



Independent Environmental Audit 2024

Maules Creek Mine

PREPARED FOR



Whitehaven Coal – Maules Creek

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Independent Environmental Audit 2024

Maules Creek Mine

0738674



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EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd ('ERM') was commissioned to perform an Independent Environmental Audit (IEA) of the Maules Creek Coal Mine ('MCC' or 'the Site') located in Boggabri, New South Wales on behalf of Whitehaven Coal Limited (herein referred to as 'WHC'). The primary purpose of the audit was to satisfy the Department of Planning Minister's Conditions of Approval (CoA) for the Maules Creek Coal Project Approval Number 10_0138 as modified (up to and including MOD9) dated March 2024, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 23 July 2021 through 9 July 2024.

The audit included a review of:

- Department of Planning, Industry and Environment (DPIE)*, Minister's Conditions of Approval (CoA) Project Approval Number 10_0138 (PA) as modified (up to and including MOD 9);
- Environmental Protection Licence (EPL) 20221;
- Mining Leases 1701 and 1719;
- Coal Lease No 375; and
- Implementation of Management Plans developed as part of the Ministers Conditions of Approval.

* Note that the NSW Department of Planning, Industry and Environment (DPIE) was renamed to Department of Planning and Environment (DPE) on 21 December 2021. As of 1 January 2024, the department was split into Department of Climate Change, Energy, the Environment and Water, and the Department of Planning, Housing and Infrastructure (DPHI).

WHC has established the control systems generally required for the current stage of development. Non-compliances identified are generally considered to be related to discrete events. All staff interviewed demonstrated an understanding of requirements and a commitment to the application of the requisite management systems and plans.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS ISO 19011:2018 and as described in the Department of Planning & Environment publication "Post Approval Requirements – Independent Audit" issued May 2020. The number of non-compliances with the statutory conditions and implementation of the management plans is summarised in Table E.0.1 below.

TABLE E.1 SUMMARY OF AUDIT FINDINGS

Review	Non-compliances (NC)	Observations
Statutory Instruments	3	-
Implementation of Plans	-	-

The assessment determined there were 3 instances of non-compliance with the CoA during the audit period.

The Maules Creek Coal mine was observed to be largely well managed with appropriate management systems. No additional improvement opportunities were noted during the audit.

An action response table to be developed by MCC addressing all audit findings and will be submitted separately to this report.

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd ('ERM') was commissioned to perform an Independent Environmental Audit (IEA) of the Maules Creek Coal Mine ('MCC' or 'the Site') located in the Narrabri Local Government Area (LGA), New South Wales on behalf of Whitehaven Coal (herein referred to as 'WHC'). The primary purpose of the audit was to satisfy the Department of Planning Minister's Conditions of Approval (CoA) for the Maules Creek Coal Project Approval Number 10_0138 ('PA') as modified (up to an including MOD9) dated March 2024, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 23 July 2021 through 9 July 2024. The audit must:

- a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- b) include consultation with the relevant agencies;
- c) assess the environmental performance of the project and assess whether it is complying with the requirements in the CoA, and any relevant approvals, relevant Environmental Protection Licence (EPL) or mining lease (including any assessment, plan or program required under these approvals);
- d) assess whether the Proponent is implementing best noise, blasting and air quality management practice;
- e) investigate and report on the measures taken to minimise the noise and air quality impacts of the project during meteorological conditions and/or extraordinary events when the relevant noise and air quality limits in this approval do not apply, including:
- f) the effectiveness of these measures in maintaining impacts within the relevant criteria in this approval and/or the limits in the relevant EPL; and
- g) any additional measures available to mitigate impacts under such conditions;
- h) review the adequacy of strategies, plans or programs required under these approvals;
- i) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals; and
- j) be conducted and reported to the satisfaction of the Secretary.

Within two months of conducting an Independent Environmental Audit site inspection, or within another timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.

1.1 OVERVIEW OF OPERATION AND APPROVALS

The Maules Creek Coal Mine (MCC) is an open cut coal mine in the Narrabri Local Government Area New South Wales. It is located about 18 km north-east of Boggabri and 75 km south-east of Narrabri. The operation commenced in 2015 and is currently in operation 24 hours a day, 7 days a week. It is owned by Whitehaven Coal (75%), Itochu (15%) and J Power (10%).

