to exceedences</li> </ul>	Senior Environmental Advisor
9:00am – 10:00am	<p><b>Schedule G: Waste Management</b></p> <ul style="list-style-type: none"> <li>Waste management plan, processes / procedures implementation</li> <li>Waste and resources monitoring and records</li> <li>Waste risk controls – stockpile management, fire risk, bunding etc</li> <li>Waste and recyclables disposal compliance and records</li> <li>Response to non compliance / incidents</li> </ul>	Environmental Superintendent and/or Senior Environmental Advisor  Other site personnel as relevant, e.g. site facilities manager
10:00am – 11:00am	<p><b>Schedule H: Land &amp; Rehabilitation</b></p> <ul style="list-style-type: none"> <li>Final Land use and Rehabilitation Plan implementation</li> <li>Remediation measures</li> <li>Monitoring and reporting remediation results</li> <li>Response to remediation issues / events</li> <li>Protection of Lagoon Creek Buffer and Levee</li> <li>Closure and Post-Closure planning and implementation</li> <li>Sustainable Final Land Use Outcomes – progress towards achieving planned outcomes, monitoring &amp; response to issues</li> <li>Native Vegetation and Fauna Habitat Outcomes – progress towards achieving planned outcomes, monitoring &amp; response to issues</li> <li>Residual Void Outcomes – progress towards achieving planned outcomes, monitoring &amp; response to issues</li> </ul>	Environmental Superintendent and/or Senior Environmental Advisor
11:00am – 12:pm	<p><b>Schedule I: Biodiversity</b></p> <ul style="list-style-type: none"> <li>Staff induction and awareness</li> <li>Conservation Management Plan implementation</li> <li>Flora and Fauna monitoring</li> <li>Reporting and response to events</li> <li>Significant residual impacts on prescribed matters of State environmental significance</li> <li>Environmental offset provision, maintenance, and monitoring</li> </ul>	Environmental Superintendent and/or Senior Environmental Advisor
12:00 – 12:30	Lunch	
12:30 – 1:30pm	<p><b>Schedule J: Regulated Structures</b></p> <ul style="list-style-type: none"> <li>Register of Regulated Structures maintenance and approvals</li> </ul>	Environmental Superintendent and/or



DAY / TIME	ACTIVITY	PERSONNEL
	<ul style="list-style-type: none"> <li>Regulated structure records and reporting - Consequence category assessment reports, certifications, certified designs, certified design plans, certified operating procedures, 'as built' / 'as constructed' drawings, specifications and supporting documentation (e.g., completion reports).</li> <li>Operation, maintenance, and monitoring records for regulated structures</li> <li>Decommissioning and rehabilitation</li> <li>Monitoring and response to issues (e.g. MRL / DSA events)</li> <li>Contaminated land assessment &amp; reporting</li> </ul>	Senior Environmental Advisor  Other site personnel as relevant, e.g. lead structure engineers
1:30pm – 2:00pm	<b>Schedule K: Light</b> <ul style="list-style-type: none"> <li>Lighting risk assessment and management controls</li> <li>Nuisance lighting assessments and response</li> <li>Response to complaints / issues</li> </ul>	Environmental Superintendent and/or Senior Environmental Advisor
2:00pm - 2:30pm	Day 1 / 2 Follow up / Action items review Auditor wrap up & preparation for Day 2 summary meeting	
2:30pm – 3:00pm	<b>Day 2 Summary meeting</b> <ul style="list-style-type: none"> <li>Overview of activities and findings from Day 2 audit activities</li> <li>Confirmation of arrangements for post-audit follow up and reporting</li> </ul>	
3:00pm	<b>Leave site – travel to airport</b>	



# Appendix B Compliance Spreadsheets

## Environmental Authority Third-Party Compliance Audit

New Acland Coal Mine, Oakey QLD

New Acland Coal Pty Ltd

SLR Project No.: 623.V30240.00000-R01



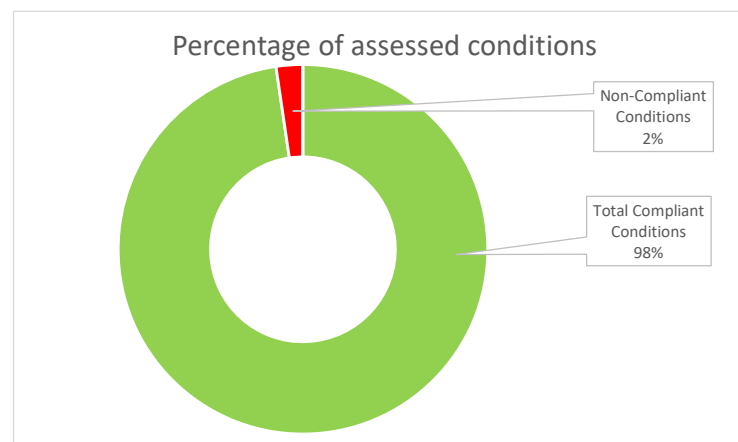
# Third-Party Environmental Audit

**Proponent** New Acland Coal Pty Ltd  
**Approval:** Environmental Authority EPML00335713, effective 14 November 2022

**Approval Authority** Department of Environment and Science (DES)  
**Auditor** Anna Cochrane  
**Assistant Auditor** Cassandra Nell  
**Audit Period** 29 June 2022 - 28 June 2023  
**Site Visit Dates** 14 & 15 June 2023

**Proponent's Representatives:**  
 Troy Cook Environmental Superintendent  
 Marnie Dugmore Senior Environmental Advisor  
 Rebecca Murphy Environmental Officer  
 Michael Law Environmental Officer  
 Denis Littleton Production Superintendent  
 Geoff Selman CHPP Superintendent  
 Andrew Scouller CHPP & Maintenance Manager  
 Paul Maloney Aqualyng

Compliance Status	Project Approval EMPL00335713	Enforceable Undertaking MAN-E-100271643	Total	Percentage of total conditions	Percentage of assessed conditions
Compliant	106	14	120	54.30%	<b>69.77%</b>
Compliant with observation	48	0	48	27.91%	<b>27.91%</b>
<b>Total Compliant Conditions</b>	154	14	168	82.21%	<b>97.67%</b>
<b>Non-Compliant Conditions</b>	4	0	4	1.81%	<b>2.33%</b>
Not Triggered	30	0	30	13.57%	n/a
Note only	3	16	19	8.60%	n/a
Total conditions	191	30	221	100.00%	n/a
Total assessed conditions (excluding not triggered and notes)	158	14	172	77.83%	100.00%



# Project Approval EMPL00335713

**Proponent** New Acland Coal Pty Ltd  
**Approval:** Environmental Authority EPML00335713, effective 14 November 2022

**Approval Authority** Department of Environment and Science (DES)  
**Auditor** Anna Cochrane  
**Assistant Auditor** Cassandra Nell  
**Audit Period** 29 June 2022 - 28 June 2023  
**Site Visit Dates** 14 & 15 June 2023

Compliant
Compliant with observation
Non-compliant
Not triggered
Note only

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>APPROVAL PRELIMINARIES</b>						
<b>Additional Information for applicants</b>						
n/a	<p><u>Environmentally relevant activities</u>                      The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.</p> <p>An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.</p> <p>A person carrying out an ERA must also be a registered suitable operator under the Environmental Protection Act 1994 (EP Act).</p>	Compliant	<ul style="list-style-type: none"> <li>• EMPL00335713, Version Effective Date 14 November 2023</li> <li>• Suitable Operator Registration</li> </ul>	Mine is coming out of care and maintenance. No extraction of coal during audit period All ERAs are conducted within EA conditions.		
n/a	<p><u>Contaminated land</u>                      It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:</p> <ul style="list-style-type: none"> <li>• the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or</li> <li>• a change in the condition of the contaminated land (notice must be given within 24 hours); or</li> <li>• a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days) that is causing, or is reasonably likely to cause, serious or material environmental harm.</li> </ul> <p>For further information, including the form for giving written notice, refer to the Queensland Government website</p>	Compliant	<ul style="list-style-type: none"> <li>• Environmental Incidents Register (2022_Environmental Incidents_DES Compliance Reference Number and Case Register)</li> </ul>	Within the last audit period - notifiable incidents were recorded as follows: <ul style="list-style-type: none"> <li>• Groundwater exceedances</li> <li>• 1 x noise complaint -&gt; Aug 2022</li> </ul> these events are not notifiable incidents under conditions of this requirement. NAC has not identified anything that has occurred in relation to this condition that requires notice to the administering authority.		
n/a	<p><u>Take effect</u>                      Please note that, in accordance with section 200 of the EP Act, an EA has effect:</p> <ol style="list-style-type: none"> <li>if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority - on the nominated day; or</li> <li>if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or</li> <li>otherwise on the day the authority is issued.</li> </ol> <p>However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.</p> <p>If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.</p> <p>The anniversary day of this environmental authority is the same day each year as the original take effect date unless you apply to change the anniversary day. The payment of the annual fee will be due each year on this day. An annual return will be due each year on 1 April.</p> <p>If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.</p>	Compliant	<ul style="list-style-type: none"> <li>• EPML00335713, effective 14 November 2022</li> <li>• Coordinator Generals Report, December 2014, as varied</li> <li>• EPBC Approval (EPBC 2007/3423), dated 14 January 2022</li> <li>• Associated Water Licence 625158, expires 31/08/2072</li> </ul>	EA and all relevant project approvals are granted and are current. No additional authorisations required for the project. Therefore, the EA is in effect.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>Obligations under the Environmental Protection Act 1994</b>						
n/a	In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act: <ul style="list-style-type: none"> <li>•general environmental duty (section 319)</li> <li>•duty to notify environmental harm (section 320-320G)</li> <li>•offence of causing serious or material environmental harm (sections 437-439)</li> <li>•offence of causing environmental nuisance (section 440)</li> <li>•offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)</li> <li>•offence to place contaminant where environmental harm or nuisance may be caused (section 443)</li> </ul> <b>Other permits required</b>	Compliant	<ul style="list-style-type: none"> <li>• Environmental Incidents Register (2022_Environmental Incidents_DES Compliance Reference Number and Case Register)</li> <li>• Cumulation of site management and operating documentation - management plans, SOP, JSEA, design documents, inspection &amp; activity records, etc</li> <li>• Site inspection</li> </ul>	Within the last audit period - notifiable incidents were recorded as follows: <ul style="list-style-type: none"> <li>• Groundwater exceedances</li> <li>• 1 x noise complaint -&gt; Aug 2022</li> </ul> these events are not notifiable incidents under conditions of this requirement. NAC has not identified anything that has occurred in relation to this condition that requires notice to the administering authority.		
n/a	This permit only provides an approval under the Environmental Protection Act 1994. In order to lawfully operate you may also require permits / approvals from your local government authority, other business units within the department and other State Government agencies prior to commencing any activity at the site. For example, this may include permits / approvals with your local Council (for planning approval), the Department of Transport and Main Roads (to access state controlled roads), the Department of Resources (to clear vegetation), and the Department of Agriculture and Fisheries (to clear marine plants or to obtain a quarry material allocation).	Compliant	<ul style="list-style-type: none"> <li>• EPML00335713, effective 14 November 2022</li> <li>• Coordinator Generals Report, December 2014, as varied</li> <li>• EPBC Approval (EPBC 2007/3423), dated 14 January 2022</li> <li>• Associated Water Licence 625158, expires 21/08/2022</li> </ul>	Required additional permits and approvals in place for the project.		
<b>SCHEDULE A: GENERAL</b>						
A1	This environmental authority authorises environmental harm referred to in the conditions. Where there is no condition or this environmental authority is silent on a matter, the lack of a condition or silence does not authorise environmental harm.	Compliant	<ul style="list-style-type: none"> <li>• Balance of site management documentation sighted / reviewed as given in this audit report.</li> <li>• Site observations</li> <li>• Personnel interviews</li> </ul>	<ul style="list-style-type: none"> <li>• No observable harm, disturbance or activity outside EA observed on site visit or noted during audit analysis.</li> <li>• Construction of Lagoon Creek crossing &amp; rail loop yet to begin</li> </ul>		
A2	a) The mining activities authorised under this environmental authority are those (subject to the limits in this condition and other conditions in this environmental authority): (i) Generally in accordance with Figure A1 – Project overview; or (ii) Authorised by conditions A2(b), A2(c) or A2(d). b) The environmental authority holder must not: (i) Disturb for pits, slope batters and out of pit dumps, more than 1,446ha (approximately) on ML50232 and 123ha (approximately) on ML50216; or (ii) Disturb any land other than for minor infrastructure in the ‘exclusion’ zones depicted on Figure A1 – Project overview; or (iii) Disturb any land other than for minor infrastructure and infrastructure represented on Figure A1 – Project overview unless: (1) Authorised in another condition of this environmental authority; or (2) Such disturbance is within ML50216 or ML50170 on land lawfully disturbed before commencement of this environmental authority and which, as at 11 May 2022, had not been rehabilitated. c) Disturbance of land for minor infrastructure is authorised only if: (i) The environmental authority holder has submitted to the administering authority information showing the nature, location and extent of such disturbance and associated infrastructure; and (ii) The administering authority: (1) Has informed the environmental authority holder that it does not regard the impacts require an amendment to this environmental authority; or (2) Has informed the environmental authority holder that the administering authority requires the environmental authority holder to make an application pursuant to Chapter 5, Part 7, Environmental Protection Act 1994 and such application is made and approved by the administering authority; or (3) Has otherwise amended this environmental authority to authorise the disturbance. d) Despite condition A2(b)(iii), the environmental authority holder may disturb land for the construction of the haul road and Lagoon Creek crossing represented on Figure A1 – Project overview.	Compliant	As above	As above		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
A3	The environmental authority holder is approved to extract coal at a rate of up to 7.5 million tonnes per annum (Mtpa) of product coal in accordance with this environmental authority.	Compliant	<ul style="list-style-type: none"> <li>NAC03 Production Schedule update, September 2022</li> <li>FMS sighted in use.</li> </ul>	<p>No coal extracted during audit period.</p> <p>Mine has been in care and maintenance mode throughout most of the audit period, pending issue of required approvals. All approvals have now been issued, allowing for Stage 3 coal extraction to commence.</p> <p>Preparatory works including equipment and infrastructure maintenance and preparation, preliminary earthworks and overburden removal have commenced. Other activities during the audit period have included progressive rehabilitation activities.</p> <p>Extraction rate is managed via Production Schedule, resource planning, resource modelling and extraction monitoring. Production Schedule is based on and extraction rate of 5.1Mtpa. Limited capacity in Production Schedule makes it unlikely that extraction will reach 7.4Mtpa without major changes to work planning and resourcing. Production Schedule update (dated September 2022) sighted which indicates production rate of 5.0-5.2Mtpa of product coal based on average yields achieved from NAC03.</p> <p>Actual extraction is tracked and reported via FMS &amp; engineering plans. The FMS captures all vehicle movements and allows for extraction to be monitored and tracked.</p>		
A4	All plans, reports and programs referred to, or collected under, a condition of this environmental authority must be published on the environmental authority holder's website within one (1) month of completion.	Non-compliant	New Hope Group Website, checked 27 June 2023 ( <a href="https://newhopegroup.com.au/general-reporting/">https://newhopegroup.com.au/general-reporting/</a> )	<p>New Hope Group Website was reviewed (27 June 2023). Website records indicate most required records have been made available online, however some data gaps are noted as follows / for example:</p> <ul style="list-style-type: none"> <li>Annual water monitoring reports / REMP monitoring reports for the audit period</li> <li>Groundwater investigation report for 10PBr &amp; 4518WB investigation</li> <li>Groundwater Monitoring and Management Program</li> <li>Annual Groundwater Monitoring Reports (AGMR) for the audit period</li> <li>Noise Monitoring Program</li> <li>Annual rehabilitation progress reports</li> <li>Mine Closure Plan (not yet required?)</li> <li>Annual Regulated Structure Inspection Report (2021)</li> </ul> <p>It is noted that NAC are required to submit some reports online via administering authority reporting systems, including WaTERS reports and noise &amp; vibration compliance reports, and that these reports are not presented in published format per se, and therefore are not published to the NAC website. The EA could be updated to clarify reporting requirements these online report submissions.</p>	NC1	<ol style="list-style-type: none"> <li>Review NAC website and update with all plans, programs and reports required by the EA for the audit period.</li> <li>Ensure all plans, reports and programs referred to, or collected under, a condition of the EA are published on the NAC website within one (1) month of completion.</li> <li>Prepare an EA amendment to clarify requirements in relation to reports submitted online via administering authority reporting systems.</li> </ol>
<b>Maintenance of Measures, Plants and Equipment</b>						
A5	The environmental authority holder must: a) install all measures, plant, and equipment necessary to ensure compliance with the conditions of this environmental authority; and b) maintain such measures, plant, and equipment in a proper and efficient condition; c) operate such measures, plant, and equipment in a proper and efficient manner; and d) ensure all instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority are properly calibrated.	Compliant with observation	<ul style="list-style-type: none"> <li>Equipment calibration / service schedule register</li> <li>Calibration Report - March 2023 Lear Seiglar Australia P/L - Air Quality TEOM NH_03_23 R1</li> <li>Environmental Reporting and Work Schedule - 2023</li> <li>JHA dig trench for HVV lighting towers 20200203</li> <li>Standard CHPP Weekly Routine Tasks 7 Day Operation Schedule</li> <li>Standard CHPP Workshop Weekly Inspection Checklist</li> <li>Work Order No. - 6121933, CV-101 Tail End Refurbishment</li> </ul>	<p>Asset maintenance system implemented to plan, track and report on plant &amp; equipment issues, maintenance and repairs. Site housekeeping checks implemented - to be reviewed prior to restarting coal extraction to ensure currency and timely completion.</p> <p>Calibrations of monitoring equipment are performed by specialist contractors monthly and quarterly, and provides a summary of events, results and notifies the Technical staff if issues with equipment are found.</p> <p>Any issues are rectified by the Technical staff on the day, or else are raised with Enviro Team for follow up. Enviro Team track actions via weekly works schedule, moving to use of new SharePoint actions / incident reporting &amp; tracking system.</p>	OBS1	<ol style="list-style-type: none"> <li>Update Calibration Register to show completed calibrations.</li> <li>Ensure housekeeping checks are refreshed on return to production. Consider any new/changed hazards/risks and include in inspection checklists.</li> </ol>
<b>Monitoring</b>						
A6	Except where specified otherwise in another condition of this environmental authority, all monitoring data, records or reports required by this environmental authority must be kept for a period of not less than five (5) years.	Compliant	Objective Data Management System - example records sighted throughout duration of this EA	Required records retained indefinitely in objective data management system. Examples of environmental records sighted in Objective system.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
A7	Upon request from the administering authority, copies of all monitoring data, records and reports will be made available and provided to the administering authority's nominated office within ten (10) business days or an alternative timeframe agreed between the administering authority and the holder.	Compliant	<p>Noise event from August 2023;</p> <ul style="list-style-type: none"> <li>• Email dated 10/8/2022 from DES C-CPLRC-100291483 - EPML0035713 Noise Nuisance Report Acland -&gt; Data request as well</li> <li>• Email from 10/08/2022 from DES requesting data records regarding noise complaint -&gt; RFI C-CPLRC-100291483 EPML 0035713 Noise nuisance report Acland</li> <li>• Captured in consultation manager #14987</li> <li>• Response provided 20/08/2022 with supporting documentation and data records</li> <li>• Close out letter 19/09/2022</li> </ul> <p>Groundwater bore criteria triggered:</p> <ul style="list-style-type: none"> <li>• Email from NAC to DES New Acland Coal - EPML0035713 - Condition D17 Triggered, dated 25/10/2022 &amp; DES response dated 28/10/2022</li> <li>• Subsequent communications notifying 2nd &amp; 3rd exceedances sighted (related to 4th &amp; 5th monthly monitoring events) 2022_Environmental Incidents_DES Compliance Reference Number and Case Register</li> <li>• Email from NAC to DES dated 23/12/2023 submitting investigation report &amp; DES response dated 23/12/2023 acknowledging receipt.</li> <li>• New Acland Mine EA Bores 10PbR &amp; 4518WB Exceedance Investigation, ref 620.31246-L01-v1.0-20221223, SLR 23 December 2022</li> <li>• New Acland Mine EA Bores 10PbR &amp; 4518WB Exceedance Investigation January 2023 Monitoring Event, Project No. 620.31246, SLR, 31May 2023</li> </ul>	Information requested by DES / required by EA provided within required timeframes. Evidence sighted.		
A8	Any management or monitoring plans, systems or programs required to be developed and implemented by a condition of this environmental authority should be reviewed for effectiveness in minimising the likelihood of environmental harm on an annual basis, and amended promptly if required, unless a particular review date and amendment program is specified in the plan, system or program.	Compliant	<ul style="list-style-type: none"> <li>• 'Broad brush risk assessment' (BBRA) - updated May 2023</li> <li>• Document review register</li> <li>• Koala SMP</li> <li>• Groundwater Monitoring &amp; Management Plan</li> </ul>	<p>Document Review Register - tracks plans and review due dates / status. Most Stage 3 Management Plans are new and not yet due or have just come due for first round of annual review (documents developed within previous 12 months). Evidence sighted indicated that document review dates are generally being tracked and documents are being reviewed as required. Environment Team is planning to review and improve the EMS and implement an Environmental Data Management System (EDMS) to improve systems management of document review timelines.</p> <p>Koala SMP and Groundwater MMP are both in review. Koala MP review has identified management adaptations as opportunities for future improvements. Review completed for BBRA (Broad Brush Risk Assessment).</p>		
A9	Where monitoring is a requirement of this environmental authority, ensure that all monitoring required under a condition of this environmental authority is performed by a suitably qualified person(s).	Compliant	<ul style="list-style-type: none"> <li>• Calibration Report - March 2023 Lear Seiglar Australia P/L - Air Quality TEOM NH_03_23 R1 ALS Certificate of Analysis EB2310577 dated 18 April 2023</li> <li>• NATA certified analytical reports for various monitoring programs as evidenced elsewhere in this audit report - air, groundwater</li> </ul>	NAC have engaged specialist contractors including NATA certified monitoring / laboratory / calibration services where required. Evidence of calibration & monitoring data sighted.		
A10	A monitoring program which includes monitoring locations, frequency, parameters, monitoring techniques and quality assurance protocols must be developed, implemented and made available to the administering authority on request.	Compliant	<ul style="list-style-type: none"> <li>• Air quality monitoring program</li> <li>• Groundwater Monitoring and Management Program</li> <li>• Noise Monitoring Program</li> </ul>	Monitoring programs required by the EA have been developed and provided to DES as required. Air and noise monitoring programs available to the public online in real-time.		
<b>Risk Management</b>						
A11	The environmental authority holder must develop and implement a risk management system for mining activities which mirrors the content requirement of the Standards Australia Risk management – Principles and guidelines (AS/NZS ISO 31000:2009), or the latest edition of a Standards Australia for risk management, to the extent relevant to environmental management, prior to the commencement of mining activities on ML50232	Compliant	2022-NAC BBRA - Updated May 2023	Broad Brush Risk Register established for the facility. BBRA incorporates Environmental Risks (i.e. risk register), also includes corporate level risks.		
<b>Notification of Emergencies, Incidents and Exceptions</b>						
A12	The environmental authority holder must notify the administering authority by written notification within twenty-four (24) hours after becoming aware of any emergency or incident which results in the release of contaminants not in accordance with, the conditions of this environmental authority.	Not triggered	2022_Environmental Incidents_DES Compliance Reference Number and Case Register	No emergency incidents during audit period. 9 events related to limit exceedances and water releases were notified to DES during 2022. Evidence of investigation, response and close-out within required timeframes sighted.		



Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
A13	Within ten (10) business days following the initial notification of an emergency or incident, or receipt of monitoring results, whichever is the latter, further written advice must be provided to the administering authority, including the following: a) results and interpretations of any samples taken and analysed b) outcomes of actions taken at the time to prevent or minimise unlawful environmental harm c) proposed actions to prevent a recurrence of the emergency or incident.	Not triggered	As above	As above		
<b>Complaints</b>						
A14	The environmental authority holder must record all environmental complaints received about the mining activities including: a) name, address and contact number of the complaint b) time and date of complaint c) reasons for the complaint d) investigations undertaken e) conclusions formed f) actions taken to resolve the complaint g) any abatement measures implemented h) person responsible for resolving the complaint; and i) records of any referrals to an independent counselling service. The information as outlined in condition A14(a) to (i) with the consent of the complainant must be sent to the administering authority (and the complainant) within twenty-eight (28) days of the action.	Compliant	<ul style="list-style-type: none"> <li>Consultation Manager database – Record #14987 Noise complaint (August 2022)</li> <li>Email from 10/08/2022 from DES notifying NAC of complaint and requesting data records -&gt; RFI C-CPLRC-100291483 EPML 00335713 Noise nuisance report Acland</li> <li>Response email from NAC to DES dated 20/8/2023</li> <li>Associated Consultation Manager Event Report 14987</li> <li>DES letter closing out noise issue C-CPLRC-100291483, dated 19 September 2022</li> </ul>	Consultation Manager used to record all community consultation, interactions and actions taken. Evidence of use as required sighted.		
A15	The environmental authority holder must, when requested by the administering authority, undertake relevant specified monitoring within a reasonable timeframe nominated or agreed to by the administering authority to investigate any complaint of environmental harm. The results of the investigation (including an analysis and interpretation of the monitoring results) and abatement measures, where implemented, must be provided to the administering authority within ten (10) business days of completion of the investigation, or no later than ten (10) business days after the end of the timeframe nominated by the administering authority to undertake the investigation.	Compliant	As above	As above - issue closed		
<b>Third-Party Reporting</b>						
A16	The environmental authority holder must: a) within one (1) year of the commencement of this environmental authority, obtain from an appropriately qualified person a report on compliance with the conditions of this environmental authority; and b) obtain further such reports at regular intervals; not exceeding three (3) yearly intervals, from the completion of the report referred to above; and c) provide each report to the administering authority within ninety (90) days of its completion.	Compliant	<ul style="list-style-type: none"> <li>SLR Offer of Services A00.14011.PROMO-P01-v2.0-20230330, dated 30 March 2023</li> <li>Purchase Order PPS601P4, dated 13/4/2023</li> <li>This audit report</li> </ul>	This audit report is the first report on compliance required under Condition A16. Audit report prepared within required timeframe.		
A17	Where a condition of this environmental authority requires compliance with a standard, policy or guideline and the standard is amended or changed subsequent to the issue of this environmental authority, the environmental authority holder must: a) comply with the amended or changed standard, policy or guideline within two (2) years of the amendment or change being made, unless a different period is specified in the amended standard or relevant legislation, or where the amendment or change relates specifically to regulated structures referred to in conditions J1 to J36, the time specified in that condition. b) Until compliance with the amended or changed standard, policy or guideline is achieved, continue to remain in compliance with the corresponding provision that was current immediately prior to the relevant amendment or change.	Compliant	<ul style="list-style-type: none"> <li>New Acland Legal &amp; Other Requirements Register - updated 23 August 2022</li> <li>Mining Environmental Update - April 2023, Herbert Smith Freehills</li> </ul>	NAC Legal team monitors and tracks legal register and circulates updates.		
<b>Storage and Handling of Flammable and Combustible Liquids</b>						
A18	Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm (other than trivial harm) and maintained in accordance with Section 5.9 of AS1940 - Storage and Handling of Flammable and Combustible Liquids of 2004 (or more recent editions).	Compliant with observation	Site observations - chemical storage & spill kits, refuelling area, bulk oil storage area	Appropriately bunded chemical storage and nearby spill kits seen onsite inspection. Spill controls including bunding in place for chemical, fuel and lubricant handling onsite, in generally good condition and in use for most packaged liquids. Some lubricants, IBCs of coolant were noted to be stored outside bunded areas. Drip trays fitted to bulk oil dispensing area, however spill control in this area could be improved, for example by upgrading the gravel hardstand with a concrete apron and isolated drainage similar to that provided for the bulk fuel storage area.	<b>OBS2</b>	Review spill controls for packaged and bulk liquids and ensure adequate bunded areas are provided for all liquids to be stored. Consider installing additional risk controls to minimise potential land contamination where necessary, e.g. around the bulk lubricant storage and dispensing area.
A19	No environmentally relevant activities are authorised on ML700002.	Compliant		ML00002 is the land area for the new rail loop. Development not commenced during audit period. No environmentally relevant activities on ML700002 during the audit period.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>SCHEDULE B: AIR</b>						
<b>Dust and Particulate Matter Monitoring</b>						
<b>B1</b>	<p>The environmental authority holder must ensure that air emissions generated by the mining activities do not cause the criteria in Table B1 – Air quality monitoring requirements to be exceeded at a sensitive place or commercial place.</p> <p>The measurement of air emissions for a sensitive place or commercial place is either:</p> <p>a) At that place (if measured there); or</p> <p>b) At the monitoring location representative (whether by reason of correlation or otherwise) of the sensitive place or commercial place (where there is no measure at the sensitive place or commercial place).</p>	<b>Compliant</b>	<ul style="list-style-type: none"> <li>• Air Quality Management Plan (including Air Quality Management Program)</li> <li>• Environmental Monitoring Operations System (EMOS) live database sighted.</li> <li>• ALS Report for Work Order EN2304603, dated 24 May 2023 (laboratory results for dust gauges</li> <li>• 13/06/2023 Alarm trigger for EMOS -&gt; comment related to water truck being sent out</li> </ul>	<p>Environmental Management Operations System (EMOS) implemented for all air quality parameters except depositional gauges. EMOS is an internal dashboard that shows live TEOMS (AQ) and noise data. Includes alarms for trigger thresholds.</p> <p>When close to prescribed limit, dashboard will alarm (is monitored 24/7) for the enviro team and operator dashboard and carries a record of alarm history. Notifications sent to dashboard operators &amp; Environmental Team. One of the monitors sits at the closest sensitive receptor (Acland town site). No air quality exceedances due to mining activities triggered during audit period.</p> <p>Depositional gauges are checked manually (monthly), analysed ALS lab in Newcastle, data reviewed by Environment Team. Exceedances reported have been linked to agricultural activities or fauna (birds), not related to mining activities.</p>		
<b>B2</b>	<p>All air quality indicators listed in Table B1 – Air quality monitoring requirements, must be monitoring at the locations and at the frequency listed in Table B1 – Air quality monitoring requirements in accordance with the following methodologies:</p> <p>a) For dust deposition of 120 milligrams per square metre per day, averaged over 1-month, when monitored in accordance with the most recent version of Standards Australia AS/NZS 350.10.1 Methods for sampling and analysis of ambient air – Determination of particulate matter – Deposited matter – Gravimetric method;</p> <p>b) For a concentration of particulate matter with an aerodynamic diameter of less than 10 micrometres (PM10) suspended in the atmosphere of 50 micrograms per cubic metre over a 24-hour averaging time<sup>1</sup> and 25 micrograms per cubic metre over a 1-year averaging time<sup>1</sup>, when monitored in accordance with the most recent version of either:</p> <p>(i) Standards Australia AS/NZS 3580.9.6 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 high volume sampler with size-selective inlet – Gravimetric method; or</p> <p>(ii) Standards Australia AS/NZS 3580.9.9 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 low volume sampler – Gravimetric method; or</p> <p>(iii) Standards Australia AS 3580.9.8 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – PM10 continuous direct mass method using tapered element oscillating microbalance analyser.</p> <p>c) For a concentration of particulate matter suspended in the atmosphere of 90 micrograms per cubic metre over a 24-hour averaging time and 90 micrograms per cubic metre over a 1-year averaging time<sup>1</sup>, when monitored in accordance with the most recent version of AS/NZS 3580.9.3 Methods for sampling and analysis of ambient air – Determination of suspended particulate matter – Total suspended particulate matter (TSP) – High volume sampler gravimetric method.</p> <p>d) For a concentration of particulate matter with an aerodynamic diameter of less than 2.5 micrometres (PM2.5) suspended in the atmosphere of 25 micrograms per cubic meter over a 24-hour averaging time<sup>1</sup> and 8 micrograms per cubic meter over a 1-year averaging time<sup>1</sup> when monitored in accordance with:</p> <p>(i) The most recent version of Standards Australia AS/NZS 3580.9.12 Methods for sampling and analysis of ambient air, Determination of suspended particulate matter – PM2.5 beta attenuation monitors; or</p> <p>(ii) The most recent version of Standards Australia AS/NZS 3580.9.13 Methods of sampling and analysis of ambient air, Determination of suspended particulate matter – PM2.5 continuous direct mass method using a tapered element oscillating microbalance monitor; or</p> <p>(iii) Another method as agreed to in writing by the administering authority.</p> <p>Note: 1 These limits are based upon relevant air quality objectives contained in the Environmental Protection (Air) Policy 2019 and may be automatically amended to reflect any amendment or replacement of the relevant air quality objective in the</p>	<b>Compliant</b>	As above	As above		
<b>B3</b>	If monitoring indicates the potential for exceedance of the relevant limits in conditions B1 and B2 then the environmental authority holder must immediately implement dust abatement measures to avoid exceeding the relevant limits.	<b>Compliant</b>	As above	Evidence sighted indicating that dust controls including suppression by water trucks are implemented if trigger levels exceeded.		
<b>Air Emissions Management Plan</b>						

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
B4	<p>An Air Emissions Management Plan must be developed by a suitably qualified and experienced person in relation to air emissions and implemented for all stages of mining. The Air Emissions Management Plan must be submitted to the administering authority for review and approval:</p> <p>a) Within three (3) months of the grant of ML50232 and ML700002, and at intervals not exceeding two (2) years thereafter; and</p> <p>b) Prior to the environmental authority holder producing more than 5.1 million tonnes (Mt) of product coal per calendar year.</p>	Compliant	<ul style="list-style-type: none"> <li>• Air Emissions Management Plan (AEMP) version 11, as updated 27 April 2023</li> <li>• Email from NAC to DES, 20221125 - NAC3 - AEMP and NVMP submission, dated 25/11/2022 submitting the revised Air Emissions Management Plan (AEMP) (version updated 24/11/2022) and Noise and Vibration Management Plan (NVMP) (version updated 25/11/2022)</li> <li>• Letter dated 18 May 2023 from DES indicating approval of AEMP &amp; NVMP, noting updated plans were submitted 27 April 2023.</li> <li>• ML50232 issued 26/8/2022</li> <li>• ML700002 issued 26/8/2022</li> <li>• 26.11.2019 - Email to DES submitting New Acland Coal Mine Stage 3 Project - Draft Air Emissions Management Plan</li> <li>• 20221125 - NAC3 - AEMP and NVMP submission</li> </ul>	ML50232 & ML700002 were issued 26/8/2022. Updated Air Emissions Management Plan was submitted to DES for review and approval on 25 Nov 2022, which complies with the 3 months required by Condition B4. The AEMP was further reviewed and updated version v.11 issued and submitted to DES on 27 April 2023.		
B5	<p>The Air Emissions Management Plan must incorporate a program of continuous improvements for the management of dust resulting from mining operations with respect to, but not limited to:</p> <p>a) Monitoring locations acting as and continuing to act as suitable representative sites for sensitive places (if there is no monitor at a particular sensitive receptor);</p> <p>b) The collection of air quality and meteorological data in accordance with Table B1 – Air quality monitoring requirements;</p> <p>c) Monitoring PM2.5 at sensitive places 16 and either 38 or 39 for a duration of 12 months to establish background PM2.5 levels;</p> <p>d) Monitor meteorological conditions at locations representative of the terrain to understand the local background meteorological conditions for a duration of 12 months;</p> <p>e) Monitoring PM10 trends at two (2) locations<sup>1</sup>;</p> <p>f) A trigger action response plan that requires the environmental authority holder to investigate, mitigate and manage TSP caused by mining activities at any sensitive place or commercial place when monitoring indicates exceedance of 80 micrograms per cubic metre over a 24-hour averaging time;</p> <p>g) A forecasting system that provides daily prediction of upcoming meteorological conditions in order to identify adverse meteorological conditions likely to produce elevated levels of dust including PM10 at a sensitive place or commercial place due to the mining activities;</p> <p>h) A dust control strategy which activates a timely implementation of dust control management actions aimed to avoid or minimise elevated levels of dust including PM10 at a sensitive place or commercial place due to mining activities;</p> <p>i) Annual review of the Air Emissions Management Plan including its adequacy and effectiveness in avoiding and minimising air emissions and dust at a sensitive place or commercial place;</p> <p>j) A protocol and register for the recording of requests and installation of first flush diverter systems; and</p> <p>k) A protocol for the transport of basalt material.</p> <p><i>Note: 1 Trend monitoring as required by condition B5(c) can be undertaken using different instruments and methods from those specified in Table B1 – Air quality monitoring requirements.</i></p>	Compliant	As above	AEMP addresses requirements of Condition B5, as approved by DES (18/5/2023).		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>Air Quality Monitoring Program</b>						
B6	The air quality monitoring program listed in Table B1 – Air quality monitoring requirements must be reviewed by a suitable qualified and experienced person(s) as part of the review of the Air Emissions Management Plan and a report must be provided to the administering authority: a) Within two (2) years and three (3) months of the grant of ML50232 and ML700002, and at intervals not exceeding two (2) years thereafter; and b) Prior to the environmental authority holder producing more than 5.1Mt of product coal per calendar year. The review must include: a) The effectiveness of the monitoring network including the appropriateness of the monitoring locations to act as suitable representative sites for sensitive places (if there is no monitor at a particular sensitive place); b) The frequency and cause of any exceedances of air quality objectives measured by the monitoring program over a period of at least two (2) years; c) Dust complaints; d) Future progression of the mining activities; e) Locations of sensitive places relative to the mining activities; f) Mining operating modes; and	Compliant	As above	Air quality monitoring program was reviewed by suitably qualified and experienced specialist contractors as part of the updated AEMP approved by DES in May 2023. Further review requirement not yet triggered.		
B7	The air quality monitoring program in Table B1 – Air quality monitoring requirements may be revised where recommended in a revised Air Emissions Management Plan provided pursuant to condition B4 or as a result of the review in condition B6 and with the approval of the administering authority.  Any additional monitors recommended in a revised Air Emissions Management Plan must be installed and must be operational as soon as practicable after receiving approval and, in the case of an approval following a revised Air Emissions Management Plan pursuant to conditions B4(b) and B6(b), prior to the environmental authority holder producing more than 5.1Mt of product coal per calendar year.	Compliant	As above	No additional monitoring triggered.		
B8	All continuously monitored parameters required by Table B1 – Air quality monitoring requirements and the forecasting system required by condition B5 must be made publicly available online and in real-time, presented: a) Spatially; and b) Real-time rolling over 1-hour average across all sites that can be drilled into for each location to provide: (i) Real-time rolling over 1-hour average data on 24-hour basis; (ii) Links to historical data on one hour basis; and (iii) Links to historical 24-hour data	Compliant	<ul style="list-style-type: none"> <li>Environmental Monitoring Operations System (EMOS) live database sighted including internal and publicly available real-time monitoring in progress</li> <li>Public monitoring website sighted (<a href="https://nac-emos.newhopedgroup.com.au/dash/#/main">https://nac-emos.newhopedgroup.com.au/dash/#/main</a>), accessed during onsite audit &amp; 27/06/2023).</li> </ul>	Public website showing air, noise & vibration monitoring sighted and appears to align with requirements of Condition B8.		
B9	The environmental authority holder must provide and install 'first-flush' diverter systems within three (3) months of a request for such a system being made from a residence within five (5) km of the mine boundary.	Not triggered	<ul style="list-style-type: none"> <li>Environmental Incidents Register (2022_Environmental Incidents_DES Compliance Reference Number and Case Register)</li> </ul>	NAC have not received any requests during the audit period for first flush diverter systems to be installed.		
B10	All sealed traffic areas must be cleaned as necessary to minimise the release of dust and particulate matter to the atmosphere.	Compliant	<ul style="list-style-type: none"> <li>Site observations - paved areas generally clean and in good condition, site water trucks in use, recently wetted down tracks</li> <li>OCE Inspection record dated 29/05/2023 (housekeeping inspection)</li> </ul>	Site inspection records sighted and verified by direct observation during site inspection indicating that paved areas generally clean and in good condition.		
B11	Trafficable areas must be sealed with bitumen or an equivalent hard surface, or otherwise maintained to the satisfaction of the administering authority, in a condition which minimises the release of wind-blown or traffic generated dust.	Compliant	As above	Sealed roadways cleaned, water carts used on unsealed roadways. Unsealed areas maintained in good condition - compacted, graded, no potholes / ruts noted.		
B12	Temporary roads used for material haulage must be watered or treated in any other suitable manner, to minimise wind-blown or traffic generated dust.	Compliant	As above	As above		
<b>Odour Nuisance</b>						
B13	The release of noxious or offensive odour(s) or any other noxious or offensive airborne contaminant(s) resulting from the mining activity must not cause an environmental nuisance at any sensitive place or commercial place.	Compliant		No odour complaints reported. No significant sources of offsite odours noted during site inspection.		
B14	When requested by the administering authority, odour monitoring must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (which is neither frivolous nor vexatious nor based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive or commercial place, and the results must be notified within fourteen (14) days to the administering authority following completion of monitoring	Compliant		No odour monitoring requested by DES during the audit period.		
B15	If monitoring indicates condition B13 is not being met then the environmental authority holder must: a) address the complaint including the use of appropriate dispute resolution if required; and b) immediately implement odour abatement measures so that emissions of odour from the activity do not result in further environmental nuisance.	Not triggered		Not applicable - see above		
<b>SCHEDULE C: WATER</b>						
C1	Contaminants that will or have the potential to cause environmental harm must not be released directly or indirectly to any waters as a result of the authorised mining activities, except as permitted under the conditions of this environmental authority.	Compliant with observation	<ul style="list-style-type: none"> <li>Site observations</li> <li>Water Management Plan (December 2021)</li> <li>Water Management Plan (July 2023)</li> <li>Environmental Management Plan</li> <li>Receiving Environment Management Plan (REMP)</li> <li>AECOM online monitoring for flow gauge for Lagoon Creek</li> <li>NAC03-Erosion-and-Sediment-Control-Plan-2023</li> </ul>	Water not released offsite to any waterways. All water retained or managed onsite via WMP / REMP. NAC are currently looking into evaporators to relieve past heavy rainfall (water in voids). Table 1-4 of the REMP indicates Condition C1 is addressed in the WMP, however it is not referenced in Table 1 of the 2023 updated WMP. A cross-referenced compliance framework would be useful addition / update to the WMP, ESCP & RMP compliance tables for Conditions C1 to C24 to confirm where each Condition is addressed within NAC's water management	OB53	Review and update the WMP, ESCP, REMP as relevant to ensure that compliance requirements of EA Schedule C: Water are described within NAC's compliance management framework. Include an update of Table 1 of the WMP, Table 1-4 of the REMP and Table 1 of the ESCP to cross-reference between plans to provide a consistent overview of the compliance management framework and between plans for Conditions C1 to C24.

