

Reference	Schedule and Condition Number	Condition	Compliance status	Evidence	Recommendation	Response/Proposed action	Target Completion Date																
Project Approval 09_0182																							
NC1	Schedule 2, Condition 2	The Proponent shall carry out the project: Generally in accordance with the EA; and In accordance with the statement of commitments and the conditions of this approval. Notes: The general layout of the project is shown in Appendix 1 and Appendix 2; and The Statement of Commitments is reproduced in Appendix 5.	Non-Compliant	This table and the IEA report have assessed compliance with the EA, statement of commitments and conditions of the approval. This indicates the BCM is generally in accordance with requirements of this condition. Non-compliances were noted against the following conditions: - Condition 9 , Schedule 3 - Condition 15, Schedule 3 - Condition 22, Schedule 3 - Condition 38(b), Schedule 3 - Condition 38(c), Schedule 3 - Condition 68, Schedule 3 - Condition 4, Schedule 5 - Condition 5, Schedule 5 - Condition 8, Schedule 5 - Condition 14, Schedule 5 - Condition 15, Schedule 5 - Statement of Commitments 3 - Statement of Commitments 4 Non-compliances against these conditions are captured and addressed below in this table.	Corrective actions are provided below for each of the non-compliances.		NA																
NC2	Schedule 3 Condition 9	The Proponent shall: (a) Ensure that: • All new trucks, dozers, drills and excavators purchased for use on the site after the date of this approval are commissioned as noise suppressed (or attenuated) units; • Ensure that all equipment and noise control measures deliver sound power levels that are equal to or better than the sound power levels identified in the EA and that correspond to best practice or the application of best available technology economically achievable. • Where reasonable and feasible, improvements are made to existing noise suppression equipment as technologies become available; and (b) monitor and report on the implementation of these requirements annually on its website.	Non-Compliant	<i>2020 IEA Recommendation: continue investigations and dialogue with DPIE regarding sound power level requirements.</i> Sound power testing is undertaken annually and reported upon in the Annual Reviews, which are published on the website. As reported in the 2020, 2021 and 2022 Annual Reviews, sound power screening identified plant with exceedances of 3dB or greater, constituting a non-compliance with this condition.	CA 1: Continue to implement mitigation on plant identified as non-compliant with this condition.	Action 1: While SPL testing shows exceedances of noise levels, investigations into suitable solutions will undertaken and implemented.	Ongoing																
NC3	Schedule 3 Condition 15	The Proponent shall ensure that the blasting on the site does not cause exceedances of the criteria in Table 6. <table border="1" data-bbox="483 1413 967 1549"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td>Residences on privately owned land</td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td></td> <td>110</td> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>All public infrastructure</td> <td>-</td> <td>50 or alternatively a specific limit determined by the Secretary by the structural design methodology in AS 2187.2-2006, or its latest version</td> <td>0%</td> </tr> </tbody> </table> However, these criteria do not apply if the Proponent has a written agreement with the relevant owner or infrastructure provider/owner, and the Proponent has advised the Department in writing of the terms of this agreement.	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residences on privately owned land	120	10	0%		110	5	5% of the total number of blasts over a period of 12 months	All public infrastructure	-	50 or alternatively a specific limit determined by the Secretary by the structural design methodology in AS 2187.2-2006, or its latest version	0%	Non-Compliant	<i>2020 IEA Recommendation : Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review.</i> <i>2020 IEA Recommendation :Implement changes to the TARP notifications system to distinguish "triggers" from "exceedances" so that reportable exceedances are not missed</i> A review of monitoring data indicated that there was one occasion where blasting criteria was exceeded. BCOPL received a penalty notice from the EPA on 21 July 2022 for this exceedance. BCOPL undertook an internal investigation and response to the EPA with the findings of the investigation, which determined that the exceedance was due to wind gusts and not blasting operation. The EPA withdrew the penalty notice in December 2022. In addition, DPE provided a response to the reported exceedance on 7 July 2023, stating that from the	CA 2: Ensure that blast monitoring equipment is regularly maintained and working prior to blasting so that blasts are adequately reported	NO ACTION REQUIRED. BCOPL will continue to ensure blast monitors are calibrated every 3 months and maintained as required as per contract with blast monitor supplier.	NA
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				<p>evidence presented by BCOPL an exceedance of criteria had not occurred. There were no other exceedances of criteria within the audit period. As reported in the 2022 Annual Review, a blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station, constituting a non-compliance</p> <p>In response to the recommendations of the 2020 IEA, BCOPL continue to engage with blast monitoring contractors delineating the definition of 'triggers' and 'exceedances', BCOPL have engaged a consultant to review planning and fume protocols. BCOPL note that the current technology that is available on site does not allow for this level of reporting and that they will improve processes to review results of monitoring. BCOPL delivered training with supervisors in October 2021 to improve environmental performance regarding ensuring blasts are only undertaken during appropriate weather conditions. Once the BMP is approved, post MOD 8 as per approval from DPE, training of staff will occur again.</p>			