The MCC was granted with the following main approvals:

- The Project Approval Number 10_0138 was approved by the Minister for Planning and Infrastructure of the New South Wales Government on 23 October 2012 to Aston Coal 2 Pty Limited. This Approval allows mining operations until the end of December 2034 and shall not extract more than 13 million tonnes of Run-of-Mine (ROM) coal from the site in any calendar year. ROM coal should only be transported from site by rail with weight and trains limit stated in the Approval; and
- Two Mining Leases (ML) and one Coal Lease (CL) are included in this operation under the Mining Act 1992:
 - Mining Lease 1701 approves the purpose of prospecting and mining for Coal in an area of 232.1 hectares in Plan No. M27305 for twenty-one years since the date of the Lease (9 October 2014) and varied on 17 October 2022;
 - Mining Lease 1719 approves all mining purposes in an area of 404.3 hectares in lease plan titled M27349 under the CoA for 21 years, until 11 November 2036, varied on 17 October 2022;
 - Coal Lease 375 approves the extractions of coal and petroleum in an area of 4154 hectares in Plan No D6509 from 4 June 1991 to 4 June 2012. This lease was renewed on 9 May 2013, varied on 17 October 2022, with the period of renewal until 4 June 2033; and
 - The EPL Number 20221 was first issued in 2014 and last varied on 6 December 2023. The licence approves the following activities: i) coal works; ii) Crushing, grinding or separating coal; iii) Mining for coal. The scale of these activities are listed in the licence document.

MCC is an open pit coal mining operation. Mining is carried out as contemporary excavator operation, supported by a fleet of haul trucks and ancillary equipment. Coal is hauled by the truck fleet from the pit to either a ROM stockpile area or directly fed into the ROM coal hopper, before being sent to the coal handling and processing plant (CHPP). The coal is taken from the CHPP to the coal load out facility at the constructed rail spur and loop. The site includes the mine access road, overburden emplacements, water management infrastructure (raw water dam, mine water dam, sediment dams, clean water drains and pipelines), as well as a number of other ancillary aspects including workshops, bulk fuel storage and re-fueling area, stores, administration and offices, laydown areas, as well as soil stockpiles.

1.1.1 DESCRIPTION OF PRIMARY PROCESSES UNDERTAKEN DURING THE AUDIT PERIOD

Coal extracted during the audit period was reported as:

- 2021: 12,379,894 tonnes;
- 2022: 10,204,445 tonnes;
- 2023: 11,653,467 tonnes; and
- 2024 forecast: 11,700,000 tonnes.

1.2 AUDIT OBJECTIVES

The primary objectives of the audit included:

- assessment of the environmental performance of the site, and its effects on the surrounding environment and sensitive receivers;
- assess whether the site is complying with the requirements in the CoA, and any other relevant consents/approvals (including any assessment, plan or program required under these consents/approvals);
- review the adequacy of any approved strategy, plan, or program required under the abovementioned consents/approvals; and
- identify opportunities for improved environmental management and recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.

1.3 AUDIT SCOPE

The scope of works in order to complete the Audit includes the following:

- the audit to be carried out in accordance with AS/NZS ISO 19011:2018 and as described in the Department of Planning & Environment publication "Post Approval Requirements – Independent Audit" issued May 2020; and
- review of compliance against the documentation identified in CoA (as it relates to the current activities at MCC) which included:
 - document review of compliance against the CoA;
 - a site inspection to assess compliance against field based CoA;
 - review of supporting plans developed as part of the Consent Conditions and assessment of their adequacy towards effective environmental performance;
 - draft report with results of compliance assessment; issued for comment to WHC; and
 - a final report issued for submission to the DPFI.

The audit covers the period 23 July 2021 through 9 July 2024 and is limited to assessing the activities completed during the audit period.

1.4 AUDIT CRITERIA

The audit covered the following specifications and standards, with a particular focus on activities associated with the current stages of operation. The documents relevant to this audit included:

- Project Approval Number 10_0138;
- EPL 20221;
- Coal Lease 375;
- Mining Lease 1701 and 1719;
- Implementation of Management Plans:
 - MCC Rehabilitation of Grassy Box Woodland - A structured Review;
 - MCC Aboriginal Archaeology and Cultural Heritage Management Plan;
 - MCC Air Quality and Greenhouse Gas Management Plan;
 - MCC Biodiversity Management Plan;