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
C2	Unless otherwise permitted under the conditions of the environmental authority, the release of mine affected water must only occur from the release points specified in Table C1 – Mine affected water release points, sources and receiving waters and depicted in Figure C1 – Surface water monitoring points attached to this environmental authority.	Compliant with observation	As above	No discharge will ever be carried out via Spring Creek release point due to these access issues and inability to monitor stream flows in Spring Creek. An EA amendment is being prepared and will include removal of Spring Creek location. (Refer to Condition C5) As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OB53	Refer to Condition C1
C3	The release of mine affected water to water in accordance with C2 must not exceed the release limits stated in Table C2 – Mine-affected water release limits when measured at the monitoring points specified in Table C1 – Mine-affect water release points, sources and receiving waters for each quality characteristic.	Compliant with observation	As above	As above	OB53	Refer to Condition C1
C4	The release of mine affected water to waters from the release points must be monitored at the locations specified in Table C1 – Mine-affected water release points, sources and receiving waters for each quality characteristic and at frequency specified in Table C2 – Mine-affected water release limits.	Compliant with observation	As above	As above related o Spring Creek monitoring location. Monitoring addressed in Section 4.2 of the REMP. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OB53	Refer to Condition C1
C5	The environmental authority holder must ensure a stream flow gauging station/s is installed, operated and maintained to determine and record stream flows in Lagoon and Spring Creek upstream of the discharge sites.	Non-compliant	As above	AECOM stream flow gauging station installed upstream of Lagoon Creek discharge location, includes real-time online monitoring. No gauge has been installed on Spring Creek due to it's location on private property and recent landholder access issues preventing access to this location. No discharge will ever be carried out via Spring Creek release point due to these access issues and inability to monitor stream flows in Spring Creek. An EA amendment is being prepared and will include removal of Spring Creek location. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	NC2 OB53	NC2 - Ensure EA amendment includes removal of Spring Creek monitoring location / release point.  OB53 - Refer to Condition C1.
C6	Notwithstanding any other condition of this environmental authority, the release of mine affected water to waters in accordance with condition C2 must only take place during periods of natural flow in accordance with the receiving water flow criteria for discharge specified in Table C2 – Mine-affected water release limits for the release point(s) specified in Table C1 – Mine-affected water release points, sources and receiving waters.	Compliant with observation	As above	Water not released offsite to any waterways during audit period. All water retained or managed onsite. NAC currently looking to install evaporators to relieve water in voids from past heavy rainfalls. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OB53	Refer to Condition C1
C7	The release of mine affected water to waters in accordance with condition C6 must not exceed the Maximum Release Rate (for all combined release point flows) for each receiving water flow criterion for discharge specified in Table C3 – Mine-affected water release during flow events when measured at the monitoring points specified in Table C1 – Mine-affected water release points, sources and receiving waters.	Compliant with observation	As above	As above	OB53	Refer to Condition C1
C8	The daily quantity of mine affected water released from each release point must be measured and recorded.	Compliant with observation	As above	As above	OB53	Refer to Condition C1
C9	Release to waters must be undertaken so not as to cause erosion of the bed and banks of the receiving waters or cause material build-up of sediment in such waters.	Compliant with observation	As above	Erosion and Sediment Management Plan includes monitoring measures and risk controls. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OB53	Refer to Condition C1
<b>Notification of Release Event</b>						
C10	The environmental authority holder must notify the administering authority as soon as practicable and no later than 1 Business day after commencing to release mine affected water to the receiving environment. Notification must include the submission of written advice to the administering authority of the following information: a) release commencement date/time; b) details regarding the compliance of the release with the conditions of Schedule C: Water of this environmental authority (that is, contaminant limits, natural flow, discharge volume); c) release point(s); d) release rate; e) release salinity; and f) receiving water(s) including the natural flow rate.  <b>Note: Notification to the administering authority must be made via WaTERS .</b>	Compliant with observation	<ul style="list-style-type: none"> <li>Site observations</li> <li>Water Management Plan (December 2021)</li> <li>Water Management Plan (July 2023)</li> <li>Environmental Management Plan</li> <li>Receiving Environment Management Plan (REMP)</li> <li>AECOM online monitoring for flow gauge for Lagoon Creek</li> <li>New Acland REM Report 31 March 2023 for 2022 pre wet season survey, BMT P/L</li> <li>Receiving Environment Monitoring Program for New Acland Mine Reference: R.B21788.002.02.New_Acland_REMP_Design_Document.docx , Date: July 2017 (the REMP Design Document)</li> </ul>	No releases during audit period. Table 1-4 of the REMP indicates Conditions C10 to C13 are addressed in the WMP, however it is not referenced in Table 1 of the 2023 updated WMP. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OB53	Refer to Condition C1

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
C11	The environmental authority holder must notify the administering authority as soon as practicable and nominally no later than 1 Business day after cessation of a release event of the cessation of a release notified under condition C10 and within twenty-eight (28) days provide the following information in writing: a) release cessation date/ and time; b) natural flow rate in receiving water; c) volume of water released; d) details regarding the compliance of the release with the conditions of Agency Interest; Water of this environmental authority (i.e. contaminant limits, natural flow, discharge volume); e) all in-situ water quality monitoring results; and f) any other matters pertinent to the water release event.  <b>Note:</b> Successive or intermittent releases occurring within twenty-four (24) hours of the cessation of any individual release can be considered part of a single release event and do not require individual notification for the purpose of compliance with conditions C10 and C11, provided the relevant details of the release are included within the notification provided in accordance with	Compliant with observation	As above	As above	OBS3	Refer to Condition C1
C12	If the release limits defined in Table C2: Mine-affected water release limits are exceeded, the holder of the environmental authority must notify the administering authority within 1 Business day of receiving the results.	Compliant with observation	As above	As above	OBS3	Refer to Condition C1
C13	The environmental authority holder must, within twenty-eight (28) days of a release that is not compliant with the conditions of this environmental authority, provide a report to the administering authority detailing: a) the reason for the release; b) the location of the release; c) the total volume of the release and which (if any) part of this volume was non-compliant; d) the total duration of the release and which (if any) part of this period was non-compliant; e) all water quality monitoring results (including all laboratory analyses); f) identification of any environmental harm as a result of the non-compliance; g) all calculations; and	Compliant with observation	As above	As above	OBS3	Refer to Condition C1
<b>Receiving Environmental Monitoring and Contaminant Trigger Levels</b>						
C14	The quality of the receiving waters must be monitored at the locations specified in Table C5: Receiving water upstream background sites and downstream monitoring points for each quality characteristic and at the monitoring frequency stated in Table C4: Receiving waters contaminant trigger levels.	Compliant with observation	As above	No release during audit period. Requirements of C14 to C17 implemented via REMP, would be useful if also cross-referenced in the compliance framework within the WMP and ESCP. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1
C15	If quality characteristics of the receiving water at the downstream monitoring points exceed any of the trigger levels specified in Table C4: Receiving waters contaminant trigger levels during a release of mine affected water the environmental authority holder must compare the downstream results to the upstream results in the receiving waters and a) where the downstream result is the same or a lower value than the upstream value for the quality characteristic then no additional monitoring and reporting action is required; or b) where the downstream results exceed the upstream results complete an investigation into the potential for environmental harm and provide a written report to the administering authority within ninety (90) days of receiving the results in the next annual return, outlining; 1. details of the investigations carried out; and 2. actions taken to prevent environmental harm.  <b>Note:</b> Where an exceedance of a trigger level has occurred and is being investigated, in accordance with (b) of this condition, no further reporting is required for subsequent trigger events for that quality characteristic	Compliant with observation	As above	As above	OBS3	Refer to Condition C1
C16	If an exceedance in accordance with condition C15(b) is identified, the holder of the environmental authority must notify the administering authority in writing within 1 business day of receiving the results.	Compliant with observation	As above	As above	OBS3	Refer to Condition C1
C17	All determinations of water quality must be performed by an appropriately qualified person	Compliant with observation	As above	NAC have engaged specialist contractors including specialist environmental consultancy, ecologists, surface water specialists, NATA certified monitoring / laboratory / calibration services where required for water quality determinations. As above / Condition C1 related to cross referencing compliance framework in WMP, ESCP & REMP for Conditions C1 to C24.	OBS3	Refer to Condition C1
<b>Annual Water Monitoring Reporting</b>						
C18	The following information must be recorded in relation to all water monitoring required under the conditions of this environmental authority and submitted to the administering authority via WaTERS upon request in the specified format: a) the date on which the sample was taken; b) the time at which the sample was taken; c) the monitoring point at which the sample was taken; d) the measured or estimated daily quantity of mine affected water released from all release points; e) the release flow rate at the time of sampling for each release point; f) the results of all monitoring and details of any exceedances of the conditions of this environmental authority; g) water quality monitoring data must be provided to the administering authority in the specified electronic format; and h) water level monitoring data must be provided in the specified electronic format	Compliant with observation	As above	Section 6.6 of the REMP Design Document outlines reporting requirements, however does not make specific reference to the requirements of Condition C18. Table 1-4 of the REMP indicates Conditions C18 to C22 are addressed in the WMP, however Table 1 of the ESCP indicates Condition C18 is addressed within that plan. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>Storm Waste and Water Sediment Controls</b>						
C19	An Erosion and Sediment Control Plan must be developed by an appropriately qualified person and implemented for all stages of the mining activities on the site to minimise erosion and the release of sediment to receiving waters and contamination of stormwater	Compliant with observation	<ul style="list-style-type: none"> <li>Erosion and Sediment Control Plan (ESCR) - February 2023</li> </ul>	NAC engaged external specialist consultant to develop plan. Table 1-4 of the REMP indicates Conditions C18 to C22 are addressed in the WMP, however Table 1 of the ESCP indicates Condition C19 is addressed within that plan. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1
C20	Stormwater, other than mine affected water, is permitted to be released to waters from: a) Erosion and sediment control structures that are installed and operated in accordance with the Erosion and Sediment Control Plan required by condition C19; and b) Water management infrastructure that is installed and operated, in accordance with a Water Management Plan that complies with conditions C21 and C22, for the purpose of ensuring water does not become mine affected water.	Compliant with observation	<ul style="list-style-type: none"> <li>Site observations</li> <li>Erosion and Sediment Control Plan (ESCR) - February 2023</li> <li>Water Management Plan (December 2021)</li> <li>Environmental Management Plan</li> <li>Receiving Environment Management Plan (REMP)</li> <li>AECOM online monitoring for flow gauge for Lagoon Creek</li> <li>New Acland REMP Report 31 March 2023 for 2022 pre-wet season survey, BMT P/L</li> <li>Receiving Environment Monitoring Program for New Acland Mine Reference: R.B21788.002.02.New_Acland_REMP_Design_Document.docx , Date: July 2017 (the REMP Design Document)</li> </ul>	Site observations indicate drainage infrastructure has been constructed and is operated to divert clean stormwater away from mining areas where possible to prevent it becoming mine affected water as per Condition C20.  Table 1-4 of the REMP indicates Conditions C18 to C22 are addressed in the WMP. The current WMP includes stormwater risk management and release procedures, however does not make reference to specific requirements of Condition C20 in the plan. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1
<b>Water Management Plan</b>						
C21	A Water Management Plan must be developed by an appropriately qualified person and implemented for all stages of mining. The Water Management Plan must be submitted to the administering authority for review and comment within three (3) months upon the grant of ML50232 and ML700002.	Compliant with observation	<ul style="list-style-type: none"> <li>Water Management Plan (December 2021)</li> </ul>	NAC engaged external specialist consultant to update plan. Table 1 of the updated plan indicates Condition C21 is addressed by the updated plan. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1
C22	The Water Management Plan must identify methods to: a) identify the environmental values of the receiving waters, including Lagoon and Spring Creeks, and water quality objectives and how they will be protected; b) incorporate a risk management approach to how changing levels of flood, drought and water quality risks should be addressed; c) manage stormwater discharge; d) develop and implement a system for emergency spills or discharges including procedures to minimise extent and duration of release, staff training, investigation and reporting procedures; e) manage the environmental impacts of any release of wastewater to the environment so that any impacts are minimised including restricting any discharge to waters to occasions where there is flow in receiving waters to provide considerable dilution; f) separate clean water from undisturbed areas and water from disturbed areas; g) manage site water quality and quantity during the (3) phases of mining: development, operation and decommissioning and include a site water balance including groundwater generated through mine dewatering; h) safeguard against the potential for soil erosion and acid drainage; and i) provide details of operational monitoring and monitoring of hydrological processes including associated performance	Compliant with observation	<ul style="list-style-type: none"> <li>Water Management Plan (December 2021)</li> </ul>	WMP includes Spring Creek. Spring Creek upstream location is routinely monitored. No access to Spring Creek downstream monitoring location for a number of years due to it being located on private property & landowner access issues. An EA amendment is being prepared to remove Spring Creek discharge point and monitoring location. (Refer to Condition C5).  NAC engaged external specialist consultant to update plan. Table 1 of the updated plan indicates Condition C22 is addressed by the updated plan. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1
C23	Within twenty (20) business days of receiving comments from the administering authority as required by condition C21, the Water Management Plan must be updated by a suitably qualified and experienced person having regard to the comments and submitted to the administering authority.	Compliant with observation	<ul style="list-style-type: none"> <li>Water Management Plan (December 2021)</li> <li>Water Management Plan (July 2023)</li> <li>RE: Request of Extension: DES comments on NAC WMP, email from NAC to DES, dated 2/8/2023</li> </ul>	DES provided feedback comments for the updated WMP on 21/6/2023, and agreed to extension until 2/8/2023 for NAC response. NAC responded to DES comments on 2/8/2023, email sighted. Finalised WMP issued.  Compliance management requirements for Condition C23 do not appear to be described in the WMP, REMP or ESCP. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1
C24	A copy of the Water Management Plan and any subsequent amendment of the Water Management Plan must be kept at the place to which this environmentally relevant activity relates and be available for examination by Emergency Services Personnel or an authorised person on request.	Compliant with observation	<ul style="list-style-type: none"> <li>Water Management Plan (December 2021)</li> <li>Water Management Plan (July 2023)</li> </ul>	Updated WMP is currently sitting with DES awaiting feedback prior to issue. The updated WMP will be included in Action Response Kit when finalised for access by Emergency Services Personnel.  Compliance management requirements for Condition C23 do not appear to be described in the WMP, REMP or ESCP. As per Condition C1 regarding inclusion and cross-referencing of compliance framework in the WMP, ESCP & RMP for Conditions C1 to C24.	OBS3	Refer to Condition C1

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>SCHEDULE D: GROUNDWATER</b>						
D1	Conditions D2 to D6 apply to all activities. Conditions D7 to D11 apply to mining activities on ML50232. Conditions D12 to D23 apply to mining activities on ML50170 and ML50216. <del>Conditions D22 and D24 to D27 apply to all mining activities</del>	Note only	N/a - note only			
D2	The environmental authority holder must not release contaminants to groundwater.	<b>Compliant</b>	<ul style="list-style-type: none"> <li>Environmental Management Plan</li> <li>Groundwater Monitoring &amp; Management Plan</li> <li>Groundwater Monitoring Report January 2023, issued 23 May 2023 (ERM Pty Ltd)</li> <li>Groundwater bore design, SLR 620.31344.00100, dated 26/5/2022</li> </ul>	<p>Management plans developed &amp; implemented - EMP, GMMP. NAC currently has 2x management plans in review process to align with updated EA requirements.</p> <p>Considered relatively low - insignificant risk input from workshop, fuel storage, explosives etc. Housekeeping, storage, handling &amp; spill response controls, bunding etc in place. Voids are all groundwater sinks.</p> <p>Stormwater drainage constructed to minimise risk of clean stormwater becoming mine impacted, and contributing to risk of groundwater impact via infiltration through voids.</p> <p>Low sulphur in mine water / groundwater - compared to background no difference.</p> <p>Nitrates - no significant source.</p> <p>Risk management controls observed in place, including via WMP, GMMP, fuelling procedures, contaminant bunds, properly constructed and maintained groundwater bores. Some minor improvement to bulk oil storage area noted (refer to Condition A18). Bores properly constructed &amp; monitored by appropriately qualified &amp; experienced personnel.</p>		
D3	All determinations of groundwater monitoring and biological monitoring must be performed by an appropriately qualified person.	<b>Compliant</b>	As above	NAC engages suitably qualified and experienced contractors to carry out quarterly groundwater reporting (ERM). NATA trained technicians and NATA certified methods are used for sampling / laboratory analysis.		
D4	Monitoring and sampling of groundwater must comply with the latest edition of the administering authority's Monitoring and Sampling Manual.	<b>Compliant</b>	As above	ERM carries out quarterly groundwater monitoring & reporting. January 2023 quarterly monitoring report viewed - states that monitoring is in accordance with DES guidelines.		
D5	The construction, maintenance and management of groundwater bores (including groundwater monitoring bores) must be undertaken in a manner that prevents or minimises impacts to the environment and ensures the integrity of the bores to obtain accurate monitoring.	<b>Compliant</b>	As above	NAC engages suitably qualified and experienced contractors to design, construct, maintain and monitor groundwater monitoring bores. Groundwater monitoring program planning looks at location, design, construction suitability, aquifer interfaces, among other factors when determining location and design of groundwater monitoring bores.		
D6	The location of monitoring bores must take into consideration the location of any voids, Tailings Storage Facilities, hazardous waste rock dumps, heap leach pads, location and depth of aquifers and hydro geological factors within the host rocks which may allow the movement of hazardous contaminants.	<b>Compliant</b>	As above	As above		



Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
	<b>ML50232</b>					
D7	Groundwater quality and levels must be monitored at the locations and frequencies defined in Table D1 – Groundwater monitoring locations and frequency (ML50232) for quality characteristics identified in Table D2 – Groundwater quality triggers and limits (ML50232).	Compliant	<ul style="list-style-type: none"> <li>• 2023 Monthly Standing Water Level Data, updated for May 2023</li> <li>• Groundwater Monitoring Report January 2023, issued 23 May 2023 (ERM Pty Ltd)</li> <li>• Email from NAC to DES notifying completion of program for all bores except bore 18PcR2, dated 31/01/2023</li> <li>• Email from NAC to DES notifying completion of bore installation for bore 18PcR2, dated 31/01/2023</li> <li>• NAC Groundwater Monitoring Bore Installation Drilling Program Completion Report, ref 620.31057.00000-L01-v.1.0-20230315, dated 15/3/2023</li> <li>• 2022_Environmental Incidents_DES Compliance Reference Number and Case Register</li> <li>• Email from NAC to DES dated 23/12/2023 submitting investigation report &amp; DES response dated 23/12/2023 acknowledging receipt.</li> <li>• New Acland Mine EA Bores 10PbR &amp; 4518WB Exceedance Investigation, ref 620.31246-L01-v1.0-20221223, SLR 23 December 2022</li> <li>• New Acland Mine EA Bores 10PbR &amp; 4518WB Exceedance Investigation January 2023 Monitoring Event, Project No. 620.31246, SLR, 31May 2023 (BPA ET)</li> </ul>	<p>Monthly groundwater level logging - carried out by NAC with suitably trained and qualified operators.</p> <p>Monitoring undertaken quarterly.</p> <p>Monitoring is undertaken by suitably qualified specialists (ERM) in accordance with DES guidelines - as stated in groundwater monitoring report.</p>		
D8	Groundwater levels when measured at the monitoring locations specified in Table D1 –Groundwater monitoring locations and frequency (ML50232) must not exceed the groundwater level trigger thresholds specified in Table D3 – Groundwater level monitoring ((ML50232, ML50216 and ML50170)).	Not triggered	As above	Not yet applicable - reference levels will be established progressively as new and replacement groundwater bores are installed (drilling underway). 2 years to establish levels once bores have been installed. NAC are progressing bore drilling and monitoring program. Evidence sighted.		
D9	If quality characteristics of groundwater from compliance bores identified in Table D1 – Groundwater monitoring locations and frequency exceed any of the trigger levels stated in Table D2 – Groundwater quality triggers and limits or any bores in Table D1 – Groundwater monitoring locations and frequency exceed any of the groundwater level trigger threshold stated in Table D3 – Groundwater level monitoring (ML50232, ML50216 and ML50170), the environmental authority holder must compare the compliance monitoring bore results to the interpretation bore results and complete an investigation in accordance with the ANZECC and ARMCANZ 2000.	Compliant with observation	As above	<p>Compliant with Condition D9 (Table D2 &amp; D3 criteria), although it is noted that the ERM groundwater reporting is compared against Conditions D12 to D21 (Table D5). Condition D14 criteria are exceeded for sulfate &amp; nitrate in bores 10PbR(843) and 4518WB(83P), which is inconsistent with criteria in Table D5. For example:</p> <ul style="list-style-type: none"> <li>• Groundwater Monitoring Report January 2023 issue 23 May 2023 No exceedances under table D1 this for the two bores named below. D1 in line with ANZECC</li> <li>• Groundwater Monitoring Report January 2023 issue 23 May 2023 Exceedance with these bores at D5 ANZECC 10PBR &amp; 4518BW but still considered as compliant [D14] (sulfate and nitrate)</li> <li>• Groundwater Monitoring Report January 2023 issue 23 May 2023ERM report is comparing to table D5 stating an exceedance</li> <li>• Groundwater Monitoring Report January 2023 issue 23 May 2023</li> </ul> <p>It is noted that the groundwater monitoring criteria in Table D2 Groundwater quality triggers and limits (ML50232) conflicts with the criteria in Table D5: Groundwater Limits (ML50216 and ML50170). This is an issue because some bores are used for monitoring against both sets of criteria, and in some cases, can be compliant against one set of criteria but not the other. NAC are preparing an EA amendment and propose that these conflicts be resolved in the amended EA. NAC to invite DES to have a workshop to review alignment of EA Conditions D8 to D21. Relevant to Conditions D8 to D21.</p>	<b>OBS4</b>	Refer to Condition D16 (NCR4)
D10	Results of monitoring of groundwater from compliance bores identified in Table D1 – Groundwater monitoring locations and frequency, must not exceed any of the limits defined in Table D2 – Groundwater quality triggers and limits as a result of mining activity.	Compliant	As above	As above		
D11	Within two (2) years of this environmental authority taking effect, the environmental authority holder must submit to the administering authority: a) all contaminant trigger levels listed as TBA in Table D2 – Groundwater quality triggers and limits; and b) all levels listed as TBA in Table D3 – Groundwater level monitoring (ML50232, ML50216 and ML50170).	Not triggered	As above	Not yet applicable.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>ML50216 and ML50171</b>						
D12	Groundwater quality must be monitored every six (6) months at the locations defined in Table D4 – Groundwater Monitoring Bores (ML50216 and ML50170) and shown in Figure D1 – Groundwater monitoring points (ML50216 and ML50170) for quality characteristics identified in Table D5 – Groundwater limits (ML50216 and ML50170).	Compliant	As above	Monthly groundwater level logging - carried out by NAC with suitably trained and qualified operators.  Monitoring undertaken quarterly. Monitoring is undertaken by suitably qualified specialists (ERM) in accordance with DES guidelines - as stated in groundwater monitoring report.		
D13	For new monitoring bores identified in Table D4 – Groundwater Monitoring Bores (ML50216 and ML50170), groundwater quality must be monitored every three (3) months until twelve (12) monitoring events have been completed for quality characteristics identified in Table D5 – Groundwater limits (ML50216 and ML50170).	Compliant	As above	As above		
D14	If the contaminant limits specified in Table D5 – Groundwater limits (ML50216 and ML50170) are exceeded at any time at any compliance bore, groundwater quality monitoring as per condition D10 must occur every three (3) months, until such time as no limits have been exceeded on three (3) consecutive three-monthly monitoring events.  <b>Note:</b> Groundwater monitoring can recommence at six (6) monthly intervals once three (3) consecutive three-monthly monitoring events compliant with the limits set under Table D5 – Groundwater Limits have been achieved.	Compliant	As above	Groundwater monitoring completed quarterly.  5 exceedance events recorded during audit period. Refer to Condition D17 for details.		
D15	Standing groundwater levels must be monitored monthly at the locations defined in Table D4 – Groundwater Monitoring Bores (ML50216 and ML50170).	Compliant	As above	Monthly groundwater level logging - carried out by NAC with suitably trained and qualified operators.		
D16	Results of groundwater quality monitoring, conducted in accordance with conditions D12, D13 and D14, must not be exceeded at the same monitoring bore on three (3) consecutive monitoring events for any single contaminant limit specified in Table D5 – Groundwater Limits (ML50216 and ML50170).	Non-compliant	As above	Table D5 criteria exceeded on 5 occasions to date (quarterly monitoring).  <b>NOTE</b> - Compliant with Condition D9 (Table D2 & D3 criteria), although it is noted that the ERM groundwater reporting is compared against Conditions D12 to D21 (Table D5). Condition D14 criteria are exceeded for sulfate & nitrate in bores 10PbR(843) and 4518WB(83P), which is inconsistent with criteria in Table D5. Groundwater investigation indicates the exceedances are not mining related. Refer to Condition D9 for further details.	NC3	Ensure EA amendment resolves conflict and inconsistencies between Table D2 to D5 groundwater criteria.
D17	If the contaminant limits specified in Table D5 – Groundwater Limits are exceeded on three (3) consecutive occasions, the environmental authority holder must notify the administering authority within one (1) Business day of receiving the results.	Compliant	<ul style="list-style-type: none"> <li>Email from NAC to DES New Acland Coal - EPML00335713 - Condition D17 Triggered, dated 25/10/2022 &amp; DES response dated 28/10/2022</li> <li>Subsequent communications notifying 2nd &amp; 3rd exceedances sighted (related to 4th &amp; 5th monthly monitoring events)</li> </ul>	DES notified within 1 business day of results indicating exceedance, as per Condition D17 requirement.		
D18	If bore groundwater levels, monitored under condition D15, exceed any of the groundwater level trigger thresholds stated in Table D3 – Groundwater Limits (ML50232, 50216 and ML50170), the environmental authority holder must compare the compliance monitoring bores to the interpretation bore results and complete an investigation in accordance with the ANZECC and ARMCANZ 2000.	Compliant	<ul style="list-style-type: none"> <li>2022_Environmental Incidents_DES Compliance Reference Number and Case Register</li> <li>Email from NAC to DES dated 23/12/2023 submitting investigation report &amp; DES response dated 23/12/2023 acknowledging receipt.</li> <li>New Acland Mine EA Bores 10PbR &amp; 4518WB Exceedance Investigation, ref 620.31246-L01-v1.0-20221223, SLR 23 December 2022</li> <li>New Acland Mine EA Bores 10PbR &amp; 4518WB Exceedance Investigation January 2023 Monitoring Event, Project No. 620.31246, SLR, 31May 2023</li> </ul>	Investigation completed as per requirements of Condition D18 for the groundwater exceedance events recorded.		
D19	If an exceedance is determined under condition D16 or an exceedance is identified in condition D18, at any monitoring bore: a) an investigation must be completed and a written report provided to the administering authority within sixty (60) days of becoming aware of the exceedance or difference; and b) the report must include a determination of whether the exceedance or difference is caused by: (i) mining activities authorised under this environmental authority; or (ii) natural variation; or (iii) neighbouring land use resulting in groundwater impacts.	Compliant	As above	As above		
D20	If the investigation under condition D19 determines that the exceedance was a result of the mining activities, including rehabilitation, authorised under this environmental authority, then further investigation must be undertaken to establish whether environmental harm has occurred or may occur, and the extent thereof.	Compliant	As above	Investigation reports conclude reported groundwater bore exceedances are not mining related.		
D21	If an investigation undertaken under condition D19 determines that environmental harm has or may occur, the holder of this environmental authority must: a) implement immediate mitigation measures to reduce the potential for environmental harm; b) develop long-term mitigation measures to address any existing groundwater contamination and prevent recurrence of groundwater contamination which must be implemented in a reasonable time period, and c) provide a report of the completed mitigation measures and proposed long-term mitigation measures to the administering authority within twenty eight (28) days of submission of the report under condition D19.	Compliant	As above	As above		
D22	The results of groundwater monitoring conducted under Condition D7, Condition D12, Condition D13, Condition D14 and Condition D15 must be submitted to the administering authority via WaTERS by 1 April each year for the monitoring conducted in the calendar year prior.	Compliant	<ul style="list-style-type: none"> <li>WaTERS submission receipt sighted, ref 176219, 5 April 2023</li> <li>WaTERS Monitoring Report dated 30/3/2023</li> </ul>	WaTERS data uploaded as required by Condition D22.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
D23	The location and Surface RL of new bores, identified in Table D4 – Groundwater Monitoring Bores (ML50216 and ML50170), must be provided to the administering authority within one (1) month of installation. New monitoring bores must be installed by 28 February 2023.	Compliant	<ul style="list-style-type: none"> <li>2023 Monthly Standing Water Level Data, updated for May 2023</li> <li>Groundwater Monitoring Report January 2023, issued 23 May 2023 (ERM Pty Ltd)</li> <li>Email from NAC to DES notifying completion of program for all bores except bore 18PcR2, dated 31/01/2023</li> <li>Email from NAC to DES notifying completion of bore installation for bore 18PcR2, dated 31/01/2023</li> <li>NAC Groundwater Monitoring Bore Installation Drilling Program Completion Report, ref 620.31057.00000-L01-v.1.0-20230315, dated 15/3/2023</li> </ul>	Bores listed in Table D4 installed and notified to DES as required by Condition D23.		
<b>Groundwater Monitoring and Management Program</b>						
D24	An updated Groundwater Monitoring and Management Program (GMMP) must be developed by 1 April 2023 and implemented. The GMMP must: a) identify all potential sources of groundwater contamination from mining activities including construction and rehabilitation activities; b) include a hydrogeological conceptual groundwater model; c) identify all environmental values that must be protected; d) include details of groundwater levels in all identified aquifers present across and adjacent to the site to confirm existing groundwater flow paths; e) include estimates of the groundwater inflow to rehabilitated landforms and surface water ingress to groundwater from flooding events using the groundwater model; f) ensure all potential groundwater impacts, including groundwater contamination and groundwater drawdown due to mining activities including construction and rehabilitation activities are identified, monitored, and mitigated; g) ensure adequate groundwater monitoring and data analysis is undertaken to achieve the following objectives: (i) detect any impacts to groundwater level due to the mining activities, including construction and rehabilitation activities; (ii) detect any impacts to groundwater quality due to the mining activities, including construction and rehabilitation activities; (iii) determine compliance with conditions D14 and D16; and (iv) determine trends in groundwater quality; h) include groundwater management and monitoring methodologies that must also be implemented for the duration of all mining activities, including construction and rehabilitation activities; i) include a quality assurance and control program that must also be implemented for the duration of all mining activities, including construction and rehabilitation activities; and j) include a process that must be carried out every two (2) years and results in an updated GMMP, that at a minimum includes identification of improvements to the GMMP and addresses any comments provided by the administering authority	Compliant with observation	<ul style="list-style-type: none"> <li>Groundwater Management and Monitoring Plan, October 2020 (Federal Plan)</li> <li>Environmental Authority Groundwater Management and Monitoring Plan, June 2023 (QLD Plan)</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all mining activities</li> <li>GMMP required by conditions of Federal approval approved in October 2020.</li> <li>EA GMMP required by Condition D24 finalised June 2023.</li> <li>EA GMMP appears to address the requirements of Condition D24.</li> <li>It is noted that Condition D24(f) has not been included in the objectives listed in Section 1.2 of the GMMP. However, this is considered to be a minor editorial oversight given that Section 6.2 of the GMMP (Contingency and Mitigation) includes strategies and measures to respond to potential groundwater impacts and therefore addresses requirements of D24(f).</li> </ul>	OB55	Update Section 1.2 of the EA GMMP to Condition D2f(f) in the list of GMMP objectives.
D25	An Annual Groundwater Monitoring Report (AGMR) is required to be completed and submitted to the administering authority on a yearly basis by 1 April of each year (excluding exploration activities). The AGMR must include: a) the water monitoring data; b) analysis based on applying the groundwater quality and standing water level of all groundwater monitoring bores (including compliance and interpretation) listed within Table D1: Groundwater monitoring locations and frequency (ML50232) and Table D4 – Groundwater Monitoring Bores (ML50216 and ML50170); c) an assessment of long-term water quality and water level trends at all groundwater monitoring bores (including compliance and interpretation) listed in Table D1: Groundwater monitoring locations and frequency (ML50232) and Table D4 – Groundwater Monitoring Bores (ML50216 and ML50170); d) details of any review undertaken of the groundwater conceptual model; and e) an assessment of any differences between the groundwater level impact predicted and actual impacts for any corresponding	Compliant	<ul style="list-style-type: none"> <li>2022 Annual Groundwater Monitoring Report, dated 31 March 2023, Project No. 0664711B, ERM Pty Ltd</li> <li>Email from NAC to DES submitting AGMR, dated 31/3/2023</li> </ul>	AMGR prepared and submitted to DES as required by Condition D25		
D26	Notwithstanding the requirements of conditions D13 to D21 (inclusive), groundwater level increases or decreases as measured in monitoring bores, when caused by seepage from Tailings Storage Facility or environmental dam must be notified within fourteen (14) days from becoming aware of the cause of the seepage to the administering authority.	Not triggered	<ul style="list-style-type: none"> <li>2023 Monthly Standing Water Level Data, updated for May 2023</li> <li>Groundwater Monitoring Report January 2023, issued 23 May 2023 (ERM Pty Ltd)</li> </ul>	Not triggered - measured as part of monthly standing water level monitoring and quarterly groundwater monitoring, included in quarterly monitoring report. No seepage reported.		
D27	The following information must be recorded in relation to all groundwater quality and water level sampling: (a) the date on which the sample was taken; (b) the time at which the sample was taken; (c) the monitoring bore at which the sample was taken; and (d) The results of all monitoring.	Compliant	<ul style="list-style-type: none"> <li>2023 Monthly Standing Water Level Data, updated for May 2023</li> <li>Groundwater Monitoring Report January 2023, issued 23 May 2023 (ERM Pty Ltd)</li> <li>Example ERM field sheet dated 23/5/2023 sighted</li> </ul>	Groundwater field data is recorded in accordance with requirements of condition.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>SCHEDULE E: SEWERAGE TREATMENT</b>						
E1	All effluent released from the treatment plant must be monitored at the frequency and for the parameters specified in Table E1 – Sewage effluent quality targets for dust suppression and irrigation.	Compliant	<ul style="list-style-type: none"> <li>Site observations</li> <li>Water Management Plan (December 2021) - in review</li> <li>Full service report 31/05/2023 (fortnightly)</li> <li>TRC Regional Water Laboratory Services - 06/04/2023 030423-5718-1 (quarterly)</li> <li>TRC - completed weekly 291222-7675-1 measures - e.coli, conductivity, turbidity, pH</li> </ul>	Water discharges including sewage effluents are managed via Water Management Plan. Sewage treatment infrastructure is inspected daily, serviced fortnightly. Fortnightly service on sewerage treatment plant includes check of pH, conductivity, turbidity, free chlorine and preparation of full service report. Copy of the reports are attached with the most recent quarterly sampling. Quarterly sampling - through Toowoomba Regional Council, next due 15 June 2023. Analysis is performed by Toowoomba Regional Council laboratories. Report provided to NAC Maintenance & Enviro Teams via email.		
E2	Sewage effluent used for dust suppression or irrigation must not cause spray drift or overspray to any sensitive place.	Compliant	As above	Sewage effluent is not used for dust suppression or irrigation. Controlled via Water Management Plan.		
E3	Sewage effluent used for dust suppression or irrigation must not cause spray drift or over spray to any sensitive place, other than the active mining areas within ML50170 and ML50216.	Compliant	As above	As above		
E4	Subject to condition E5, sewage effluent from sewage treatment facilities must be reused or evaporated and must not be directly released from the sewage treatment plant to any waterway or drainage line.	Compliant	As above	Discharge to Sediment Dam 1 only. Sediment Dam 1 if full overflows into pit, retained onsite. Controlled via Water Management Plan.		
E5	In periods of wet weather or following wet weather, when no irrigation of effluent is reasonably practicable and when effluent storage ponds are full, the release of effluent to waters is permitted in accordance with the release limits in Table C2 – Mine-affected water release limits and locations specified in Table C1 – Mine-affected water release points, sources and receiving waters.	Compliant	As above	As above		
E6	The environmental authority holder must ensure that irrigation of effluent is carried out in such a manner that prevents and/or minimises environmental harm.	Compliant	As above	Sewage effluent not used for dust suppression or irrigation. Controlled via Water Management Plan.		
E7	The environmental authority holder is authorised to accept treated wastewater from the Wetalla Wastewater Reclamation Facility at a rate of no more than 5500 megalitres per year.	Compliant	<ul style="list-style-type: none"> <li>2023 Wetalla Pipeline Operational Schedule, updated June 2023</li> <li>Monthly report</li> <li>Observed daily readings for TRC &amp; New Acland meters</li> </ul>	TRC & New Acland meters are read daily, tracking is updated weekly via 2023 Wetalla Pipeline Operational Schedule. Meter readings are included in the monthly report. Pipeline maintenance includes routine flushing by drawing reclaimed wastewater from Wetalla to keep the pipeline clear of sediment build-up.		
<b>SCHEDULE F: NOISE</b>						
<b>Noise Limits</b>						
F1	The environmental authority holder must ensure that noise generated by the mining activities does not cause the criteria in Table F1 – Noise Limits (includes construction activities) to be exceeded at a noise sensitive place. The measurement of noise for a noise sensitive place is either: a) At that place (if measured there); or b) At the monitoring location to which the noise sensitive place is correlated (where there is not measure at the noise sensitive place).	Compliant	<ul style="list-style-type: none"> <li>Noise &amp; Vibration Management Plan (NVMP), dated 27 April 2023</li> <li>EMOS Dashboard &amp; associated back up records <a href="https://nac-emos.newhopegroup.com.au/dash/#/main">https://nac-emos.newhopegroup.com.au/dash/#/main</a></li> <li>EMOS events log</li> <li>Community Hotline - Consultation Manager Records</li> </ul>	Noise & vibration monitoring is outlined in Outlined in NVMP Monitored using the same systems as air quality (online EMOS system). EMOS has incorporated noise compasses providing live monitoring 24/7 that measures 1 minute averages -> measured against 3 minute averages -> measured against 15 minute average. EMOS includes trigger levels set that notify NAC personnel for response - monitored 24/7 by NAC operations. If triggered will send a snapshot to operator to determine if mine associated noise or external factor. Operators can listen to recordings to review noise and determine whether mine noise or not. EMOS records will show what the decision was and if the noise was excluded. EMOS server is maintained by a 3rd party and records backed up to 2019. Records sighted indicating compliance with EA noise limits and investigation results where relevant.		
F2	If performance or compliance monitoring indicates the potential for exceedance of the relevant limits in Table F1 – Noise limits (includes construction activities) then the environmental authority holder must immediately implement noise abatement measures to avoid exceeding the relevant limits.	Compliant	As above	Responses linked to real-time monitoring. Abatement measures as per Noise Monitoring Plan, which are implemented and logged in EMOS dashboard. Noise Room logs potential noise sources e.g. vehicle start-up / movements - linked to FMS. Noise Room can check / monitor against FMS to see what potential noise sources etc. Abatement measures include altering or delaying work plans based on wind conditions, potential noise sources etc. Evidence sighted indicating response to noise events and abatement measures implemented as per NVMP.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>F3 (Noise limits)</b>	Notwithstanding any other condition of this environmental authority, noise from the activity must not cause an environmental nuisance at any noise sensitive place as shown in Figure F1 – Noise Monitoring locations and sensitive places.	<b>Compliant</b>	<ul style="list-style-type: none"> <li>Noise event from August 2023;</li> <li>• Email dated 10/8/2022 from DES C-CPLRC-100291483 - EPML0035713 Noise Nuisance Report Acland -&gt; Data request as well</li> <li>• Email from 10/08/2022 from DES requesting data records regarding noise complaint -&gt; RFI C-CPLRC-100291483 EPML 00335713 Noise nuisance report Acland</li> <li>• Captured in consultation manager #14987</li> <li>• Response provided 20/08/2022 with supporting documentation and data records</li> </ul>	<p>August 2023 - An informal noise complaint was received through the community hotline and captured in Consultation Manager. Complaint was not substantiated as related to mine activities. Overlying noise source was related to other noise sources including construction activities in Acland township. Notified to DES, and subsequently closed out.</p> <p>No other nuisance noise issues were reported during the audit period.</p>		
<b>Airblast Overpressure Nuisance</b>						
<b>F3 (Airblast)</b>	The environmental authority holder must ensure that blasting does not cause the limits for peak particle velocity and air blast overpressure in Table F3 – Blasting noise limits to be exceeded at a noise sensitive place.	<b>Compliant</b>	<ul style="list-style-type: none"> <li>• SMS notifications for monitoring location - TROY screenshot</li> <li>• Shot pack: MVE0105A-A #1_1, fired 3/6/2023, 10:20am, including model &amp; actual airblast overpressure &amp; ground vibration peak particle velocity (per Grant Staff, Tech Services)</li> </ul>	<p>Blast planning &amp; modelling - collated in Shotpack, includes blast predictions, &amp; modelling (MonteCarlo analysis), noise &amp; weather included in predictions. Size of charge, loading design / pattern (e.g. 'double-racking' the shot, size and number of holes, firing pattern etc) included in pre-blast modelling and predicted noise / overblast modelling. Blast event captured in Nexus, which will send a text message to appropriate personnel.</p> <p>Controls included related to weather (wind direction) &amp; environmental overblast prediction. Blast Exclusion Map includes Dust/Fume 'No fire' Zone, based on predicted weather conditions &amp; wind direction (use wind kestrel and balloons). Conditions checked onsite in real time prior to blast, delay blast until favourable conditions reached.</p> <p>Actual results are compared to predicted noise &amp; overblast levels, are used as input data to calibrate the model (continual improvement cycle).</p> <p>Actual overpressure for example blast event was 113.8dB (model predicted 114.6dB); Actual vibration 1.41mm/s (1.93mm/s). Max 115dB / 120dBpeak; 5mm/s = within EA limits</p>		
<b>Compliance Monitoring and Reporting</b>						
<b>F4</b>	<p>A Noise Monitoring Program must be developed by a suitably qualified and experienced person in relation to noise and implemented for all stages of mining to monitor compliance with Table F1 – Noise limits (includes construction noise) at the frequency and locations in Table F2 – Compliance noise monitoring locations and frequency and shown in Figure F1 – Noise monitoring locations and sensitive places.</p> <p>The Noise Monitoring Program must include a figure which identifies noise monitoring locations and sensitive places.</p> <p>The Noise Monitoring Program must be submitted to the administering authority for approval within three (3) months upon grant of ML50232 and ML700002.</p> <p>The Noise Monitoring Program must be implemented within three (3) months of the administering authority approving the program.</p>	<b>Compliant</b>	<ul style="list-style-type: none"> <li>• 20221125 - NAC3 - AEMP and NVMP submission</li> <li>• Letter dated 18 May 2023 from DES indicating approval of AEMP &amp; NVMP, noting updated plans were submitted 27 April 2023.</li> </ul>	Noise monitoring program developed by specialist noise consultants (SLR) and managed via Noise & Vibration Management Plan (NVMP). NVMP addressed requirements of this Condition F4.		
<b>F5</b>	When requested by the administering authority, compliance noise monitoring and recording must be undertaken within a reasonable and practicable timeframe to investigate any complaint of environmental nuisance at any noise sensitive place. In response to any such request, the environmental authority holder must undertake continuous monitoring of not less than seven (7) days to capture weather-related variations in different operational conditions on site in noise levels and provide the results to the administering authority within fourteen (14) days following completion of monitoring.	<b>Compliant</b>	<ul style="list-style-type: none"> <li>Noise event from August 2023;</li> <li>• Email dated 10/8/2022 from DES C-CPLRC-100291483 - EPML0035713 Noise Nuisance Report Acland -&gt; Data request as well</li> <li>• Email from 10/08/2022 from DES requesting data records regarding noise complaint -&gt; RFI C-CPLRC-100291483 EPML 00335713 Noise nuisance report Acland</li> <li>• Captured in consultation manager #14987</li> <li>• Response provided 20/08/2022 with supporting documentation and data records</li> </ul>	August 2023 noise complaint was investigated and closed out in a timely manner and in consultation with DES. Correspondence sighted confirming DES notification, investigation cations and DES close out of complaint. Complaint not substantiated as was related to noise including construction noise from Acland township.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
F6	Compliance noise monitoring and recording required by conditions F4, F5, F6, F7 and F8 must be conducted in accordance with the administering authority's Noise Measurement Manual and include the following: a) LA01, adj, 15 min - day, evening & night; LA10, adj, 15 min - day, evening & night; LAeq, adj, 15 min - day, evening & night and LA90, adj, 15 min - day, evening & night; b) background noise LA90; c) the level and frequency of occurrence of impulsive or tonal noise and any adjustment and penalties to statistical levels; d) atmospheric conditions including temperature, relative humidity and wind speed and directions; e) effects due to any extraneous factors such as traffic noise and natural sources (e.g. insects, birds and wind); f) location, date and time of monitoring; g) if a complaint concerns low frequency noise and where permitted by the owner or occupier of the noise sensitive place: LLINeq 10 min (internal), LAeq 10 min (internal) and one third octave band measurements in LLINeq 10 min (internal) for centre frequencies in the 10 – 200 Hz range; h) maximum (LAmax) noise levels – night (for a minimum of 30 min); and i) 1/3 octave band spectrums.	Compliant	<ul style="list-style-type: none"> <li>Noise &amp; Vibration Management Plan (NVMP), dated 27 April 2023</li> <li>EMOS Dashboard &amp; associated back up records <a href="https://nac-emos.newhopegroup.com.au/dash/#/main">https://nac-emos.newhopegroup.com.au/dash/#/main</a></li> <li>EMOS events log</li> <li>Community Hotline - Consultation Manager Records</li> </ul>	NVMP / EMOS real-time monitoring addresses requirements of Condition F6.		
F7	The Noise Monitoring Program must also include a system of real time performance monitoring against the criteria in Table F1 – Noise Limits (including construction activities) at: a) Location in Acland to be identified in the Noise Monitoring Program; b) Location to the east of the New Acland mine to be identified in the Noise Monitoring Program; c) Location to the north of the New Acland mine to be identified in the Noise Monitoring Program; and d) Location to the west of the New Acland mine to be identified in the Noise Monitoring Program.  <b>Note:</b> <i>The performance monitoring required under this condition is to be used for performance management and can be used by the administering authority to assess compliance with Table F1 – Noise limits (includes construction activities).</i>	Compliant	As above	NVMP / EMOS real-time monitoring addresses requirements of Condition F7.		
F8	The Noise Monitoring Program must consider the application of a safety factor for noise monitoring of the level and frequency of occurrence of impulsive or tonal noise and any adjustments and penalties to statistical levels.	Compliant	As above	Addressed in Section 4.4 of NVMP and implemented via EMOS. Trigger with safety factor applied is set below the EA noise limit. Note that the safety factor has not been triggered at this stage of site operations, however is able to be implemented if needed.		
F9	An annual noise monitoring program report must be provided to the administering authority that details: a) the correlation measurements between the real-time monitoring system and the noise sensitive receptors; and b) how the real-time monitoring system adjusted the real-time measurement data in accordance with the correlation assessment at each monitoring location.	Not triggered	<ul style="list-style-type: none"> <li>Email from DES to NAC dated 7/6/2023 New Acland Coal - Condition F9 - Annual Noise Monitoring Program Report - indicating annual noise monitoring program report not due until May 2024.</li> </ul>	Report not due until May 2024, per DES email confirmation.		
F10	All real-time performance monitoring parameters required by condition F7 must be made publicly available for a period of one month, online and in real-time in a format that includes: a) the noise limits; b) LAeq, adj 15 min interval levels; c) LAmax, 15 min interval levels; and d) exclusion times and a brief statement for the reason for the exclusion.	Compliant	<ul style="list-style-type: none"> <li>EMOS Dashboard &amp; associated back up records <a href="https://nac-emos.newhopegroup.com.au/dash/#/main">https://nac-emos.newhopegroup.com.au/dash/#/main</a></li> </ul>	Sighted in EMOS public online database		
F11	A Noise and Vibration Management Plan must be developed by a suitably qualified and experienced person and be implemented for all stages of mining within three (3) months upon the grant of ML50232 and ML700002.	Compliant	<ul style="list-style-type: none"> <li>ML50232 issued 26/8/2022</li> <li>ML700002 issued 26/8/2022</li> <li>Noise &amp; Vibration Management Plan (NVMP), dated 27 April 2023</li> <li>Air Emissions Management Plan (AEMP) version 11, as updated 27 April 2023</li> <li>Email from NAC to DES, 20221125 - NAC3 - AEMP and NVMP submission, dated 25/11/2022 submitting the revised Air Emissions Management Plan (AEMP) (version updated 24/11/2022) and Noise and Vibration Management Plan (NVMP) (version updated 25/11/2022)</li> <li>Letter dated 18 May 2023 from DES indicating approval of AEMP &amp; NVMP, noting updated plans were submitted 27 April 2023.</li> </ul>	ML50232 & ML700002 were issued 26/8/2022. Noise & Vibration Management Plan (NVMP) dated 25 Nov 2022 was submitted to DES for review and approval on 25 Nov 2022, which complies with the 3 months required by Condition B4. The AEMP was further reviewed and updated version submitted to DES on 27 April 2023.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
F12	The Noise and Vibration Management Plan must incorporate a program for continuous improvements for the management of noise emissions caused by mining operations and must include, but is not limited to: a) a detailed description of the noise management system; b) a description of the noise mitigation measures that would be implemented to ensure best practice noise management is being employed, is regularly benchmarked against contemporary industry standards and is regularly reviewed to ensure continual improvement; c) the Noise Monitoring Program described in conditions F4, F5, F6 and Table F2 – Compliance noise monitoring locations and frequency; d) 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 these conditions, improved understanding of noise data at the monitoring locations in Table F2 – Compliance noise monitoring locations and frequency and its correlation with the noise data collected from the locations specified in condition F6; e) a protocol for determining exceedances of the conditions that complies with the administering authority's Noise Measurement Manual; f) a protocol for recording and responding to complaints; and g) the content of the monthly compliance report required under Condition 3 of the imposed conditions of the Coordinator-General, including for the provision of data in that report, and a peer review of that content, including blast monitoring results and must include data analysed against the noise limits detailed in Table F1 – Noise limits (including construction activities).	Compliant	• Noise & Vibration Management Plan (NVMP), dated 27 April 2023	Addressed in NVMP. Table 3.1 of NVMP outlines index to where each component of EA Condition F12 has been addressed in the NVMP.		
F13	The environmental authority holder must, at their own cost, appoint an independent acoustic consultant to review the monthly noise report format for a twelve (12) month period following the commencement of reporting. The monthly reports must be submitted to the administering authority. The monthly reports must be produced to present information from noise monitoring in a manner that is clear, open and unambiguous.	Compliant	• Email from AARC to NAC dated 14/6/2023 confirming engagement to conduct review of May 2023 noise monitoring report	NAC have engaged an independent consultant to conduct a review of results and prepare the first report (for May 2023 data). First report not yet developed at time of onsite audit visit, due week of 15 June 2023.		
F14	Upon receiving a written request from the owner of a noise sensitive place shown in Figure F1 – Noise monitoring locations and sensitive places the environmental authority holder must implement additional reasonable and feasible noise mitigation measures at the noise sensitive place in consultation with the owner. If within three (3) months of receiving this request, the environmental authority holder 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 a suitable qualified and experienced person in relation to the noise appointed by the Chief Executive of the administering authority or the President for the time being of the Institute of Engineers for resolution. The suitably qualified and experienced person's decision as to the mitigation measures to be implemented must be final. The environmental authority holder is responsible for payment of costs of the suitably qualified and experienced person in relation to noise.	Not triggered	• Community Hotline - Consultation Manager Records	No requests received during audit period.		
F15	The environmental authority holder must develop and implement a blast monitoring program to monitor compliance with Table F3 – Blasting noise limits for a) At least 90% of all blasts undertaken on this site in each year at the nearest noise sensitive place to the centroid of the blast; and b) All blasts conducted during any time period specified by the administering authority at the nearest noise sensitive place. Results of the blast monitoring program must be included in the monthly compliance monitoring report required by the Coordinator-General's imposed condition 3.	Compliant	• Noise & Vibration Management Plan (NVMP), dated 27 April 2023 • SMS notifications for monitoring location - TROY screenshot • Shot pack: MVE0105A-A #1_1, fired 3/6/2023, 10:20am, including model & actual airblast overpressure & ground vibration peak particle velocity (see Grant Staff Tech Services)	Detailed in Section 9.2 of NVMP. Evidence of implementation via Shot Pack and monitoring records sighted.		
<b>SCHEDULE G: WASTE MANAGEMENT</b>						
G1	Unless otherwise permitted by the conditions of this environmental authority or with prior approval from the administering authority and in accordance with a relevant standard operating procedure, waste must not be burnt	Compliant with observation	• Waste Management Plan, September 2020 • WI-ENV-19 - Waste Management Monitoring and Improvement, version 1, dated 23/08/2018 • National Pollutant Inventory ( <a href="https://www.dceew.gov.au/environment/protection/npi/data/search-npi-data">https://www.dceew.gov.au/environment/protection/npi/data/search-npi-data</a> ) • Email from DES dated 31/05/2023 requesting NAC provide reporting via QWDS Annual Waste and Recycling Survey • JJR Waste Service Schedule - annual schedule • Survey of disposal location (buried paper / packing material) • Site observations	Waste not burnt onsite, to minimise fire risk in coal mine environment. Controlled by Waste Management Plan (WMP), requires update to align more closely with EA requirements. Unclear if there are applicable work instructions for waste management processes. Environmental Works Instruction WI-ENV-19 specifies annual review of WMP. WMP last reviewed September 2020. NAC have engaged JJ Richards to provide waste management services, including managing wastes in accordance with relevant transport, tracking & disposal requirements. Annual service schedule implemented. Waste management is captured in purchase orders / invoicing, and monthly reports are provided. NAC reports via National Pollutant Inventory, report for 2020/2021 sighted in NPI database. DES has requested an annual waste recycling survey to now be completed (email sent 31/05/2023). First report due for FY2022/2023.	OBS6	1. Update Waste Management Plan to align with EA Conditions G1 to G9.  2. Review waste management processes and ensure that effective operational procedures that align with updated Waste Management Plan and to EA Conditions G1 to G9 are developed, documented, and implemented for waste management activities.  3. Include Waste Management Plan update, NPI & QWDS Annual Waste and Recycling Survey and operational procedure reviews in EDMS to ensure timely review / reporting as required.
G2	The environmental authority holder may burn vegetation cleared in the course of carrying out extraction activities provided the activity does not cause environmental harm at any sensitive place or commercial place.	Compliant with observation	As above	As above, waste is not burned onsite. Cleared vegetation is placed into the pit - not burned. Controlled by Waste Management Plan. As above in relation to update of waste management plan and waste management processes / work instructions.	OBS6	Refer to Condition G1.