NC4	Schedule 3 Condition 22	<p>The proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) Be submitted to the Secretary for approval within 6 months from the date of project work.</p> <p>(b) be prepared in consultation with the EPA, the CCC and interested members of the local community potentially affected by blasting operations;</p> <p>(c) propose any alternative ground vibration limits for public infrastructure in the vicinity of the site;</p> <p>(d) describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> best management practice is being employed; and compliance with the relevant conditions of this approval; <p>(e) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with Council;</p> <p>(f) include a specific blast fume management protocol to demonstrate how emissions will be minimised including risk management strategies if blast fumes are generated;</p> <p>(g) include a monitoring program for evaluating the performance of the project including:</p> <ul style="list-style-type: none"> compliance with the applicable criteria; and minimising fume emissions from the site; and <p>(h) include a Leard Forest Mining Precinct Blast Management Strategy that has been prepared in consultation with other mines within the Leard Forest Mining Precinct to minimise cumulative blasting impacts.</p> <p><i>Note: The Leard Forest Mining Precinct Blast Management Strategy can be developed in stages and will need to be subject to ongoing review dependent upon the determination of and commencement of other mining projects in the area.</i></p>	Non-Compliant	<p><i>2020 IEA Recommendation: Ensure blasts are undertaken under appropriate weather conditions. Delays to blasts should be implemented if required based on real time weather data review - recommendation was addressed in 2020 Annual Review, with target completion 01/08/2021</i></p> <p>The latest version of the Blast Management Plan (BMP) is dated November 2018 and was approved by DPIE on 21 February 2019. The Blast Management Strategy is dated April 2020.</p> <p>The preparation of the BMP meets the requirements of the relevant consent conditions. The Blast Management Plan was originally prepared in January 2013, with this being within six months of the Project Approval. Key sections for items required by this condition:</p> <ul style="list-style-type: none"> - Consultation summary - Appendix D - Alternate ground vibration limits - Section 5.1 - Management Measures including road closures - Section 6 - Blast fume management protocol - Appendix C - Weather monitoring program - Section 7.2 and 7.3 - Leard Forest Mining Blast Management Strategy - Section 6.5 and Appendix E <p>The Blast Management Plan is currently under revision. As described above, DPE have granted approval for the submission of the updated plans within three months of MOD8 determination which is currently being assessed.</p> <p>Implementation of the requirements over the audit period were generally satisfactory. However, as reported in the 2022 annual review, the continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022. BCOPL also advised that data capture for sigma theta was 90% in May 2023 due to a faulty sensor. The sensor has been fixed and is</p>	CA 3: Ensure that maintenance routines include the weather station for regular inspection and maintenance	NO ACTION REQUIRED. BCOPL will continue to have all weather stations including the 60m AWS Met Station Calibrated and maintained on a biannual basis and as required as per the contract with supplier.	NA

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				now capturing data continuously.			
NC5	Schedule 3 Condition 38b	<p>a Surface Water Management Plan, which includes:</p> <ul style="list-style-type: none"> • detailed baseline data on surface water flows and quality in the water-bodies that could potentially be affected by the project; • detailed baseline data on soils within the irrigation management area; • detailed baseline data on hydrology across the downstream drainage system of the Namoi River floodplain from the mine site to the Namoi River; • a detailed description of the water management system on site, including the: <ul style="list-style-type: none"> o clean water diversion systems; o erosion and sediment controls (dirty water system); o mine water management systems including irrigation areas; o discharge limits in accordance with EPL requirements; o water storages; o haul road and Boggabri Rail Spur Line and bridge flood and water diversions; detailed plans, including design objectives and performance criteria for: <ul style="list-style-type: none"> o design and management of final voids; o design and management for the emplacement of reject materials, sodic and dispersible soils and acid or sulphate generating materials; o design and management for construction and operation of the Boggabri Rail Spur Line and bridge across the Namoi River floodplain and upstream adjoining Nagero/Bollol creek catchments; o reinstatement of drainage lines on the rehabilitated areas of the site; and o control of any potential water pollution from the rehabilitated areas of the site; • performance criteria for the following, including trigger levels for investigating any potentially adverse impacts associated with the project: <ul style="list-style-type: none"> o the water management system; o soils