- MCC Biodiversity Offset Strategy;
- MCC Blast Management Plan;
- MCC Box Gum Woodland EEC Implementation Plan;
- MCC Construction Workforce Accommodation Management Plan;
- MCC Environmental Management Strategy;
- MCC Historic Heritage Management Plan;
- MCC Mine Site Rehabilitation Management Plan;
- MCC Noise Management Plan;
- MCC Pollution Incident Response Management Plan;
- MCC Social Impact Management Plan;
- MCC Threatened Fauna Implementation Plan;
- MCC Traffic Management Plan;
- MCC Water Management Plan Addendums; and
- MCC Water Management Plan.
- monitoring results and trends;
- comparison of monitoring results against regulatory limits and CoA limits (where applicable);
- community complaints with review completed for any trends and identifying the source of an established trend; and
- regulatory actions including any letters, penalty notices and prosecutions.

ERM notes that for the assessment of compliance against the 3 mining leases, that prior to 1 July 2022 is to be conducted against the original ML conditions, and against the requirement of Schedule 8A Standard conditions of the mining leases from the 2 July 2022.

1.5 AUDIT TEAM

The proposed audit team consisted of the lead and support auditors, Partner / technical review and specialist to advise the auditors (as necessary), endorsed by the Secretary were as follows:

- Andrew Lewis – Lead Auditor;
- Leanne Lee – Support Auditor;
- Heather McKay – Project Manager (technical review);
- Keshav Dhayam – Noise and Vibration Specialist;
- James Grieve – Air Quality Specialist;
- Joanne Woodhouse – Bushfire, Ecology and Heritage Specialist; and
- Oliver Moore – Partner in Charge.

The Technical Specialists endorsed by the Planning Secretary for this IEA were available to provide subject matter expertise to the auditors throughout the duration of the audit if required.

1.6 LIMITATIONS OF THIS REPORT

This disclaimer, together with any limitations specified in the report, applies to this report and its use.

This report was prepared in accordance with the contracted scope of services for the specific purpose stated and subject to the applicable cost, time and other constraints. In preparing this report, ERM relied on:

- a) client/third party information which was not verified by ERM except to the extent required by the scope of services, and ERM do not accept responsibility for omissions or inaccuracies in the client/third party information; and
- b) information taken at or under the particular times and conditions specified, and ERM do not accept responsibility for any subsequent changes.

This report has been prepared solely for use by, and is confidential to, the client and ERM accepts no responsibility for its use by other persons. This report is subject to copyright protection and the copyright owner reserves its rights. This report does not constitute legal or financial advice.

2. AUDIT METHODOLOGY

2.1 METHODOLOGY AND PROCESS

The audit comprised a site inspection, interviews with key personnel and review of records and other related documentation during the dates 9 to 10 July 2024.

The audit process included the following primary components:

- development of a Terms of Reference developed which included:
 - audit scope and objectives;
 - date and location of audit;
 - members of audit team;
 - list of people to be audited; and
 - list of reference documents and audit criteria;
- a project inception meeting was held on 11 June 2024 to confirm details of the Terms of Reference, site inspection logistics and request for documentation required prior to the site inspection component of the audit;
- an opening meeting was held on 9 July 2024 at site to confirm the audit objectives and scope for the site inspection. It should be noted that the opening (and closing) meetings were not attended by the Technical Reviewer or Specialists as their role for the IEA was to provide subject matter advice to the auditors during the desktop audit if required. Attendees included:
 - Andrew Lewis – ERM Lead Auditor;
 - Leanne Lee – ERM Support Auditor;
 - Kent Taylor – MCC Mine Engineering Manager, Health Safety Environment and Community Manager;
 - Emma Bulkeley - MCC Environmental Superintendent;
 - Anna Currall - MCC Senior Environmental Advisor;
 - Angus Frend - MCC Environmental Advisor; and
 - Ezra Gibson - MCC Graduate Environmental Advisor.
- Site inspections were undertaken between 9 to 10 July 2024;
- Any identified gaps/issues were documented and followed up with site personnel and additional information was requested as required. The following personnel provided information and/or accompanied ERM during the site inspection:
 - Emma Bulkeley - MCC Environmental Superintendent;
 - Anna Currall - MCC Senior Environmental Advisor;
 - Angus Frend - MCC Environmental Advisor; and
 - Ezra Gibson - MCC Graduate Environmental Advisor.
- A closeout meeting was held on 10 July 2024 to discuss initial findings and recommendations. Attendees were as per the opening meeting; and
- Preparation of a Final audit report (this report).