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
G3	The environmental authority holder may dispose of inert waste (packing material) associated with blasting into open pits, buried in such a manner that it will not impede saturated aquifers.	Compliant with observation	<ul style="list-style-type: none"> <li>As above</li> <li>Survey of disposal location (buried paper / packing material)</li> </ul>	Inert waste (paper / packing material) buried in the pit. Location surveyed and retained, records sighted. Unclear if there is an applicable work instruction. Controlled by Waste Management Plan. As above in relation to update of waste management plan and waste management processes / work instructions.	OBS6	Refer to Condition G1.
G4	Tyres stored awaiting disposal or transport for take-back and, recycling, or waste-to-energy options - should be stockpiled in volumes less than 3m in height and 200m2 in area and at least 10m from any other tyre storage area.	Compliant with observation	As above	Management of waste tyres onsite appears to be in general accordance with Condition G4. It is noted that the Waste Management Plan needs to be updated and work instructions prepared / reviewed to reflect current Condition G4.	OBS6	Refer to Condition G1.
G5	All reasonable and practicable fire prevention measures must be implemented, including removal of grass and other materials within a 10m radius of the scrap tyre storage area.	Compliant with observation	As above	No grass or combustible materials observed within 10m around tyre storage area.  As above, in relation to update of Waste Management Plan and work instructions, for alignment with Condition G5.	OBS6	Refer to Condition G1.
G6	Scrap tyres resulting from the mining activities can be disposed of into open pits provided tyres are placed as deeply in the spoil as reasonably possible and this practice does not cause an unacceptable fire risk or compromise mine safety.	Compliant with observation	As above	No scrap tyres buried during audit period.  As above, in relation to update of Waste Management Plan and work instructions, for alignment with Condition G6.	OBS6	Refer to Condition G1.
G7	Scrap tyres resulting from the mining activities disposed within the operational land must not impede saturated aquifers or compromise the stability of the consolidated landform.	Compliant with observation	As above	No scrap tyres buried during audit period.  As above, in relation to update of Waste Management Plan and work instructions, for alignment with Condition G6.	OBS6	Refer to Condition G1.
G8	Tailings must be managed in accordance with procedures contained within the Tailings Management Plan, which must include provisions for: a) containment of tailings b) the management of seepage and leachates both during operation and the foreseeable future c) the control of fugitive emissions to air d) maintain records of the relative locations of any other waste stored within the tailings e) rehabilitation strategy f) monitoring of rehabilitation, research and/or trials to verify the requirements and methods for decommissioning and final rehabilitation of tailings, including the prevention and management of acid mine drainage, erosion minimisation and establishment of vegetation cover.	Compliant with observation	<ul style="list-style-type: none"> <li>Operations and Monitoring Plan (OMP) for Regulated Structures (2022 - 2027), ATC Williams, ref 111319.20 R01-Rev2, February 2023</li> <li>Feb 2023 report: Operations and Monitoring Plan (OMP) for Regulated Structures (2022-2027) #111319.20 R01-Rev2</li> <li>Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and DES input received on FLURP (2022).</li> <li>Progressive Rehabilitation and Closure Plan (PRCP) - in development, consultant engaged</li> </ul>	Managed via OMP, PRCP & FLURP. Waste Management Plan and operational procedures require update to align with Condition G8.	OBS6	Refer to Condition G1.
G9	The waste management hierarchy must be considered in the management of green waste.	Compliant with observation	<ul style="list-style-type: none"> <li>Waste Management Plan, September 2020</li> <li>WI-ENV-19 - Waste Management Monitoring and Improvement, version 1, dated 23/08/2018</li> <li>Site observations</li> <li>FMS - vegetation tracking</li> </ul>	Waste management hierarchy is outlined in Waste Management Plan, however it is not clear how this has been considered as related to the production and management of green waste, nor how this has been flowed down into operational procedures. It is noted that the Waste Management Plan needs to be updated to reflect the current EA conditions, including Condition G9.	OBS6	Refer to Condition G1.
<b>SCHEDULE H: LAND AND REHABILITATION</b>						
H1	Land disturbed by mining on ML50232 and ML700002 must be rehabilitated in accordance with Table H1: Rehabilitation requirements for disturbance within ML50232 and ML700002.	Compliant	<ul style="list-style-type: none"> <li>Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and DES input received on FLURP (2022).</li> <li>Progressive Rehabilitation and Closure Plan (PRCP) - in development, consultant engaged</li> <li>Soil Management Plan, SLR ref 620.11226, 16 February 2017</li> </ul>	Remediation directed by FLURP, PRCP & Soil Management Plan. FLURP implemented, approved version 2020 in place; updated December 2022, DES input received.  PRCP being developed, SLR have been engaged to prepare. the PRCP will integrate table in FLURP that directs rehabilitation requirements. DES have issued a transition notice for the PRCP until 28/6/2024.  Soil Management Plan implemented.		
H2	Rehabilitation must commence progressively as land becomes available for rehabilitation.	Compliant	<ul style="list-style-type: none"> <li>2022 Rehabilitation Monitoring Program, SLR 634.10071.004, dated December 2022</li> </ul>	2022 Rehabilitation Monitoring Program report shows rehabilitation sites, relinquished sites, reports on progress. Report states that 118 Ha additional had been rehabilitated since the 2021 monitoring inspections.		



Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
H3	The environmental authority holder must implement the Final Land Use and Rehabilitation Plan approved by the Coordinator-General on 19 May 2020 to ensure that all areas disturbed by mining activities will be suitably rehabilitated. The Plan must include, but is not limited to the following: a) disturbance type; b) disturbance area; c) pre and post mine land descriptions; d) pre and post mine land capability; e) analogue site(s) identification; f) a description of rehabilitation management techniques incorporating works and monitoring programs and timetables; g) indicators for success; and h) keeping of appropriate records or rehabilitation measures implemented including taking of photographs demonstrative of rehabilitation achieved and the preparation of annual rehabilitation progress reports.	Compliant	<ul style="list-style-type: none"> <li>Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and December 2022 revised version DES input received.</li> <li>2022 Rehabilitation Monitoring Program, SLR 634.10071.004, dated December 2022</li> </ul>	FLURP has been updated to reflect Condition H3, waiting on DES comments. The 2022 Rehabilitation Monitoring Program report outlines FLURP implementation progress.		
H4	Rehabilitation of disturbed areas must achieve the following outcomes: a) For disturbed areas on ML50216 and ML50170 and in locations shown in Figure H1: Post mine Land Suitability for Improved Pastures on ML50170 and ML50216: (i) 547ha of Grazing Land Suitability Class 2; (ii) 37ha of Grazing Land Suitability Class 3; (iii) 1504ha of Grazing Land Suitability Class 4; (iv) 70ha of Grazing Land Suitability Class 5; and (v) 100ha of Native Vegetation and Fauna Habitat. b) For disturbed areas on ML50232 and ML700002 and in locations shown in Figure H2: Post Mine Land Suitability on ML50232: (i) 678ha of Cropping Land Suitability Class 3; and (ii) 891ha of Grazing Land Suitability Class 4. c) For the mined voids on ML50232, the requirements detailed in Table H4: Rehabilitation Outcomes for void areas within ML50232	Compliant	<ul style="list-style-type: none"> <li>Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and December 2022 revised version DES input received.</li> <li>2022 Rehabilitation Monitoring Program, SLR 634.10071.004, dated December 2022</li> <li>Soil Management Plan, SLR ref 620.11226, 16 February 2017</li> </ul>	FLURP - forward progression of the land use areas in final landform, aligns with land use requirements in Condition H4. For all stages. Soil Management Plan - applies to Stage 3 Rehabilitation Monitoring Program - reports progress towards land use suitability outcomes and tracks progressive effort.		
H5	The environmental authority holder must not cause any disturbance within 50m of the high bank of Lagoon Creek (buffer zone) as shown on Figure H3: Lagoon Creek, buffer and levee unless in accordance with Condition H6 and H7.	Compliant	<ul style="list-style-type: none"> <li>FMS - exclusion zones (site observation)</li> <li>Internal email dated 22/3/2023 discussing installation of Koala fence and intersection with Lagoon Creek Exclusion Zone and the Figure 1 Disturbance Boundary</li> <li>Site observations</li> </ul>	Work planners / schedulers include exclusion zones in work plans. Exclusion zones are included in FMS to geofence exclusion zones from vehicle access. FMS has built in exclusion zones alarming if unauthorised vehicles access the area. Ground disturbance permits are authorised by Enviro team (Ground disturbance permit) Email discussion sighted relating to the installation of Koala fences and intersection of Lagoon Creek and Figure 1 disturbance boundary. Site observations indicate no disturbance within 50m of the exclusion zone as required by Condition H5.		
H6	The environmental authority holder is authorised to access the 50 m buffer zone as shown on Figure H3: Lagoon Creek, buffer and levee for the purposes of the construction and maintenance of an appropriately engineered haul road crossing of Lagoon Creek as part of the access route for coal haulage. The haul road crossing of Lagoon Creek must not impede the ephemeral flow regime or create a barrier for fish movement.	Compliant	<ul style="list-style-type: none"> <li>As above for routine access management.</li> <li>LAGOON CREEK CROSSING:</li> <li>SCOPE OF WORK – 1232, Lagoon Creek Haul Road Crossing, 15-15-C-X0001-1232-SOW</li> <li>MANNING VALE EAST – WILLEROO HAUL ROAD LAGOON CREEK CROSSING, NEW ACLAND MINE STAGE 3, DESIGN REPORT, 26 JULY 2020</li> <li>EROSION AND SEDIMENT CONTROL PLAN – 1232, Lagoon Creek Haul Road Crossing, 15-15-C-X0001-1232-PLN</li> <li>Lagoon Creek Crossing design drawings, Drawing number 15-15-C-30210-1232-DWG, issue D For Construction, 27/07/2020</li> <li>15-00-W-X0002-8230-PLN Construction</li> </ul>	As above for routine access management. Construction of Lagoon Creek crossing not yet commenced. Design documents have been issued to contractors for construction tender. Includes Scope of Work, Design Report, ESCP, Design Drawings. Contractors required to comply with CEMP & ESCP.		
H7	The environmental authority holder is authorised to construct and maintain a flood protection levee and access road for inspection purposes, with the toe of the levee being no closer than 50 metres from the high bank of Lagoon Creek as shown on Figure H3: Lagoon Creek, buffer and levee.	Compliant	<ul style="list-style-type: none"> <li>Lagoon Creek Levee Bank Inspection, dated 20/2/2023 for trigger event 14/2/2023</li> <li>New Hope Acland - 2021 Levee Audit, RMA Engineers, ref 15584, 10 June 2021</li> <li>New Hope Acland - 2022 Levee Audit, RMA Engineers, ref 22E-0073, 26 July 2022</li> <li>Design Report for Stage 3 works - explains why a levee bank is needed</li> </ul>	Levee for Stage 2 works in place, inspected and monitored. Levee for Stage 3 works to be constructed as part Stage 3 works yet to be commenced during 2023. Design documents have been issued for contract tender (as outlined in Condition H6).		
H8	The environmental authority holder is authorised to access the 50-metre buffer zone as shown on Figure H3: Lagoon Creek, buffer and levee, for the purposes of maintaining the integrity of the flood protection levee, riparian conservation and weed management purposes.	Compliant	<ul style="list-style-type: none"> <li>Lagoon Creek Levee Bank Inspection, dated 20/2/2023 for trigger event 14/2/2023</li> <li>New Hope Acland - 2021 Levee Audit, RMA Engineers, ref 15584, 10 June 2021</li> <li>New Hope Acland - 2022 Levee Audit, RMA Engineers, ref 22E-0073, 26 July 2022</li> <li>Design Report for Stage 3 works - explains why a levee bank is needed</li> <li>22/03/2023 internal email - Lagoon Creek Fence</li> </ul>	Access given to the Lagoon Creek, buffer and levee area for construction of the Koala exclusion fence. Temporary fence installed to date, to be upgraded to permanent fence as part of / following construction of the Stage 3 levee and Lagoon Creek Crossing.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
H9	The flood protection levee must be designed and inspected by a suitably qualified and experienced person. The final design level of the levee crest must be above the predicted 1,000-year ARI event flood level.	Compliant	<ul style="list-style-type: none"> <li>MANNING VALE EAST – WILLEROO HAUL ROAD LAGOON CREEK CROSSING, NEW ACLAND MINE STAGE 3, DESIGN REPORT, 26 JULY 2020</li> <li>Lagoon Creek Crossing design drawings, Drawing number 15-15-C-30210-1232-DWG, issue D For Construction, 27/07/2020</li> </ul>	Design report and design drawings indicate flood protection levee has been designed to comply with predicted 1,000-year ARI flood event, as required by Condition H9. Not yet constructed (out for tender).		
H10	Any section of the outside face of the levee must be treated with cover material and grass seeded (unless rock armoured) within three months of completion of the earthworks for that section of the outside face of the levee.	Compliant	<ul style="list-style-type: none"> <li>Site observations</li> <li>Lagoon Creek Levee Bank Inspection, dated 20/2/2023 for trigger event 14/2/2023</li> <li>New Hope Acland - 2021 Levee Audit, RMA Engineers, ref 15584, 10 June 2021</li> <li>New Hope Acland - 2022 Levee Audit, RMA Engineers, ref 225 0072, 26 July 2022</li> </ul>	Stage 2 levee compliant. Not yet triggered for Stage 3 levee.		
H11	The condition of the levee must at a minimum be assessed: a) by the environmental authority holder within one (1) week of any storm of such intensity that greater than 25mm of rain falls in less than three (3) hours; and b) by a suitably qualified and experienced person at least once (1) per year between the months of May and October inclusive (i.e. during the 'dry' season and before the onset of the 'wet' season).	Compliant	As above	Audit report indicates inspections and remedial actions carried out as required.		
H12	Remedial works identified as necessary during assessments conducted under condition H11 must be commenced within thirty (30) days unless delayed by inclement weather.	Compliant	As above	Audit report confirmed remedial works / maintenance actions from previous audit have been implemented and are performing as required.		
H13	Any actions and incidents on site that may impact upon the integrity of the levee bank must be notified to the administering authority in accordance with condition H9.	Compliant	As above	No events during audit period.		
<b>Closure and Post Closure</b>						
H14	The environmental authority holder must submit a Mine Closure Plan to the administering authority at least five (5) years prior to the surrender of this environmental authority.	Not triggered	<ul style="list-style-type: none"> <li>Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and December 2022 revised version DES input received.</li> <li>Progressive Rehabilitation and Closure Plan (PRCP) - in development, consultant engaged</li> <li>Soil Management Plan, SLR ref 620.11226, 16 February 2017</li> </ul>	Not yet triggered. NAC do not have any intention to surrender EA within next 5 years. For final landforms, FLURP and Soil Management Plan present final conditions for the site.		
H15	When the deposition of tailings ceases, the environmental authority holder must install a final cover system to the Tailings Storage Facility, which effectively minimises: a) infiltration of water into the Tailings Storage Facility; and b) the likelihood of any erosion occurring to either the final cover system, dumped spoil material or deposited tailings;	Compliant	<ul style="list-style-type: none"> <li>As above</li> <li>ATC 2020 report In-Pit tailings 3</li> <li>Site observations</li> </ul>	Final cover progressively installed on TSF, site observation of works in progress.		
H16	The final cover system must include an inert layer to reduce infiltration and an upper/final layer of earthen material that is capable of sustaining plant growth	Compliant	<ul style="list-style-type: none"> <li>As for Condition H14</li> <li>Memo - Conceptual Design for Capping In-Pit Tailings Dam 1 (IPTD1) Geotechnical Recommendations, Sherwood Geotechnical and Research Services, ref 35003/130, dated 16 March 2015</li> </ul>	Final cover includes coal rock rejects, clay then topsoil covering. Capping conceptual design in Remediation Management Plan. Rehabilitation monitoring from 2022 includes two sites on rehabilitated tailings areas. For the rehabilitated Tailings Dam, the FLURP mentions use of coal rock rejects & clay in final capping layer. Will be addressed in PRCP.		
<b>Sustainable Final Land Use Outcomes</b>						
H17	Areas that are to be progressively rehabilitated must comply with, but not be limited to, the following outcomes: a) All areas disturbed by mining activities must be rehabilitated to the landform design criteria defined in the Final Land Use and Rehabilitation Plan required by conditions H1 to H3 (inclusive); and b) The final landforms must be stable with erosion rates comparable to a suitable analogue site.	Compliant	<ul style="list-style-type: none"> <li>Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and December 2022 revised version DES input received.</li> <li>Progressive Rehabilitation and Closure Plan (PRCP) - in development, consultant engaged</li> <li>Soil Management Plan, SLR ref 620.11226, 16 February 2017</li> <li>2022 Rehabilitation Monitoring Program, SLR 620.11226-001, dated December 2022</li> </ul>	Site observations indicate progressive capping and rehabilitation of previously disturbed areas. NAC are developing work instructions in line with PRCP -> i.e. for stripping and storage of topsoil and topsoil application.		
<b>Grazing Pasture Outcome</b>						
H18	Areas which are to be progressively rehabilitated to grazing pasture must comply with the following outcomes: a) generate a self-sustaining vegetation with projective cover, species composition and species distribution comparable with that of analogue sites to be determined by the study detailed in condition H3 e.g., planting local native grass and shrub species where possible. These vegetation species must be listed in the Final Land Use and Rehabilitation Plan; b) all areas disturbed by mining activities must be rehabilitated to the landform design criteria defined in Table H6: Landform design criteria for ML50170 and ML50216; c) a measure of productivity (e.g., sustainable dry matter production, stock live weight gain) are comparable to the selected analogue sites.	Compliant	As above	Compliant, as indicated in the 2022 Rehabilitation Monitoring Program report, which indicates objectives for grazing pasture outcomes are progressing towards targets, with vegetation targets at all rehabilitation areas already being achieved. Vegetation cover and pasture density considered very high and criterion is being met at all rehabilitation sites, with vegetation cover generally greater than 95%.		
H19	Complete an investigation into rehabilitation of disturbed areas and submit a report to the administering authority proposing acceptance criteria to meet the outcomes in condition H18 and landform design criteria in Table H6: Landform design criteria for ML50170 and ML50216 within twelve (12) months of the issue of the environmental authority.	Compliant	As above	On track - specialist consultant engaged and commenced works. Field investigations planned for 10 July 2023, report due 26 August 2023.		
<b>Native Vegetation and Fauna Habitat Outcome</b>						
H20	Rehabilitation of the area shown as Native Vegetation and Fauna Habitat in Figure H1: Post-mine Land Suitability for Improved Pastures on ML50170 and ML50216 must be undertaken to achieve the completion criteria specified in Table H8: Native Rehabilitation Area Completion Criteria.	Not triggered	n/a - not triggered	Not triggered - As per the agreed Enforceable Undertaking area for West Pit		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
H21	A register of certified progressive rehabilitated areas must be maintained by the environmental authority holder and be made available to the administering authority on request. The register must detail: a) Date of Certification; b) Total area certified (hectares); c) Defining coordinates of the certified area (GDA94); d) Identifying map as included in the Certification Notice; and, e) Any other identifying details as required.	Compliant	• 2022 Certified Progressive Rehabilitated Areas Register, last certification 1/11/2018	Sighted the 2022 Certified Progressive Rehabilitated Areas Register. Last certification issued 01/11/2018.		
<b>Residual Void Outcome for ML50170 and ML50216</b>						
H22	Residual voids must comply with the following outcomes: a) residual voids must not cause any serious environmental harm to land, surface waters or any recognised ground water aquifer, other than the environmental harm constituted by the existence of the residual void itself, and subject to any other condition within this environmental authority; and b) residual voids must comply with Table H7- Residual Void Design for ML 50170 and ML 50216.	Not triggered	• Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and December 2022 revised version, DES input received. • Progressive Rehabilitation and Closure Plan (PRCP) - in development, consultant engaged	Not yet triggered. Applies to ML 50170 and ML 50216 only. Will be addressed in the PRCP, currently being prepared by specialist consultant.		
<b>SCHEDULE I: BIODIVERSITY</b>						
I1	The environmental authority holder must ensure that staff induction and environmental awareness programs include reference to Anomalous mackayi (Five-clawed Worm-skink, Long-legged Worm-skink) and Tympanocryptis pinguicollis (Grassland Earless Dragon, South-eastern Lined Earless Dragon) to ensure that any individuals that might be present in the project area are identified and reported to the mine site environmental officer for recovery and release into suitable habitat.	Compliant	• New Hope Coal Induction Environmental Replacement Slides 2022 IDA1540507 [General site induction] • Site observations	Induction sighted, including reference to protected species and requirement to report to the mine site environmental team. This is a standard Induction for all workers and contractors on site. Induction lasts 5 years.		
I2	The environmental authority holder must develop a Conservation Management Plan, by 21 November 2019, for the riparian area of Lagoon Creek and existing stands of regional ecosystems (RE) 11.8.5 and RE11.8.3 located on Bottle Tree Hill and submit the plan to the administering authority within twelve months of the date this environmental authority takes effect. The Plan must be for the two proposed conservation areas (Lagoon Creek and Bottle Tree Hill) and: a) ensure the combined surface area to be protected and enhanced is no less than the surface area of the regional ecosystems proposed to be cleared by mining activities on ML50170 and ML50216; b) develop appropriate conservation/rehabilitation objectives; c) outline suitable conservation/rehabilitation techniques (including those areas where local native plant species/communities are to be re-established and/or enhanced); d) develop an action plan/rehabilitation schedule for the planned Conservation/rehabilitation activities; e) propose specific conservation/rehabilitation acceptance criteria (including those areas where local native plant species/communities are re-established and/or enhanced); f) detail a suitable monitoring program to quantify conservation/rehabilitation success (including those areas where local native plant species/communities are re-established and/or enhanced); and g) propose appropriate remedial actions for conservation/rehabilitation areas not achieving the required conservation/rehabilitation objectives.	Compliant	• Conservation Zone Management Plan, version May 2023 • Email to DES dated.27/06/2023, resubmitting the CZMP: Environmental Authority EPML00335713 - Conservation Zone Management Plan - New Acland Coal Pty Ltd	Current version of CZMP consolidated previous approved version carried over from Stage 2 works. Previous version approved by QLD EPA on 15 January 2009.		
I3	Significant residual impacts to prescribed matters of state environmental significance must not exceed the maximum authorised residual impact area listed for that matter in Table I1 – Maximum authorised impacts on Matters of State Environmental Significance (MSES).  <b>Note:</b> <i>Deemed conditions in Sections 18, 22, 24 and 25 of the Environmental Offsets Act 2014 are taken to be conditions of this authority.</i>	Compliant	• Commonwealth EPBC Act Offset Management Plan, New Acland Stage 3, 7 November 2019 (Commonwealth Plan) • New Acland Coal Mine Stage 3 Offset Delivery Plan (State Plan)	Compliant. Included in Table 2.2 of State Plan.  No significance disturbance activities associated with Stage 3 to date. Monitoring completed, awaiting report. Monitoring results will be compared against Table I1 maximum authorised impacts.		
I4	The holder of the environmental authority must provide an environmental offset for the maximum significant residual impacts on matters of state environmental significance in accordance with the requirements of the Environmental Offsets Act 2014 (including deemed conditions), the Environmental Offsets Regulation 2014 and the Queensland Environmental Offsets Policy.	Compliant	As above	Compliant. Described in Table 2.3 of State Plan, justification outlined in Table 2.4.		
I5	Significant residual impacts are not authorised on any matters of state environmental significance not identified in Table I1– Maximum authorised impacts on Matters of State Environmental Significance (MSES).	Compliant	As above	Compliant. Included in Table 2.2 of State offset management plan.  No significance disturbance activities associated with Stage 3 to date. Monitoring completed, awaiting report. Monitoring results will be compared against Table I1 maximum authorised impacts.		
<b>SCHEDULE J: REGULATED STRUCTURES</b>						
<b>Regulated Dams and Levees</b>						
J1	The consequence category of any structure must be assessed by a suitably qualified and experienced person in accordance with the Manual for Assessing Categories and Hydraulic Performance of Structures (EM635) at the following times: a) prior to the design and construction of the structure, if it is not an existing structure; or b) if it is an existing structure, prior to the adoption of this schedule; or c) prior to any change in its purpose or the nature of its stored contents.	Compliant with observation	• Consequence Category Assessment New Acland Stage 2 Dams, Date: August 2020, Report Number: 111319-14 R003-RevB ATC Williams • 200525 NAC Regulated Dams Register	Addressed in consequence category assessment report, sighted. Note that criteria publication has changed from EM635 to ESR/2016/1933.	<b>OBS7</b>	Update EA reference to EM635 to ESR/2016/1933
J2	A consequence assessment report and certification must be prepared for each structure assessed and the report may include a consequence for more than one structure.	Compliant with observation	As above	Addressed in consequence category assessment report, sighted. Note that criteria publication has changed from EM635 to ESR/2016/1933.	<b>OBS7</b>	Refer to Condition J1
J3	Certification must be provided by the suitably qualified and experienced person who undertook the assessment, in the form set out in the Manual for Assessing Consequences Categories and Hydraulic Performance of Structures (EM635).	Compliant with observation	As above	Addressed in consequence category assessment report, sighted. Note that criteria publication has changed from EM635 to ESR/2016/1933.	<b>OBS7</b>	Refer to Condition J1