within the irrigation area; o downstream surface water quality; o downstream flooding impacts, including flood impacts due to the construction and operation of the Boggabri Rail Spur Line and rail bridge; and o stream and riparian vegetation health, including the Namoi River; • a program to monitor: <ul style="list-style-type: none"> o the effectiveness of the water management system; o soils within the irrigation area; and o surface water flows and quality in the watercourses that could be affected by the project; o downstream flooding impacts; and • reporting procedures for the results of the monitoring program; • a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project; and 	Non-Compliant	<p><i>2020 IEA Recommendation: continue to liaise with DPIE with regard to the approval of the revised water management system and the removal of the clean water diversion.</i></p> <p>The most recent approved Surface Water Management Plan is dated May 2017. Key sections that address the requirements of this condition:</p> <ul style="list-style-type: none"> - Baseline information - Section 3 - The Surface Water Management System - Section 4 - Water Management Trigger Levels and Responses - Section 7 - Monitoring program - Section 6 <p>The SWMP generally is compliant with the requirements of this condition, however as identified in the 2020 IEA the clean water drain presented in Appendix A of the SWMP to the north of the disturbance area has been mined through and has not been reinstated. BCOPL are preparing an update to the SWMP that depicts that this drain has been removed, however the updated plan has not been approved constituting a non-compliance against this condition. BCOPL are required to submit the updated plan within 3 months of the determination of MOD8.</p>	CA 4: Ensure the recommendations of the 2020 IEA are included in the updated SWMP	Action 2: BCOPL will include the recommendations of the 2020 IEA in the next version of the Surface Water Management Plan to be submitted within 3 months of MOD 8 approval by the DPE.	Within 3 months of MOD 8 approval by the DPE.
NC6	Schedule 3 Condition 38(c)	<p>a Groundwater Management Plan, which includes:</p> <ul style="list-style-type: none"> • detailed baseline data of groundwater levels, yield and quality in the region, and privately-owned 	Non-Compliant	<p><i>2020 IEA Recommendation: Vary the EPL in consultation with EPA to align with the appropriate borehole locations and remove those that have been</i></p>	CA 5: Ensure that the updated GMP accurately reflects the Groundwater Monitoring Regime and the latest variation of EPL 12407	Action 3: The Groundwater Management Plan will be updated and sent for	Within 3 months of MOD 8 approval by

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		<p>groundwater bores including a detailed survey/schedule of groundwater dependent ecosystems (including stygo-fauna), that could be affected by the project;</p> <ul style="list-style-type: none"> the monitoring and testing requirements specified in the PAC recommendations for groundwater management as set out in Appendix 6; detailed plans, including design objectives and performance criteria, for the design and management of the proposed final void; groundwater assessment criteria including trigger levels for investigating any potentially adverse groundwater impacts; a program to monitor and assess: <ul style="list-style-type: none"> groundwater inflows to the open cut mining operations; the seepage/leachate from water storages, backfilled voids and the final void; interconnectivity between the alluvial and bedrock aquifers; background changes in groundwater yield/quality against mine-induced changes; the impacts of the project on: <ul style="list-style-type: none"> regional and local (including alluvial) aquifers; groundwater supply of potentially affected landowners; aquifers potentially affected by the mine irrigation area; groundwater dependent ecosystems (including potential impacts on stygo-fauna) and riparian vegetation. a program to validate the groundwater model for the project, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and a plan to respond to any exceedances of the performance criteria; and 		<p><i>mined through.</i></p> <p>The most recent Groundwater Management Plan is dated 10 February 2020 and is generally compliant with the requirements of this condition. Key sections that address the requirements of this condition:</p> <ul style="list-style-type: none"> Baseline information - Section 3 Groundwater Monitoring Program - Section 4 Water Management Trigger Levels and Management Measures- Sections 6 and 7 <p>A review of water quality monitoring data indicates that there were exceedances of trigger values during the audit period. The following points were also not monitored over the reporting period:</p> <ul style="list-style-type: none"> IBC2181 - Unable to access in the March 2023 GME IBC2181 - Unable to access in the November 2022 GME MWP01 - Unable to access in the January 2021 GME IBC2181 - Unable to access in the June 2021 GME <p>The Annual Review documents note that the GMP is required to be reviewed to account for the destroyed monitoring bores. It is understood that BCOPL intend to submit an updated plan for DPE approval within 3 months of the determination of MOD8 which is currently being assessed.</p> <p>The groundwater model was reviewed and updated in late 2020 by Australasian Groundwater and Environmental Consultants. In response to 2020 IEA Improvement Recommendation, EPL 12407 was varied in 2021 to remove mined though bores.</p>		approval within 3 months of MOD 8 approval. It will reflect the latest variation of EPL 12407 and monitoring regime that is being undertaken on site.	the DPE.