2.2 AGENCY AND COMMUNITY CONSULTATION

ERM consulted with the agencies and stakeholders as required including Department of Planning, Heritage and Industry (DPHI) Compliance team, Department of Primary Industries and Regional Development Resources Regulator, MCC Community Consultative Committee, New South Wales Environment Protection Authority (NSW EPA), as well as the Gunnedah Shire Council, Narrabri Shire Council. Emails were issued on 21 June 2024. The request for consultation emailed to stakeholders is summarised below:

Consultation email: *This email invites you to raise any questions or concerns regarding this project from an environmental management aspect.*

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

Responses are outlined in Table 2.1.

TABLE 2.1 AGENCY AND STAKEHOLDER CONSULTATION SUMMARY

Agency/Stakeholder	Response	Location Addressed in Report
Department of Planning, Housing, and Infrastructure (DPHI) – Compliance	DPHI did not have additional comments on the scope but confirmed the audit period for the 2024 audit as 23 July 2021 to the date of the site inspection (10 July 2024).	Section 1.3 Audit Scope
Department of Primary Industries and Regional Development NSW – Resources Regulator	The Resources Regulator requested the IEA to assess compliance against relevant environmental management conditions of the mining leases up to 1 July 2022, and against the requirement of Schedule 8A Standard conditions of the mining leases from the 2 July 2022. The Regulator also requested observations on rehabilitation procedures, practices and outcomes.	Section 1.4 Audit Criteria. See Mining Licences Compliance Tables as applicable to the scope of the audit including audit period. Findings on rehabilitation are included in the Compliance Tables.
New South Wales Environment Protection Authority (NSW EPA)	The email was directed to an officer and no further correspondence was received.	N/A
Community Consultative Committee (CCC)	Two members of the CCC have expressed comments and concerns. See Table 2.2.	See Table 2.2.
Gunnedah Shire Council	No response received	N/A
Narrabri Shire Council	No response received	N/A

Two members of the CCC have expressed comments and concerns. The responses are summarised below:

TABLE 2.2 CCC CONSULTATION SUMMARY

	Response from CCC	Comments from Auditors or Location Addressed in Report
1	Is the Groundwater Monitoring as it currently stands sufficient to monitor impacts to the Maules Creek alluvium in the project surroundings?	The groundwater monitoring requirements is outlined in the PA and relevant EPL conditions. This Audit assessed the compliance performance regarding groundwater monitoring in the Compliance Tables of the PA and EPL.
2	Should the proponent be making use of existing baseline data and existing groundwater monitoring infrastructure in the Horsearm Creek, Middle Creek area available from the UNSW?	Baseline data for the project was outlined in the Environmental Assessments.
3	Should the proponent be reporting existing groundwater data from the UNSW data set against the modelled outcomes at CCC meetings?	Data and documentation presented at CCC meeting is for MCC and CCC to determine. CoA does not specify any requirement.
4	Should the existence of the UNSW data trigger a update to the Water Management Strategy and Water Management Plan now?	Triggers for updating Water Management Strategy and Plan are outlined in the specific document and PA.
5	Should this data be included in the forthcoming Mine Continuation Project EIS and should the UNSW infrastructure be upgraded (with the agreement of the UNSW) to monitor the project in future years?	Out of the audit scope.
6	How was it that this data was not included in previous water models	Auditors are not aware of the data. Assessing the data included in previous water models is out of the audit scope.
7	Concerns regarding the biodiversity management plan, periodic audits and modifications that are for CCC consultation are always occurring outside the CCC. They are not explained and require returning between meetings. How many times has this occurred since the last Independent Audit?	Out of the audit scope.
8	All community spending. Review of how much has been spent and on who/what/where.	Out of the audit scope.
9	Biodiversity Management Plan	Refer to Section 3.4 of this report and Compliance Tables of the PA for details.
10	Nighttime noise and daytime noise	Refer to Section 3.4.1 of this report and of Compliance Tables of the PA and EPL for details.
11	Removal of key offsets e.g. Warriahdool and Cattle Plain	The listed locations are not part of the MCC offset areas.