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>Design and Construction of a Regulated Structure</b>						
J4	Conditions J5 to J9 inclusive do not apply to existing structures.	Note only	N/a - Note only	N/a - Note only		
J5	All regulated structures must be designed by and constructed under the supervision of a suitably qualified and experienced person in accordance with the requirements of the Manual for Assessing Consequence Categories and Hydraulic Performance of Structures (EM635).	Not triggered	<ul style="list-style-type: none"> <li>Consequence Category Assessment New Acland Stage 2 Dams, Date: August 2020, Report Number: 111319-14 R003-RevB ATC Williams</li> <li>200525 NAC Regulated Dams Register</li> </ul>	Not triggered as no new regulated structures constructed during audit period		
J6	Construction of a regulated structure is prohibited unless the environmental authority holder has submitted a consequence category assessment report and certification to the administering authority has been certified by a suitably qualified and experienced person for the design and the design plan and the associated operating procedures in compliance with the relevant condition of <del>this authority</del>	Not triggered	As above	As above		
J7	Certification must be provided by the suitably qualified and experienced person who oversees the preparation of the design plan set out in the Manual for Assessing Consequence Categories and Hydraulic Performance of Structures (EM635) and must be <u>recorded in the Register of Regulated Structures</u> .	Not triggered	As above	As above		
J8	Regulated structures must: <ul style="list-style-type: none"> <li>a) be designed and constructed in accordance with and conform to the requirements of the Manual for Assessing Consequence Categories and Hydraulic Performance of Structures (EM635);</li> <li>b) be designed and constructed with due consideration given to ensuring that the design integrity would not be compromised on account of: <ul style="list-style-type: none"> <li>(i) floodwaters from entering the regulated structure from any watercourse or drainage line; and</li> <li>(ii) wall failure due to erosion by floodwaters arising from any watercourse or drainage line.</li> </ul> </li> <li>c) have the floor and sides of the structure designed and constructed to prevent or minimise the passage of the wetting front and any entrained contaminants through either the floor or sides of the dam during the operational life of the dam and for any period</li> </ul>	Not triggered	As above	As above		
J9	Certification by the suitably qualified and experienced person who supervises the construction must be submitted to the administering authority on the completion of construction of the regulated structure and state that: <ul style="list-style-type: none"> <li>a) the 'as constructed' drawings and specifications meet the original intent of the design plan for that regulated structure;</li> <li>b) construction of the regulated structure is in accordance with the design plan.</li> </ul>	Not triggered	As above	As above		
J10	Operation of a regulated structure, except for an existing structure, is prohibited unless the holder has submitted to the administering authority: <ul style="list-style-type: none"> <li>a) one paper copy and one electronic copy of the design plan and certification of the 'design plan' in accordance with condition J6;</li> <li>b) a set of 'as constructed' drawings and specifications;</li> <li>c) certification of those 'as constructed drawings and specifications' in accordance with condition J9;</li> <li>d) where the regulated structure is to be managed as part of an integrated containment system for the purpose of sharing the Design Storage Allowance (DSA) volume across the system, a copy of the certified system design plan;</li> <li>e) the requirements of this authority relating to the construction of the regulated structure have been met;</li> <li>f) the holder has entered the details required under this authority into a Register of Regulated Structures; and</li> </ul>	Not triggered	As above	As above		
J11	For existing structures that are regulated structures: <ul style="list-style-type: none"> <li>a) where the existing structure that is a regulated structure is to be managed as part of an integrated containment system for the purposes of sharing DSA volume across the system, the holder must submit to the administering authority within 12 months of the commencement of this condition a copy of the certified system design plan including that structure; and</li> <li>b) there must be a current operational plan for the existing structures.</li> </ul>	Compliant	<ul style="list-style-type: none"> <li>Operations and Monitoring Plan (OMP) for Regulated Structures (2022 - 2027), ATC Williams, ref 111319.20 R01-Rev2, February 2023</li> <li>Feb 2023 report: Operations and Monitoring Plan (OMP) for Regulated Structures (2022-2027) #111319.20 R01-Rev2</li> </ul>	Condition J11(a) - not applicable, structures are not part of an integrated containment system. (b) - compliant - Operations and Monitoring Plan and implementation report sighted.		
J12	Each regulated structure must be maintained and operated for the duration of its operational life until decommissioned and rehabilitated in a manner that is consistent with the current operational plan and if applicable the current design plan and associated certified 'as constructed' drawings.	Compliant	<ul style="list-style-type: none"> <li>Operations and Monitoring Plan (OMP) for Regulated Structures (2022 - 2027), ATC Williams, ref 111319.20 R01-Rev2, February 2023</li> <li>Feb 2023 report: Operations and Monitoring Plan (OMP) for Regulated Structures (2022-2027) #111319.20 R01-Rev2</li> <li>Final Land Use Rehabilitation Plan (FLURP), approved 2020 version; and December 2022 revised version DES input recieved.</li> <li>Progressive Rehabilitation and Closure Plan (PRCP) - in development, consultant engaged</li> </ul>	No decommissioning of regulated structures during audit period		
J13	n/a - Condition number not used in EA	Compliant with observation	EPML00335713, effective 14 November 2022	Condition number J13 not used in current EA.	OBS8	Consider updating the EA to correct condition numbering at Conditions J13 and J14. Note supporting documentation may need to also be updated to reflect new numbering.
J14	n/a - Condition number not used in EA	Compliant with observation	As above	Condition number J14 not used in current EA.	OBS8	Refer to Condition J13
<b>Mandatory Reporting Level</b>						
J15	Conditions J16 to J19 inclusive apply to regulated dams which have not been certified as low consequence category for 'failure to contain – overtopping'.	Note only	<ul style="list-style-type: none"> <li>Consequence Category Assessment New Acland Stage 2 Dams, Date: August 2020, Report Number: 111319-14 R003-RevB ATC Williams</li> <li>200525 NAC Regulated Dams Register</li> </ul>	Table 8 of consequence category assessment assigns consequence categories for dams at the New Acland mine. All are classified as 'LOW', except for In-Pit Tailings Dam 3 (IPT3), which is classified as 'SIGNIFICANT'.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
J16	The Mandatory Reporting Level (MRL) must be marked on a regulated dam in such a way that during routine inspections of the dam it is clearly observable.	Compliant	• 230503 Quarterly Regulated Structure Inspection April (Quarterly Tailings Dam Inspection, 3rd May 2023)	Photo included in quarterly inspection report showing visible MRL markers.		
J17	The environmental authority holder must, as soon as practical and within forty-eight (48) hours of becoming aware, notify the administering authority when the level of the contents of a regulated dam reaches the MRL.	Not triggered	• Operations and Monitoring Plan (OMP) for Regulated Structures (2022 - 2027), ATC Williams, ref 111319.20 R01-Rev2, February 2023 • Feb 2023 report: Operations and Monitoring Plan (OMP) for Regulated Structures (2022-2027) #111319.20 R01-Rev2 • 230503 Quarterly Regulated Structure Inspection April (Quarterly Tailings Dam Inspection, 3rd May 2023)	Not triggered as dam contents did not reach MRL during the audit period.		
J18	The environmental authority holder must, immediately on becoming aware that the MRL has been reached, act to prevent the occurrence on any unauthorised discharges from the regulated dam.	Not triggered	As above	As above		
J19	The environmental authority holder must record any changes to the MRL in the Register of Regulated Structures.	Not triggered	As above	As above		
<b>Design Storage Allowance</b>						
J20	The environmental authority holder must assess the performance of each regulated dam or linked containment system over the preceding November to May period based on actual observations of the available storage in each regulated dam or linked containment system taken prior to 1 July of each year.	Compliant	• Operations and Monitoring Plan (OMP) for Regulated Structures (2022 - 2027), ATC Williams, ref 111319.20 R01-Rev2, February 2023	Addressed in Section 7 of Feb 2023 report: Operations and Monitoring Plan (OMP) for Regulated Structures (2022-2027) #111319.20 R01-Rev2		
J21	By 1 November of each year, storage capacity must be available in each regulated dam (or network of linked containment systems with a shared DSA volume) to meet the DSA volume of the dam (or network of linked containment systems).	Compliant	• 2022 Annual Regulated Dam Safety Review, ref 111319.19, dated November 2022, ATC Williams (Annual Regulated Structures Inspection Report)	Addressed in Table 4 of Annual Regulated Structures Inspection report. Report states the water level as at 1 Nov 2022 was RL 453.1m, would need to be around RL458 m to threaten DSA.		
J22	The environmental authority holder must, as soon as possible and within forty-eight (48) hours of becoming aware that the regulated dam (or network of linked containment system) will not have the available storage to meet the DSA volume on 1 November of any year, notify the administering authority.	Not triggered	As above	Not triggered - DSA not compromised during the audit period.		
J23	The environmental authority holder must, immediately on becoming aware that a regulated dam (or network of linked containment systems) will not have the available storage to meet the DSA volume on 1 November of any year, act to prevent the occurrence of any unauthorised discharge from the regulated dam or linked containment systems	Not triggered	As above	As above		
<b>Annual Inspection Report</b>						
J24	Each regulated structure must be inspected each calendar year by a suitably qualified and experienced person.	Compliant	As above	Compliant - as reported in Annual Regulated Structures Inspection report.		
J25	At each inspection the condition and adequacy of all components of the regulated structure must be assessed and a suitably qualified and experienced person must prepare an annual inspection report containing details of the assessment and include recommended actions to ensure the integrity of the regulated structure.	Compliant	As above	Addressed in Annual Regulated Structures Inspection report.		
J26	The suitably qualified and experienced person who prepared the annual inspection report must certify the report in accordance with the Manual for Assessing Consequence Categories and Hydraulic Performance of Structures (EM635).	Compliant	As above	Certification included in Appendix A of annual inspection report		
J27	The environmental authority holder must: a) Within twenty (20) business days of receipt of the annual inspection report provide to the administering authority: (i) the recommendation section of the annual inspection report; and (ii) if applicable, any actions being taken in response to those recommendations; and b) If, following receipt of the recommendations and (if applicable) actions, the administering authority requests a full copy of the annual inspection report from the environmental authority holder, provide this information to the administering authority within ten (10) business days of receipt of the request.	Compliant	• 2022 Annual Regulated Dam Safety Review, ref 111319.19, dated November 2022, ATC Williams (Annual Regulated Structures Inspection Report) • Email to DES dated 18 Nov 2022, & DES acknowledgment dated 21 Nov 2022 submitting the Annual Regulated Structures Assessment Report.	Correspondence confirming submission to DES in compliance with Condition J27 sighted.		
<b>Transfer Arrangements</b>						
J28	The environmental authority holder must provide a copy of any reports, documentation and certifications prepared under this authority, including but not limited to and Register of Regulated Structures, consequence assessment, design plan and other supporting documentation, to a new holder on transfer of this environmental authority	Not triggered	n/a - not triggered	Not triggered - EA has not been transferred during audit period		
<b>Decommissioning and Rehabilitation</b>						
J29	Dams must not be abandoned but be either: a) decommissioned and rehabilitated to achieve compliance with condition J30; or b) be left in-situ for a beneficial use(s) provided that: (i) it no longer contains contaminants that will migrate into the environment; and (ii) it contains water of a quality that is demonstrated to be suitable for the intended beneficial use(s); and (iii) the administering authority, the environmental authority holder and the landholder agree in writing that the dam will be used by the landholder following cessation of the resource activity.	Not triggered	n/a - not triggered	No regulated structures were decommissioned during the audit period.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
J30	After decommissioning, all significantly disturbed land caused by carrying out of the resource activity must be rehabilitated to meet the final acceptance criteria: a) the landform is safe for humans and fauna; b) the landform is stable with no subsidence of erosion gullies for at least three (3) years; c) any contaminated land (e.g. contaminated soils) is remediated and rehabilitated; d) not allowing for acid mine drainage; or e) there is no ongoing contamination to waters (including groundwater); f) all significantly disturbed land is reinstated as defined in Table H4 – Rehabilitation requirements for disturbance on ML; g) for land that is not being cultivated by the landholder: (i) groundcover, that is not a declared pest species is established and self-sustaining; (ii) vegetation of similar species richness and species diversity to pre-selected analogue sites is established and self-sustaining; and (iii) the maintenance requirements for rehabilitated land are no greater than that required for the land prior to its disturbance caused by carrying out of the resource activity. h) for land that is cultivated by the landowner, cover crop is revegetated, unless the landholder will be preparing the site for cropping within three (3) months of resource activities being completed.	Not triggered	n/a - not triggered	No regulated structures were decommissioned during the audit period.		
<b>Register of Regulated Structures</b>						
J31	A Register of Regulated Structures must be established and maintained by the environmental authority holder for each regulated structure.	Compliant with observation	<ul style="list-style-type: none"> <li>200525 NAC Regulated Dams Register</li> </ul>	NAC have established and maintains a register of regulated structures as required by Condition J31. However, some entries in the register appear to be incomplete and not updated.	<b>OBS9</b>	<ol style="list-style-type: none"> <li>Review the NAC Regulated Dams Register, and the processes for review and approval of the register entries to ensure the register is maintained as per EA Conditions J31 to J36.</li> <li>Consider including the Regulated Structures Register in EDMS to ensure timely review and update.</li> </ol>
J32	The environmental authority holder must provisionally enter the required information in the Register of Regulated Structures when a design plan for a regulated dam is submitted to the administering authority.	Compliant with observation	<ul style="list-style-type: none"> <li>200525 NAC Regulated Dams Register</li> <li>2022 Annual Regulated Dam Safety Review, ref 111319.19, dated November 2022, ATC Williams (Annual Regulated Structures Inspection Report)</li> </ul>	No design plans for regulated structures were submitted during the audit period. It is noted that the register does not indicate whether entries are 'provisional' or 'final' information.	<b>OBS9</b>	Refer to Condition J31
J33	The environmental authority holder must make a final entry of the required information in the Register of Regulated Structures once compliance with condition J10 and J11 has been achieved	Compliant with observation	<ul style="list-style-type: none"> <li>200525 NAC Regulated Dams Register</li> <li>20220830 - 0015 - Regulated Structure Register - NAC (sign off sheet)</li> </ul>	Sign-off sheet dated 30/08/2022, signed by Rob Bishop (CEO) sighted. It is not clear from the correspondence provided whether the register has been subsequently updated as a different version was sighted that indicated some entries may not be complete. Also, it was not clear from the correspondence provided whether the entries in the register were final entries following completion against EA Conditions J10 and J11.	<b>OBS9</b>	Refer to Condition J31
J34	The environmental authority holder must ensure that the information contained in the Register of Regulated Structures is current and complete on any given day.	Compliant with observation	As above	Version history captured in Objective document management system - can see access and update history and provides full transparency of access and document control. Will be transitioned over to NAC Tech Services.  As above with respect to updating and maintenance of the register.	<b>OBS9</b>	Refer to Condition J31
J35	All entries in the Register of Regulated Structures must be approved by the chief executive officer for the environmental authority holder, or the delegate, as being accurate and correct.	Compliant with observation	As above	Sign-off sheet dated 30/08/2022, signed by Rob Bishop (CEO) sighted. As above, it was not clear whether the register has been subsequently updated, and if so, whether this the updated register has been approved by the CEO.	<b>OBS9</b>	Refer to Condition J31
J36	The environmental authority holder must, at the same time as providing the annual return, supply to the administering authority a copy of the records contained in the Register of Regulated Structures, in the electronic format required by the administering authority.	Non-compliant	As above	No evidence was available to indicate that the Register of Regulated Structures has been submitted to DES as required by Condition J36.  As above with respect to updating and maintenance of the register.	<b>NC4</b> <b>OBS9</b>	<p>NC6 - Ensure a copy of the Regulated Structures Register is submitted to DES with the 2022-2023 annual return.</p> <p>OBS9 - Refer to Condition J31</p>
<b>Contaminated Land</b>						
J37	Before applying for surrender of a mining lease, the environmental authority holder must (if applicable) provide to the administering authority a site investigation report under the Act, in relation to any part of the mining lease which has been used for notifiable activities or which the holder is aware is likely to be contaminated land, and also carry out any further work that is required as a result of that report to ensure that the land is suitable for its final land use.	Not triggered	n/a - not triggered	Not triggered during audit period. Will be addressed in PRCP.		
J38	Before applying for progressive rehabilitation certification for an area, the environmental authority holder must (if applicable) provide to the administering authority a site investigation report under the Act, in relation to any part of the area the subject of the application which has been used for notifiable activities or which the environmental authority holder is aware is likely to be contaminated land, and also carry out any further work that is required as a result of that report to ensure that the land is suitable for its final land use under conditions H1 to H4.	Not triggered	n/a - not triggered	Not triggered during audit period. Not triggered for previously remediated areas as yet. Will be addressed in PRCP.		

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
J39	Minimise the potential for contamination of land by hazardous contaminants.	Compliant with observation	<ul style="list-style-type: none"> <li>2022 Annual Regulated Dam Safety Review, ref 111319.19, dated November 2022, ATC Williams (Annual Regulated Structures Inspection Report)</li> <li>230503 Quarterly Regulated Structure Inspection April (Quarterly Tailings Dam Inspection, 3rd May 2023)</li> </ul>	<p>Regulated structures inspections and reports evidence, monitor and report on the proper construction and maintenance of regulated structures, which supports minimisation of land contamination for these areas.</p> <p>As per Condition A18 regarding chemical storage areas</p>	OBS2	Refer to Condition A18.
<b>SCHEDULE K: LIGHT</b>						
K1	Subject to condition K2, the emission of light resulting from the mining activity must not cause an environmental nuisance at any sensitive place.	Compliant with observation	<ul style="list-style-type: none"> <li>Lighting Management Plan, version 1</li> <li>Complaints Register (Consultation Manager)</li> <li>BBRA - includes lighting (under Community), control to have lighting in pit and directed away from towns.</li> <li>Consultation Manager records - no 'light' related complaints from stakeholders during audit period</li> </ul>	<p>No night works during audit period. 24-hour operations to proceed from July 2023.</p> <p>Lighting Management Plan developed, however does not appear to consider environmental light pollution.</p> <p>Measurement of whether light is a nuisance would be taken from same sensitive receptors as apply to air quality, noise &amp; vibration. Light management strategies would be project dependent/specific. Consideration needed on how it will be</p>	OBS11	Review the Lighting Management Plan and consider including environmental light pollution and controls, and that these be updated into SOPs, JSEAs etc where necessary.
K2	<p>When requested by the administering authority, an assessment of the light nuisance* must be undertaken within a reasonable and practicable timeframe nominated by the administering authority to investigate any complaint (with in neither frivolous nor vexatious based on mistaken belief in the opinion of the authorised officer) of environmental nuisance at any sensitive place, and the results must be notified within fourteen (14) days of the administering authority following completion of the assessment.</p> <p><b>Note:</b> * Assessment to be conducted according to and with reference to the limits specified in AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lights.</p>	Not triggered	As above	No complaints captured in Consultation Manager, and no requests for investigation of light nuisance made by DES during the audit period.		
K3	<p>If the assessment indicates condition K1 is not being met then the environmental authority holder must:</p> <p>a) address the complaint including the use of appropriate dispute resolution if requires; or</p> <p>b) immediately implement light abatement measures so the emissions of light from the activity do not result in further environmental nuisance.</p>	Not triggered	As above	As above		

# Enforceable Undertaking MAN-E-100271643

**Proponent** New Acland Coal Pty Ltd  
**Approval:** Enforceable Undertaking MAN-E-100271643

Compliant
Compliant with observation
Non-compliant
Not triggered
Note only

**Approval Authority** Department of Environment and Science (DES)  
**Auditor** Anna Cochrane  
**Assistant Auditor** Cassandra Nell  
**Audit Period** 29 June 2022 - 28 June 2023  
**Site Visit Dates** 14 & 15 June 2023

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>STATEMENT OF COMMITMENT</b>						
6.1	NAG has ceased disturbing land for mining activities in the Areas under the Stage 2 EA and will not undertake any further disturbance in these Areas, except for the purposes of Rehabilitation, or unless otherwise authorised under the environmental authority for the Mine.	Compliant	NAG system for ground disturbance permits (internal) ENV-GDP-230216-1, 16/2/2023 - Re-establish drains on batter from ROM & workshop roadway. GDP3220823_1, ROM drainage batters, closed out 6/10/2022	NAG system of Disturbance Permits implemented. The Environment team issues permit to operational teams approving proposed works from environmental compliance perspective. Permit process references EU requirements & reviews against allowed disturbance areas. Highlights relevant exclusion zones including Bottle Tree Hill and EU area and includes checks against EU controls. Permit outlines methodology to be followed, any constraints on works and identifies that if clearing of protected plants is required, additional permits may be required. Permit implementation is monitored during works and checked on completion by Environment Team. Once works are completed Environment Team will inspect that works are within permit requirements before closing out permit.  Sited example completed permits for work to re-establish drains on batter from ROM and workshop runway.		
6.2	For the purposes of section 507 of the Act, NAG undertakes that the actions set out in this Undertaking will be implemented to prevent the alleged contravention from reoccurring. NAG will commit the funding required to undertake the actions required by the Undertaking in the required timeframes. NAG will commit to measures set out in this Undertaking and reviewing staff skills and training in order to prevent the alleged contravention from reoccurring.	Compliant	EU Actions Register, updated 23 March 2023	Corporate team have Action Register that documents all the EU actions to be implemented and tracks progress. Maintained as a live register, formally reviewed quarterly as part of quarterly reporting processes. Sighted current register, last updated 23 March 2023. June update in progress.		
<b>OBJECTIVES</b>						
7.1	The Undertaking is a binding agreement and the objectives of the Undertaking are to:  (a) ensure mining activities at the Mine are carried out in accordance with the EA; (b) minimise the risks to the receiving environment and the community from mining activities carried out in the Areas; and (c) deliver benefits to the environment and local community.	Compliant	Email showing EA Amendment submitted to the Department, dated 16/9/2022 (from Jaymee Wicks, NAG) EA EMPL00335713, approved 6 Feb 2023 Quarterly Report - March 2023, showing actions taken to updated EA as required by the EU. 23/3/2023 - Email to DES - submission of March 2023 Quarterly Report EU Actions Register, updated 23 March 2023	Actions taken by NAC under the Enforceable undertaking indicate commitment to EU objectives, to compliance with EU requirements, and a commitment to implementation, monitoring and improvement against the actions required by the EU.		
<b>UNDERTAKING</b>						
<b>Rehabilitation for Native Vegetation and Fauna Habitat</b>						
8.1	NAC must lodge an application for an amendment of the EA with the Department no later than 12 weeks from the date the Undertaking takes effect to vary the rehabilitation criteria for the mining lease (ML50216). The purpose of the amendment is to provide for an elevated standard of rehabilitation post mining, to enable the establishment of a vegetated habitat that will be suitable for koala and other fauna and connect to existing habitat areas.	Compliant	Email showing EA Amendment submitted to the Department, dated 16/9/2022 (from Jaymee Wicks, NAG) EA EMPL00335713, approved 6 Feb 2023 Quarterly Report - March 2023, showing actions taken to updated EA as required by the EU. 23/3/2023 - Email to DES - submission of March 2023 Quarterly Report	EA updated as required & approved by the Department, evidence sighted. Documented in March 2023 quarterly report.		



Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
8.2	The application for amendment of the EA must apply to vary the Schedule E - Land (relating to final land use and rehabilitation) for ML50216 to provide for rehabilitation of the area identified in Figure A, Annexure A:  (a) for a post mine land use (PMLU) of native vegetation and fauna habitat, as shown on Figure A in Annexure A; (b) for PMLU to achieve the Rehabilitation Acceptance criteria contained in Table A, Annexure B; and (c) to commence progressively when land becomes available for rehabilitation	Compliant	Email showing EA Amendment submitted to the Department, dated 16/9/2022 (from Jaymee Wicks, NAG) EA EMPL00335713, approved 6 Feb 2023	EA updated as required & approved by the Department, evidence sighted. Documented in March 2023 quarterly report.		
<b>Delivering Benefits to the Environment and Community</b>						
8.3	NAC undertakes to the Department to enhance the protection of the environment through long term protection of the area known as Bottle Tree Hill identified on Figure B, Annexure G by way of a Preservation Covenant on terms consistent with the Conservation Zone Management Plan dated January 2014 as relates to Bottle Tree Hill.	Compliant	4/8/2022 - Email submission of draft Covenant & proposed terms to DES 5/12/2022 - Email submission of survey plan & draft Covenant to DES 9/6/2023 - Email from DES dated 9/6/2023, ' NAC Enforceable Undertaking CU-Legal FID3008195', indicating DES review status.	Covenant lodged with DES as required. With DES for review.		
8.4	NAC must:  (a) within 6 weeks of the date from which this Undertaking takes effect, have provided the State of Queensland, represented by the Department of Environment and Science with a copy of proposed terms of a Preservation Covenant aimed at directly preserving a native animal or plant pursuant to section 97A(3)(b)(i) the Land Title Act 1994 (Qld); (b) within 3 months of the date from which this Undertaking takes effect, obtain a survey plan of the Preservation Covenant Land of the areas the subject of the Preservation Covenant; (c) within 12 months of the date from which this Undertaking takes effect: (i) procure the Landowner to execute a Preservation Covenant over the Preservation Covenant Land in favour of the State of Queensland represented by the Department of Environment and Science; and (ii) use best endeavours to obtain registration of the Preservation Covenant under the Land Title Act 1994 (Qld) in relation to the Preservation Covenant Land.	Compliant	4/8/2022 - Email submission of draft Covenant & proposed terms to DES 5/12/2022 - Email submission of survey plan & draft Covenant to DES 9/6/2023 - Email from DES dated 9/6/2023, ' NAC Enforceable Undertaking CU-Legal FID3008195', indicating DES review status.	Covenant lodged with DES as required. With DES for review.		
<b>Improvements in Environmental Performance</b>						
8.5	Within 4 weeks of the date on which this Undertaking takes effect, NAC must revise its Permit to Disturb system to ensure that parts of the mining leases which are not to be disturbed by mining activities (because, for example, they are located within an exclusion area under the EA) are clearly identified and provide a copy of that Permit to Disturb to the Department.	Compliant	21/7/2023 - Email to DES 'Enforceable Undertaking - Ground Disturbance Permit indicating Permit to Disturb system updated in accordance with EU requirement.  ENV-GDP-230216-1, 16/2/2023 - Re-establish drains on batter from ROM & workshop roadway. GDP3220823_1, ROM drainage batters, closed out 6/10/2022	Permit to Disturb system updated to reflect EU requirement, evidence sighted including evidence of implementation and notification sent to DES advising that Permit to Disturb has been updated.		
<b>Reporting under the Undertaking</b>						
8.6	NAC acknowledges that it bears the responsibility for demonstrating compliance with this Undertaking, and evidence to demonstrate compliance with each respective Undertaking action outlined in paragraphs 8.1, 8.3, 8.4 and 8.5 will be provided to the Department within ten (10) business days after the completion date.	Compliant	As indicated for conditions 8.1, 8.3, 8.4 and 8.5	Email evidence etc sighted indicates compliance with this requirement.		
8.7	NAC undertakes to provide a report to the Department every three (3) months from the date this undertaking takes effect, regarding the status of each undertaking set out in paragraphs 8.1, 8.3, 8.4 and 8.5 above. Within one (1) month of completion of all actions under this undertaking, a final report describing how the terms of the Undertaking were achieved is to be provided to the Department.	Compliant	Quarterly Report - March 2023, showing actions taken to updated EA as required by the EU. 23/3/2023 - Email to DES - submission of March 2023 Quarterly Report	First quarterly report (March 2023) submitted to DES 23/03/2023 as required.		
8.8	The evidence provided to demonstrate compliance with this Undertaking will be retained by NAC until advised by the Department that this Undertaking has been completely discharged.	Compliant	Objective Data Management System - records sighted	ObjectiveNavagator - used as Data Management System, located online on company intranet. Used to store and control documents and records. Evidence sighted of records retained.		
8.9	NAC acknowledges that any failure to meet the due date in this Undertaking will result in the matter being escalated and may lead to enforcement action.	Note only				
8.1	NAC acknowledges that the Department may undertake other compliance monitoring activities to verify the evidence and compliance with a commitment of this Undertaking, and NAC agrees to cooperate with the Department in any investigation or compliance activity in respect of the Undertaking such as site access and provision of documents upon reasonable notice	Note only				

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>ABILITY TO COMPLY WITH THE UNDERTAKING AND MEET THE PROJECTED COSTS</b>						
10.1	NAC has the financial ability to comply with the Undertaking.	Compliant	EMPL00335713 - 20230509 - Notice of Annual Review Allocation letter from QLD Treasury & associated invoice sighted.	Financial Provisioning Scheme (FPS) implemented, reviewed annually. Monitors & reports risk-based allocation of financial resources to ensure availability of resources to meet commitments including EA / EU requirements. Lodged with QLD Treasury - Notice of acknowledgement & invoice sighted.		
10.2	In the event of insolvency or external administration of NAC it will notify the Department of the specific circumstances and its capacity to comply with the outstanding terms of the Undertaking. In the event that ML50216 is transferred before this Undertaking has been discharged, NAC will advise any transferee of the existence of this Undertaking and provide a copy of this correspondence to the Department.	Compliant	As above	NAC not insolvent, monitored by FPS (see above). Condition J28 of EU also requires transfer of information in event of hand over to another party.		
<b>ACKNOWLEDGEMENTS</b>						
11.1	NAC acknowledges that the Department:  (a) may issue a media release on execution of this Undertaking referring to its terms and to the concerns of the Department which led to its execution; (b) may refer publicly to this Undertaking (including in newspapers or media releases); and (c) will publish this Undertaking on its website.	Note only				
11.2	NAC acknowledges that the Department's acceptance of this Undertaking does not affect the Department's power to investigate a contravention, issue warnings, issue penalty infringement notices, issue statutory notices and/or bring proceedings against NAC and/or take any other enforcement action in relation to any other and/or subsequent contravention or alleged contravention of the Act that is not the subject of this Undertaking. This is regardless of whether or not the subsequent contravention or alleged contravention involves section 426 of the Act.	Note only				
11.3	NAC acknowledges that this Undertaking does not affect the rights or remedies available to any other person or entity nor does it affect any statutory obligations under the Act.	Note only				
11.4	As provided under section 508(2) of the Act, NAC acknowledges that the Department's acceptance of this Undertaking means that the Department will not commence proceedings against NAC in relation to the alleged contraventions the subject of this Undertaking, if NAC is fully complying, or has fully complied with this Undertaking.	Note only				
11.5	NAC acknowledges that if it withdraws the Undertaking before it has been fulfilled, proceedings may be brought against it for the alleged contraventions the subject of this Undertaking.	Note only				
11.6	NAC acknowledges that failure to comply with any of the terms of this Undertaking may result in the Department seeking other actions against NAC in accordance with the Act.	Note only				
11.7	NAC acknowledges that this Undertaking takes effect when the Department gives NAC notice of the decision to accept the Undertaking.	Note only				
11.8	NAC acknowledges that this Undertaking may only be withdrawn, varied, amended or suspended in accordance with the process in the Act.	Note only				
11.9	NAC acknowledges that any public communication regarding any of the actions contained in this Undertaking must clearly link the actions to the Undertaking.	Note only				
<b>A. APPLICATION DETAILS</b>						
A	On 16 June 2022, the department received an application for an Enforceable Undertaking from New Acland Coal. The application includes a Statutory Declaration signed by an authorised representative of New Acland Coal and was made in the approved form. The objectives, as stated in the application for the Enforceable Undertaking are, to paraphrase: 1. ensure mining activities are carried out in accordance with the EA; 2. minimise the risks to the receiving environment and the community from mining activities; and 3. deliver benefits to the environment and local community.	Note only				

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>B. MATERIAL CONSIDERED BY THE DEVELOPMENT IN MAKING IN DECISION</b>						
B	In making the decision, the department had before it: a. Environmental Protection Act 1994; b. Application Form - Enforceable Undertaking dated 16 June 2022; c. Signed Statutory Declaration received on 16 June 2022; d. The Enforceable Undertaking, as attached to the application form; e. Draft Form 31 - Covenant; f. Draft Form 18A - Landowner Consent to Survey Plan; g. Draft consent letter to be provided on behalf of Acland Pastoral Company; h. correspondence between the department and New Acland Coal relating to disturbance from mining activities on ML50216. i. The department's guideline for Enforceable Undertakings under the Environmental Protection Act 1994 (ESR/2016/2272). j. Department of Environment and Science Enforcement Guidelines (ESR/2021/5549).	Note only				
<b>C. APPLICATION OF LEGISLATION TO THE DECISION</b>						
C	Section 507 of the Environmental Protection Act 1994 provides that: a. the administering authority may accept a written undertaking (Enforceable Undertaking) made by a person in relation to a contravention or alleged contravention by the person of the Environmental Protection Act 1994, other than an indictable offence; and b. the administering authority must give the person written notice of the administering authority's decision to accept or reject the Enforceable Undertaking, and the reasons for the decision.	Note only				
<b>D. DECISION</b>						
D	The administering authority has decided to accept New Acland Coal's application for an Enforceable Undertaking. The approved Enforceable Undertaking is attached to this decision notice.	Note only				
<b>E. REASONS FOR THE DECISION</b>						
E	1. The alleged contravention is not an indictable offence. 2. New Acland Coal agrees, for the purposes of section 507 of the Environmental Protection Act 1994, to implement steps to prevent the alleged contravention from reoccurring. 3. New Acland Coal has declared that it has no convictions or findings of guilt under the Environmental Protection Act 1994 or other corresponding law in Queensland, or elsewhere in any Australian or international jurisdiction. 4. The application for the Enforceable Undertaking appropriately addresses the alleged contravention by: a. noting the cessation of mining activities, other than for rehabilitation on ML 50216; b. requiring New Acland Coal to achieve an agreed post mining land use for the activities on part of ML 50216 that is safe, stable, non-polluting and self-sustaining; c. undertaking to fund the remediation of the disturbance (estimated to cost \$2,000,000); and d. reviewing New Acland Coal's permission to disturb protocols and investing in staff training. 5. The Enforceable Undertaking enhances the protection of the environment by: a. protecting the area known as Bottle Tree Hill, in perpetuity, by a Preservation Covenant aimed at directly preserving a native animal or plant pursuant to the Land Title Act 1994 (Qld); and b. providing connection between existing known koala populations and habitat within the Conservation Zone and the remediated area proposed on ML 50216, which equates to a combined commitment of approximately 140 hectares of land being provided to improve local environmental outcomes.	Note only				

Condition Number	Compliance Requirement	Third-Party Audit Compliance Status	Audit Evidence Considered	Third-Party Audit Comments and Findings	Finding Number	Recommended Actions
<b>F. ADDITIONAL INFORMATION</b>						
<b>Obligations under the Environmental Protection Act 1994</b>						
F	<p>In addition to the requirements of the enforceable undertaking and the conditions imposed, you must also meet your obligations under the Environmental Protection Act 1994, and the regulations made under the Environmental Protection Act 1994. For example: <input type="checkbox"/> you must comply with the following provisions of the Act:</p> <ul style="list-style-type: none"> <li>- general environmental duty (section 319); and</li> <li>- duty to notify of environmental harm (sections 320 - 320G); <input type="checkbox"/> you must also ensure that you do not commit offences in relation to the Environmental Protection Act 1994, including but not limited to, the following:               <ul style="list-style-type: none"> <li>- causing serious or material environmental harm (sections 437 - 439);</li> <li>- causing environmental nuisance (section 440);</li> <li>- depositing prescribed water contaminants in waters and related matters (section 440ZG); and</li> <li>- placing contaminant where environmental harm or nuisance may be caused (section 443).</li> </ul> </li> </ul> <p>Should you have any queries in relation to this notice, please contact Anthony Baker, Director, of the Department, on telephone number 0407 425 951.</p>	<b>Compliant</b>	<ul style="list-style-type: none"> <li>• Balance of site management documentation sighted / reviewed as given in this audit report.</li> <li>• Site observations</li> <li>• Personnel interviews</li> </ul>	<ul style="list-style-type: none"> <li>• No observable harm, disturbance or activity in breach of obligations under the Environment Protection Act 1994 observed on site visit or noted during audit analysis.</li> </ul>		

# Appendix C Photographs

## Environmental Authority Third-Party Compliance Audit

New Acland Coal Mine, Oakey QLD

New Acland Coal Pty Ltd

SLR Project No.: 623.V30240.00000-R01



**Photo 1 New Acland Coal Community Information Centre, Oakey**



**Photo 2 Haul roads that have been appropriately watered down.**



**Photo 3 Koala protection fence.**



**Photo 4 Water storage**



**Photo 5 Blast preparation including informational signage and markers indicating access no-go zone**



**Photo 6 Water storage area including markers indicating access no-go zone**





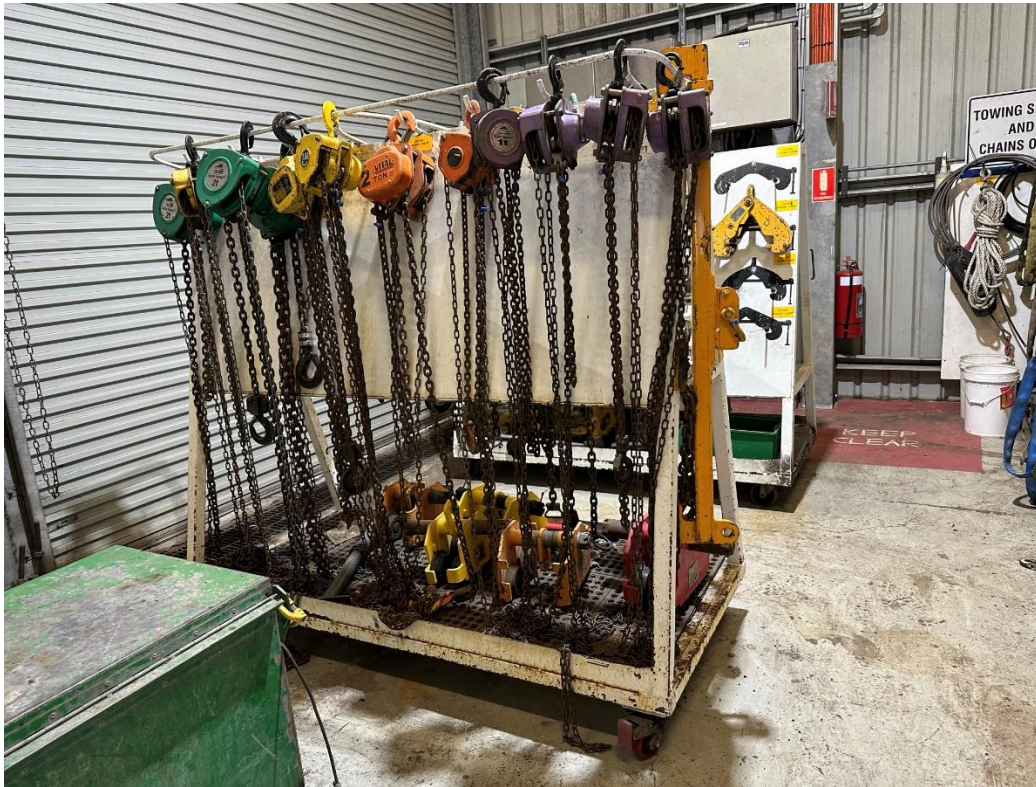
**Photo 7 Water truck in operation**



**Photo 8 Bunded, enclosed lubricant storage locker**



**Photo 9 Clean and organised workspace**



**Photo 10 Coal Handling and Preparation Plant (CHPP)**

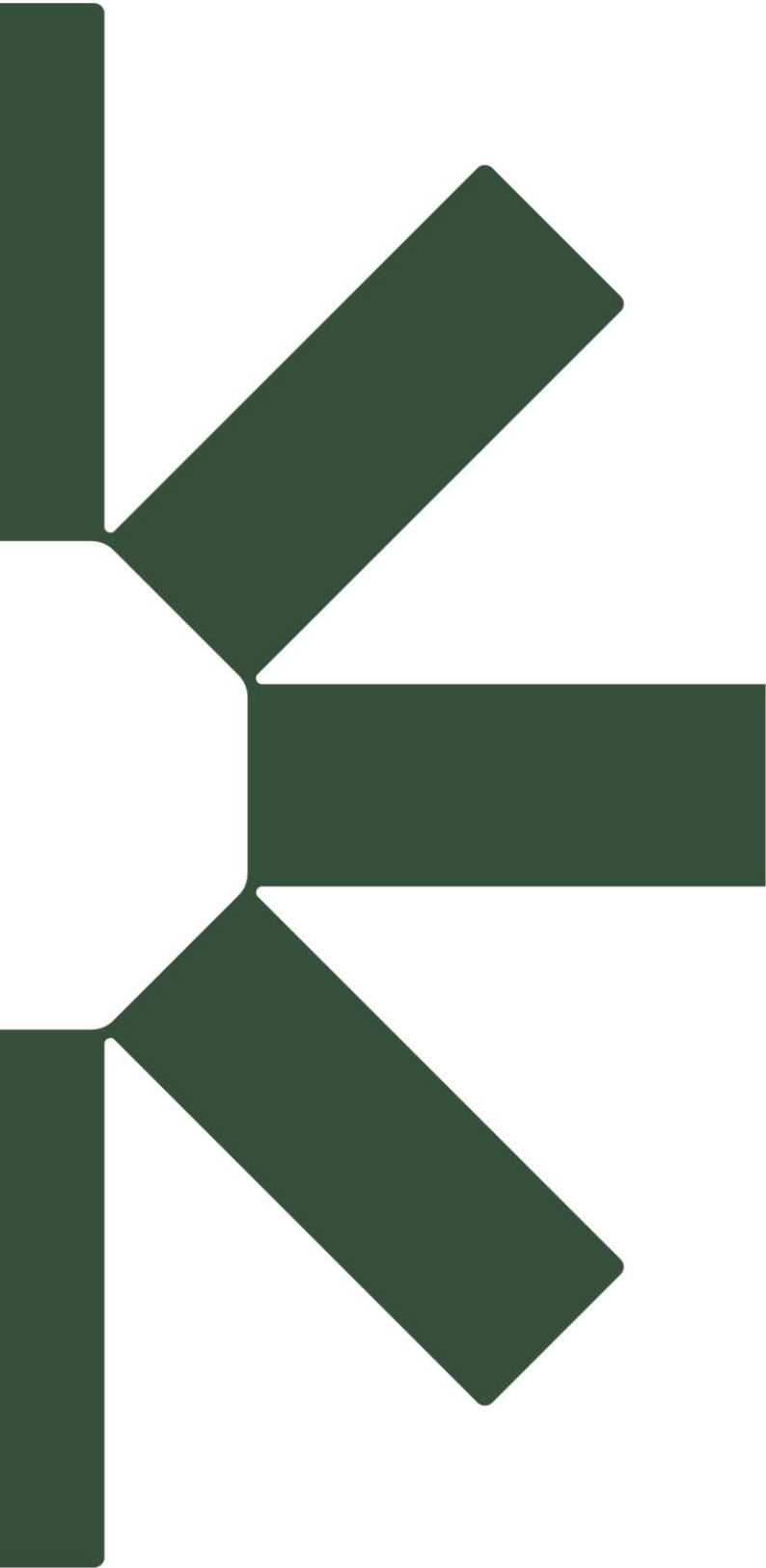


**Photo 11 Bunded chemical storage area**



**Photo 12 Radiator coolant stored outside bunded area. Labelled spill kit and waste bins in place.**





Making Sustainability Happen