NC7	Schedule 3 Condition 40	<p>The Proponent shall commission and fund the preparation of a Leard Forest Mining Precinct Regional Biodiversity Strategy, jointly with all other coal mines within the Precinct. The Strategy shall be co-ordinated through the Department (refer condition 42 below) and prepared by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCS and subsequently approved by the Secretary, in the following stages:</p> <p>Stage 1 – Scoping Stage</p> <p>A scoping report for development of the Strategy must be submitted, within 6 months of the date of this approval, for endorsement by BCS and subsequent approval by the Secretary. The Secretary may extend this period with the agreement of BCS. The scoping report must:</p> <ul style="list-style-type: none"> include terms of reference, scope and objectives for the Strategy, including recommendations for the Strategy’s geographic extent; identify the ongoing functions and members of the working group (see condition 41 of Schedule 3); include a project management plan of the Strategy, with a time schedule, indicative dates for working group meetings, review and milestones for completion; include a funding program for the development of the Strategy, including provision of adequate resources for the participation of working group members; and include a consultation/communications program for the 	Non-Compliant	<p>The Leard Forest Regional Biodiversity Strategy Stage 1 – Scoping Report was prepared in July 2015, prior to the commencement of this audit period.</p> <p>The Leard Forest Regional Biodiversity Strategy Stage 2 – Strategy Report was prepared in August 2017, prior to the commencement of this audit.</p> <p>Umwelt prepared a preliminary review of the Leard Forest Regional Biodiversity Strategy in 2018. The scope of the review was reduced to solely focussing on the implementation of the strategy in the revised biodiversity management plans to provide a list of recommendations to the BTM Complex for future revisions of the Leard Forest Regional Biodiversity Strategy.</p> <p>The preliminary review included a recommendation (recommendation 4.6) that a comprehensive review of the strategy should be undertaken by 31 December 2021. A letter of response was provided by BCD on 26 July 2019 providing comments on the preliminary review supported this recommendation.</p> <p>The Comprehensive Review of the strategy has not been undertaken and therefore the recommendations of the preliminary review have not been implemented. This is considered a non-compliance against this condition.</p>	CA 6: Undertake the comprehensive review of the Leard Forest Regional Biodiversity Strategy in 2024.	Action 4: BCOPL will work with other mines in the BTM complex and have a comprehensive review of the Leard Forest Regional Biodiversity Strategy completed by the 31 st December 2024.	31/12/2024

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		<p>Strategy.</p> <p>Note: The broad terms of reference must be guided by the Planning Assessment Commission (PAC) merit review for the Boggabri Coal Mine (February 2012) – Recommendation 1 for the development of a regional biodiversity strategy.</p> <p>Stage 2 – Strategy Development</p> <p>The Strategy must be developed in accordance with the approved Scoping Stage report and submitted for endorsement by BCS and subsequent approval by the Secretary within 18 months of the date of this approval. The Secretary may extend this period with agreement of BCS.</p> <p>Stage 3 – Strategy Review</p> <p>The Strategy must be reviewed by the end of December 2018, following completion of audits of the rehabilitation and Biodiversity Offset Areas required to be undertaken under approvals for coal mines within the Precinct. The Review shall be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCS and approved by the Secretary. Any modifications to the Strategy arising from the review must be endorsed by BCS prior to approval by the Secretary</p>					
NC8	Schedule 3 Condition 68	<p>The Proponent shall:</p> <p>(a) implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the project;</p> <p>(b) ensure that the waste generated by the project is appropriately stored, handled and disposed of;</p> <p>(c) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review.</p>	Non-Compliant	<p>Generally waste was managed appropriately on site, with waste receptacles clearly labelled. The site is also neat and tidy. However it was noted that the correct waste was not always deposited into the correct bins, with plastic wrap observed in the steel bin, constituting a non-compliance.</p> <p>Waste is reported on in the annual reviews.</p>	CA 7: Ensure that staff are made aware of correct waste management procedures and that waste slides are included in the toolbox talks quarterly.	Action 5: BCOPL will ensure quarterly waste toolbox talks are presented to the workforce.	20/02/2024
NC9	Schedule 5 Condition 4	<p>By the end of March each year, the Proponent shall review the environmental performance of the project for the previous calendar year to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> • relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EA; <p>(c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>	Non-Compliant	<p><i>2020 IEA Improvement Recommendation: Include additional information in the annual reviews regarding longer term trends particularly in terms of surface water, noise and air quality</i></p> <p>The format and presentation of the Annual Review documents satisfies the requirements of this condition. BCOPL have also integrated the 2020 IEA recommendation of including additional information in the annual reviews regarding longer term trends particularly in terms of surface water, noise and air quality.</p> <p>As noted in the 2022 Annual Review, the 2021 Annual Review was submitted after the due date.</p>	CA 8: Ensure that annual reviews are submitted by the due date.	NO ACTION REQUIRED. BCOPL will continue to submit the Annual Review by the 31 st of March each year as required by the Project Approval.	NA

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NC10	Schedule 5 Condition 5	Within 3 months of the submission of: (a) an annual review under condition 4 above; (b) an incident report under condition 8 below; (c) an audit under condition 10 below; and (d) any modification to the conditions of this approval, the Proponent shall review the strategies, plans, and programs required under this approval. Where this review results in revisions to any such document, then within 4 weeks of the completion of the revision, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.	Non-Compliant	<i>2020 IEA Improvement Recommendation: Prepare a document review register to evidence dates when documents are reviewed. Register should identify if any changes are identified as being required.</i> It is noted that most plans required under this development consent have not been revised over the audit period and require updating, constituting a non-compliance against this condition. However it is noted that DPE have written to BCOPL indicating that they may submit the updated management plans for approval within 3 months of the determination of MOD8. In response to the 2020 IEA Improvement Recommendation, BCOPL have developed a document register for EMS documents.	CA 9: Ensure that all plans required under this consent are reviewed and updated (if applicable) 3 months after the triggers outlined in Schedule 5, Condition 5 occur	Action 6: Submit all required management plans to the DPE for approval within 3 months of MOD 8 approval. All other plans will be reviewed and updated (if applicable) in the same time period.	Within 3 months of MOD 8 approval by the DPE.