	Response from CCC	Comments from Auditors or Location Addressed in Report
12	The notification of consultation is not adequate. The CCC has no opportunity to discuss and provide input. CCC observed the lack of appropriate notification and opportunity for discussion to be a pattern of the Site's behaviours.	The timeframe of the audit and consultation is driven by the DPHI requirements through the Project Approval and Post Approval Requirements 2020. Auditors were unable to extend the consultation period.
13	Review of compliance against the documentation identified in the CoA <ul style="list-style-type: none"> Document review of compliance against the CoA, statement of commitments, and any other relevant consents/approvals; Site inspection to assess compliance against field implementation of active CoA; Review of supporting plans developed as part of the CoA and assessment of their adequacy towards effective environmental performance; 	Review of compliance are reported in Section 3.6 of the report.
14	Review of monitoring results and trends with comparison of monitoring results against regulatory limits and monitoring CoA limits (where applicable);	Review of environmental monitoring performances are reported in section 3.3 of the report.
15	Confirmation if any additional monitoring required for identified trends;	No trends were identified that warranted additional monitoring.
16	Community complaints with review completed for any trends and identifying the source of an established trend	Review of community complaints are reported in Section 3.2 of the report.
17	Review of any regulatory actions including any letters, penalty notices and prosecutions	Regulatory actions were reviewed and reported under the relevant conditions in the Compliance Tables.

2.3 CLASSIFICATION OF AUDIT FINDINGS

Findings resulting from an assessment of audit evidence were divided into six categories as follows:

- **Compliant (C):** The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit;
- **Non-compliant (NC):** 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 (NT):** A requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant;
- **Note:** A statement or fact, where no assessment of compliance is required; and
- **Obs:** Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance.

A qualitative risk assessment was also completed on the findings, consistent with AS/NZS ISO 19011:2028 and as described in the DPHI publication "Post Approval Requirements – Independent Audit" issued May 2020.

The overall level of risk was estimated by combining the likelihood of harm occurring with the estimated level of harm associated with each finding. Risk levels have been assigned as follows:

- **High:** Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence;
- **Medium:** Non-compliance with:
 - potential for serious environmental consequences, but is unlikely to occur; or
 - potential for moderate environmental consequences, but is likely to occur;
- **Low:** Non-compliance with:
 - potential for moderate environmental consequences, but is unlikely to occur; or
 - potential for low environmental consequences, but is likely to occur.

3. AUDIT FINDINGS

3.1 PREVIOUS AUDIT FOLLOW UP

The last audit was conducted by ERM for the period 13 July 2018 to 22 July 2021. A summary of the 2021 audit findings and their status is summarised below in Table 3.1.