NC11	Schedule 5 Condition 8	The Proponent shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	Non-Compliant	No environmental incidents causing material harm have occurred during the audit period. BCOPL provided the following notices relating to environmental non-compliances during the audit period: - Notification of blast overpressure exceedance on 30 April 2022 sent to DPE (3 May 2022) - Exceedance on 6 March 2023 of criteria at Glenhope HVAS sent to DPE on 2 May 2023. Given that this occurred more than a week from the incident occurring, this constitutes a non-compliance against this condition.	CA 10: Ensure that non-compliances are reported within 7 days of occurrence.	NO ACTION REQUIRED. BCOPL will continue to report non-compliances within 7 days of becoming aware of an incident.	NA
NC12	Schedule 5 Condition 10	By the end of June 2014 and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary; include consultation with the relevant agencies; assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals); assess whether the Proponent is implementing best noise, blasting and air quality management practice; investigate and report on the measures taken to minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply, including: the effectiveness of these measures in maintaining noise impacts within the relevant noise criteria in this approval and/or the limits in the relevant EPL; and any additional measures available to mitigate noise impacts under such meteorological conditions investigate and report on the measures taken to minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see condition 30(d) of Schedule 3), including: the effectiveness of these measures in maintaining air quality impacts within the criteria in Table 9, Table 10 and Table 11 of Schedule 3; and	Non-Compliant	Previous audits were undertaken in 2014, 2017 and 2020. The 2020 IEA was undertaken by SLR Consulting. This audit was undertaken in compliance with the requirements of this condition. The audit team for this audit was approved on 31 August 2023. Key sections of this audit that demonstrate compliance with this condition are: - Section 4.2 (summary of compliance) - Section 4.6 (Adequacy of plans and strategies) - Section 4.7 and Appendix B (Agency consultation) - Section 5.2 (Corrective actions) - This table (compliance assessment against the requirements of the consent, licences and leases) This audit was commissioned on the 11 October 2023, four months after the end of June as required by this condition. BCOPL were not granted an extension from DPE, and therefore a non-compliance against this component of the condition is recorded.	CA 11: Ensure that future Independent Environmental Audits are commissioned by the end of June.	Action 7: BCOPL will commission the next independent environmental audit by 30 June 2026.	30/06/2026

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		any additional measures available to mitigate air quality impacts under such conditions; review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and recommend measures or actions to improve the environmental performance of the project and/or any strategy, plan or program required under these approvals. Note: This audit team must be led by a suitably qualified auditor, and include experts in noise, air quality, ecology, Aboriginal heritage and any other fields specified by the Secretary.					
NC13	Schedule 5 Condition 14	The Applicant must immediately notify the Department and any other relevant agencies after it becomes aware of an incident. The notification must be in writing via the Department's Major Projects Website and identify the development (including the application number and name) and set out the location and nature of the incident.	Non-Compliant	As described in the compliance findings for Condition 8 of Schedule 5, the exceedance of air quality criteria at the Glenhope HVAS was sent to DPE more than a week from the incident occurring (incident occurring 6 March 2023, notification sent 2 May 2023).	CA 10: Ensure that non-compliances are reported within 7 days of occurrence.	NO ACTION REQUIRED. BCOPL will continue to report non-compliances within 7 days of becoming aware of an incident.	NA
NC14	Statement of Commitments 3	Boggabri Coal's Environmental Monitoring Programs for air quality, water quality, noise and blasting will be reviewed and updated as required, in consultation with the relevant regulators for approval by DP&I as specified in conditions of Project Approval.	Non-Compliant	The NMP, BMP, AQGHGMP and GMP have not been updated during the audit period. The WMP and SWMP have been submitted to DPE but not have not been approved. DPE have granted approval for the submission of the updated plans within three months of MOD8 determination.	CA 9: Ensure that all plans required under this consent are reviewed and updated (if applicable) 3 months after the triggers outlined in Schedule 5, Condition 5 occur	Action 8: BCOPL will ensure review and update (if applicable) of management plans within 3 months of triggers outlined in Schedule 5, Condition 5.	Within 3 months of MOD 8 approval by the DPE.
NC15	Statement of Commitments 4	Boggabri Coal's EMPs will be revised and updated as required, in consultation with the relevant regulators for approval by DP&I as specified in any conditions of Project Approval for Surface and Groundwater Management, Flora and Fauna, Rehabilitation and Landscape Management (including Void Management) and Aboriginal Archaeology and Cultural Heritage Management.	Non-Compliant	The Biodiversity Management Plan, GMP and the CHMP have not been updated during the audit period. The WMP and SWMP have been submitted to DPE but not have not been approved. DPE have granted approval for the submission of the updated plans within three months of MOD8 determination. The RMP would be superseded following the approval of the new RMP (replacing the former MOP under the Mining Regulation 2016). This plan is currently in draft.	CA 9: Ensure that all plans required under this consent are reviewed and updated (if applicable) 3 months after the triggers outlined in Schedule 5, Condition 5 occur	See Action 8: BCOPL will ensure the review and update (if applicable) of management plans within 3 months of triggers outlined in Schedule 5, Condition 5.	Within 3 months of MOD 8 approval by the DPE.
EPL 12407							
NC16	L3.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Non-Compliant	The EPA issued an Official Caution letter on 30 July 2021 in relation to burying 937 end-of-life haul truck tyres, at depth, between 2014 and 2020, constituting a non-compliance against this condition. Condition L3.3 has since been added to the EPL permitting the disposal of tyres at BCM, and therefore no corrective action is required.		NO ACTION REQUIRED.	NA
NC17	L3.3	The licensee may dispose of up to 300 end-of-life mining heavy plant tyres on the premises in each annual return year period up until 11 January 2023. Should the report provided in accordance with condition R3.5: be submitted to the EPA's satisfaction at intervals of 2 years; and find that recycling options are not feasible; then the onsite disposal of the end-of life heavy mining plant tyres may continue for the subsequent 2 annual reporting periods. Only waste tyres generated at the premises may be disposed of in accordance with this condition.	Non-Compliant	Following the addition of this condition on the licence, BCOPL disposed of tyres within the pit as per this condition. The R3.5 report has been prepared and was submitted to the EPA on 3 October 2023. Based on the information supplied, BCOPL continued to dispose of tyres between 11 January 2023 and the date of submission for the R3.5 report, constituting a non-compliance against this condition. Given that the R3.5 report has been provided to the EPA, no corrective action is proposed.		No further action required. Approval in place for onsite HV tyre disposal from 11 January 2023 until 11 January 2025.	NA
NC18	O1.1	Licensed activities must be carried out in a competent manner. This includes: the processing, handling, movement and storage of	Non-Compliant	Site inspection confirmed that site operations are undertaken in a competent manner. Generally, waste was managed appropriately with waste	CA 7: Ensure that staff are made aware of correct waste management procedures	See Action 5 above: BCOPL will ensure quarterly waste toolbox talks are presented to the	20/02/2024

Reference	Schedule and Condition Number	Condition	Compliance status	Evidence	Recommendation	Response/Proposed action	Target Completion Date
		materials and substances used to carry out the activity; and the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.		receptacles clearly labelled. However, it was noted that the correct waste was not always deposited into the correct bins, with plastic wrap observed in the steel bin, constituting a non-compliance.		workforce.	
NC19	M2.2	Air Monitoring Requirements Air Monitoring Requirements	Non-Compliant	<p><i>2020 IEA Recommendation: Continue to liaise with EPA regarding EPL variation to ensure that monitoring points in EPL align with those utilised by the site.</i></p> <p>Air monitoring was generally sampled in accordance with the requirements of this condition. In response to the 2020 IEA recommendation, monitoring points were modified as per the February 2021 variation.</p> <p>As reported in the 2021 Annual Review, the High Velocity Air Sampler (HVAS) unit located at the Glenhope property could not be accessed due to regional flooding and accordingly did not obtain samples on 23 and 29 November 2021. No corrective action is proposed. During 2021, PM10 samples were not taken for Monitoring Point 45 constituting a low risk non-compliance with this condition. This event has not occurred again and therefore no corrective action is proposed.</p> <p>In addition, the HVAS monitoring network in place for the BCM was not in line with monitoring sites specified within the EPL. The Coobooindi HVAS was relocated to the Glenhope property during June 2020. An EPL variation was approved on 5 February 2021.</p>	No action proposed.	NO ACTION REQUIRED.	NA
NC20	M4.1	For each monitoring point specified below in the table below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency specified opposite in the other columns.	Non-Compliant	<p>Weather monitoring over the reporting period was generally in accordance with the requirements of this condition.</p> <p>As reported in the 2022 annual review, the continuous rainfall readings at the 60 m AWS were not recorded for the period between 5-12 May 2022. The readings for continuous solar radiation at the weather stations were also not recorded for the period between 21 July 2022 and 7 December 2022. BCOPL also advised that data capture for sigma theta was 90% in May 2023 due to a faulty sensor. The sensor has been fixed and is now capturing data continuously.</p>	CA 3: Ensure that maintenance routines include the weather station for regular inspection and maintenance	NO ACTION REQUIRED. BCOPL will continue to have all weather stations including the 60m AWS Met Station Calibrated and maintained on a biannual basis and as required as per the contract with supplier.	NA
NC21	M7.1	To determine compliance with limit condition(s) for blasting: Airblast overpressure and ground vibration levels experienced at the following noise sensitive locations must be measured and recorded for all blasts carried out in or on the premises; - Identified on "Goonbri" and "Wilberoi East" identified on the map titled Plan No. 1 EPL Boundary and Environmental Monitoring locations dated 05/03/2019 (DOC19/227801) Instrumentation used to measure the airblast overpressure and ground vibration levels must meet the requirements of Australian Standard AS 2187.2-2006.	Non-Compliant	<p>As reported in the 2022 Annual Review, a blast which was conducted on 14 November 2022 was not recorded by the 'Goonbri' blast monitoring station, constituting a low risk non-compliance.</p> <p>BCOPL received a penalty notice from the EPA on 30 April 2022 for an alleged breach of blast criteria reported on 30 April 2022. BCOPL undertook and internal investigation and response to the EPA with the findings of the investigation, which determined that the exceedance was due to wind gusts and not blasting operation. The EPA withdrew the penalty notice in December 2022.</p>	CA 2: Ensure that blast monitoring equipment is regularly maintained and working prior to blasting so that blasts are adequately reported	NO ACTION REQUIRED. BCOPL will continue to ensure blast monitors are calibrated every 3 months and maintained as required as per contract with blast monitor supplier.	NA

Reference	Schedule and Condition Number	Condition	Compliance status	Evidence	Recommendation	Response/Proposed action	Target Completion Date
		Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in conditions L3.1 to L3.4 at any noise sensitive locations other than the locations identified in the above condition.					
Standard Conditions Mining Regulation 2016 Schedule 8A Part 2							
NC22	11	The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows— to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved, as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made, to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted, whenever given a written direction to do so by the Secretary—in accordance with the direction.	Non-Compliant	NSW Resources Regulator approved the rehabilitation objectives for the site on 13 October 2023. The latest revision of the RMP is dated 10 November 2023, which is within 30 days of the Rehabilitation Objectives approval. The updated RMP however does not incorporate the approved rehabilitation objectives as required by condition (a).	CA 12: Ensure that the next update of the RMP captures the approved Rehabilitation Objectives and completion criteria for the site.	Action 9: The final version of the RMP will include the Rehabilitation Objectives that were approved October 2023.	31/03/2024
NC23	15(1)	The holder of a mining lease must do the following before the end of the initial period— prepare a rehabilitation management plan, and prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and prepare a forward program and give it to the Secretary.	Non-Compliant	The initial period is defined as <i>'30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or if this Division applies to the mining lease because of an increase in the required security deposit—when the surface of the mining area is disturbed by activities under the mining lease, or at a later date approved by the Secretary.</i> The Conditions of Schedule 8A were applicable to large mines on 2 July 2022, meaning that the initial period is defined as concluding 1 August 2022. The RMP (Original, dated 2 July 2022) was prepared within the initial period and has since been updated. According to Section 4.1.2 of the RMP, the proposed rehabilitation outcomes were submitted to DPE on 15 March 2023, outside the initial period. The forward program was submitted on 31 March 2023, which was also after the initial period. As the initial period has concluded, no corrective action is proposed.		NO ACTION REQUIRED	NA
NC24	15(2)	The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before— 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or a later date approved by the Secretary.	Non-Compliant	BCOPL requested a change in the annual reporting period to 1 January to 31 December. This was accepted by Resources Regulator on 22 December 2022. The forward program was submitted on 31 March 2023, which was more than 60 days from the completion of the reporting period. The Annual Rehabilitation report reviewed did not have a date of submission, and therefore compliance with this condition cannot be verified.	CA 13: Include the date of submission on the Annual Rehabilitation Report	ACTION 10: The Annual Rehabilitation Report will be submitted by the 31 st March each year with the Annual Review.	31/03/2024
NC25	16(2)	The holder of a mining lease must make a document to which this clause applies publicly available by— publishing it on its website in a prominent position, or if the holder does not have a website— providing a copy of it to a person— on the written request of a person, and without charge, and	Non-Compliant	The forward program and rehabilitation report are published on the project website, however the Rehabilitation Management Plan is not, constituting a non-compliance.	CA 15: Publish the Rehabilitation Management Plan on the website	Action 11: BCOPL will Publish the Rehabilitation Management Plan once finalised.	31/03/2024

Reference	Schedule and Condition Number	Condition	Compliance status	Evidence	Recommendation	Response/Proposed action	Target Completion Date
		within 14 days after the request is received.					
	16(3)	If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published— for a rehabilitation management plan—within 14 days after it is prepared or amended, or for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,	Non-Compliant	The rehabilitation management plan has not been published on the website despite it being more than 14 days since its preparation.	CA 15: Publish the Rehabilitation Management Plan on the website	As Above. Action 11: BCOPL will Publish the Rehabilitation Management Plan once finalised.	31/03/2024

Recommendations

Rec #	Condition	Commentary	Recommendation	Response	Target Completion Date
MP09_0182					
REC 1	Schedule 3 Condition 13	The NMP was last updated in April 2019 (Rev. 2019). The 2020 IEA identified that the NMP is required to be updated to capture updated practices at BCOPL. This update has not occurred in the reporting period; however correspondence has been received from DPE approving the submission of the updated plan within 3 months from the determination of MOD8.	Update NMP to reflect the latest TARPS.	BCOPL is currently revising the NMP to reflect the latest TARPS and will be submitted to the DPE within 3 months of MOD8 determination.	Within 3 months of MOD8 determination
REC 2	Schedule 3 Condition 20	The 2020 IEA recommended that drone footage would continue longer so that future complaints could be verified. BCOPL have extended drone footage procedures beyond the initial blast. This procedural change was implemented in 2021. It is recommended that this procedure be captured in the updated Blast Management Plan.	Include drone recording procedure in updated blast management plan.	BCOPL is currently revising the BMP and will include a blast recording procedure in the next update of the blast management plan to be submitted to the DPE within 3 months of MOD8 determination.	Within 3 months of MOD8 determination
REC 3	Schedule 3 Condition 31	The 2020 IEA recommended a standard methodology should be developed for the investigation and reporting of any exceedances recorded by the air quality monitors	Ensure that the updated AQGGMP addresses issues outlined in the 2020 IEA. Consultation with parties outlined in this condition is also recommended.	BCOPL is currently revising the AQGHGMP and will include a procedure for investigating and reporting exceedances recorded by compliance air quality monitors. This will be submitted to the DPE within 3 months of MOD 8 determination.	Within 3 months of MOD8 determination
REC 4	Schedule 3 Condition 38(a)	The most recent approved Site Water Balance is dated May 2017 and was approved by DPIE on 24 May 2017. An update to the Site Water Balance was completed and submitted to the DPIE for approval in July 2019.	Ensure the revised Site Water Balance and stormwater management systems are included in the updated SWMP	BCOPL is currently revising the SWMP and will be submitted to the DPE with 3 months of MOD8 determination.	Within 3 months of MOD8 determination
REC 5	Schedule 3 Condition 56	The 2020 IEA recommended that the outstanding recommendations from the 2017 Audit as reported in the 2019 Annual Review be incorporated in the updated CHMP.	Implement the outstanding recommendations from the 2017. Audit as reported in the 2019 Annual Review in the updated CHMP.	The CHMP is currently being revised and will include recommendations from previous Independent Environmental Audits.	Within 3 months of MOD8 determination
REC 6	Schedule 5 Condition 1	Ensure that the updated EMS reflects the updates to management plans outlined in this audit.	Ensure that the updated EMS reflects the updates to management plans outlined in this audit	The EMS will be updated and submitted to the DPE within 3 months of MOD 8 determination.	Within 3 months of MOD8 determination
EPL 12407					
REC 8	P1.1	Monitoring locations and procedures are documented in the AQGHGMP and shown in Appendix A. EPA point 45 (HVAS 'Glenhope') is not shown on the map in the AQGHGMP. This should be updated next time the plan is reviewed.	Improvement recommendation: Ensure the updated AQGHGMP reflects the current points outlined in EPL 12407	This will be included in the AQGHGMP to be submitted to the DPE within 3 months of MOD8 determination.	Within 3 months of MOD8 determination Within 3 months of MOD8 determination