TABLE 3.1 SUMMARY OF 2021 AUDIT FINDINGS

Item No	Assessment Requirement	Comment (2021)	Audit Classification (2021)	Response/Action (2021)	2024 Status						
<i>Minister's Conditions of consent PA10_0138</i>											
Sch 3, 7	<p>Except for the noise affected land in Table 1, the Proponent shall ensure that operational noise generated by the project does not exceed the criteria in Table 5.</p> <p><i>Table 5: Noise criteria dB(A)</i></p> <table border="1"> <thead> <tr> <th>Land</th> <th>Day/Evening/Night LAeq (15 min)</th> <th>Night LA1 (1 min)</th> </tr> </thead> <tbody> <tr> <td>All private-owned residences</td> <td>35</td> <td>45</td> </tr> </tbody> </table> <p><i>Note:</i></p> <ul style="list-style-type: none"> Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy; and Operational noise includes noise from the mining operations and the use of private roads and rail spurs. <p>However, these noise criteria do not apply if the Proponent has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Land	Day/Evening/Night LAeq (15 min)	Night LA1 (1 min)	All private-owned residences	35	45	<p>The following exceedance of noise criteria were reported during the audit period:</p> <ul style="list-style-type: none"> 1/04/2020 - LAeq15min was exceeded at 22:30. The exceedance was 4 dB above the criteria; and 23/09/2019 - LAeq1min was exceeded by 1dB at 22.45 <p>An official caution from DPIE was received in May 2020 in relation to the noise exceedance on 1/4/2020.</p>	NC	MCC will continue to measure real time noise levels and activate TARPS as detailed in the NMP. No further action required, item closed.	Deemed as Compliant in current audit period.
Land	Day/Evening/Night LAeq (15 min)	Night LA1 (1 min)									
All private-owned residences	35	45									
Sch 3, C12	<p>The Proponent shall:</p> <p>(a) ensure that:</p> <ul style="list-style-type: none"> all mining trucks and water carts used on the site 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 correspond to best practice or the application of the best available technology economically achievable; where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and <p>(b) monitor and report on the implementation of these requirements annually on its website.</p>	<p>Global Acoustics conduct sound Power Level (SPL) Testing and results are detailed in the annual reviews.</p> <p>In 2018, 110 pieces of mobile plant were tested. SPLs were exceeded for 7 pieces of plant. It was noted that whilst not all fixed and individual mobile plant met the predicted SPLs, the total measured SPL was equal to the model for Year 5 Project EA site total.</p> <p>An Official Caution was issued by DPIE in 2018 in relation to exceedance of SPLs. In 2019, 145 individual pieces of mobile plant were tested. SPLs of all except 5 pieces of plant were less than the predicted levels. Those plant recorded at higher than predicted levels were noted to the subject to noise interference from other plant and equipment.</p> <p>In 2020, 133 individual pieces of mobile plant were tested. SPLs of a limited number of plant were higher the predicted levels.</p>	NC	No further action required, item closed.	This condition was deemed Non-Compliant during the current audit period as is an ongoing issue with being able to effectively monitor specific equipment without interference.						
Sch3, C58	<p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Secretary;</p> <p>(b) be prepared in consultation with the BCD, North West LLS and the local Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);</p> <p>(c) be submitted to the Secretary for approval prior to any development that may impact heritage items, unless the Secretary agrees otherwise;</p> <p>(d) include the following for the management of Aboriginal heritage:</p> <ul style="list-style-type: none"> a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy; 	<p>The AACHMP compliance was confirmed in previous audits.</p> <p>A separate Historic Heritage Management Plan was submitted to and approved by DPIE in June 2018. The HHMP is currently under review following an incident that occurred in December 2020. Infrastructure removal works was undertaken before the final heritage report had been received in contravention of the HHMP requirements.</p>	NC	MCC will ensure the requirements of the HHMP continue to be implemented including monitoring and review of heritage items and assessment of heritage significance and impact prior to disturbance. No further action required, item closed.	Deemed as Compliant in current audit period.						

Item No	Assessment Requirement	Comment (2021)	Audit Classification (2021)	Response/Action (2021)	2024 Status
	<ul style="list-style-type: none"> • a detailed archaeological salvage program for Aboriginal sites/objects within the approved disturbance area, including methodology and procedures/protocols for: <ul style="list-style-type: none"> ◦ sub-surface testing; staged salvage, based on anticipated mine planning; ◦ if relevant, historic heritage salvage at the Lawler’s Waterhole site; ◦ pre-disturbance monitoring; ◦ site assessment and reporting; ◦ research objectives to inform knowledge of Aboriginal occupation; ◦ protection, storage and management of salvaged Aboriginal objects; ◦ addressing relevant statutory requirements under the National Parks and Wildlife Act 1974; and ◦ long term protection of salvaged Aboriginal objects; • a description of the measures that would be implemented for: protecting, monitoring and managing Aboriginal sites on the site which are outside of the approved disturbance area; <ul style="list-style-type: none"> ◦ maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on the site and within the Biodiversity Offset Strategy areas; ◦ managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols; ◦ ongoing consultation of the local Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on-site and within any Aboriginal heritage conservation areas; ◦ ensuring any workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions; • a strategy for the storage and management of any heritage items salvaged on site, both during the project and long term; <p>(e) include the following for the management of historic heritage:</p> <ul style="list-style-type: none"> • a detailed plan of management measures for maintaining or enhancing the heritage values of heritage items on project-related land which are outside of the approved disturbance area; • a description of the measures that would be implemented for: <ul style="list-style-type: none"> ◦ managing the discovery of human remains or previously unidentified heritage items on site; and ◦ ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions. <p><i>Note: The Department acknowledges that the initial Heritage Management Plan may not include a detailed plan for the implementation of the Aboriginal Heritage Conservation Strategy. If this occurs, the Proponent will be required to update the plan as soon as practicable following the Secretary’s approval of the Aboriginal Heritage Conservation Strategy.</i></p>	<p>A draft report identified that the structures were structurally unsafe, of low heritage value, not subject to any heritage orders and recommended demolition. Following the receipt of the draft report, MCC undertook works to demolish the structures in September 2020; however, a final report was not received by MCC until 21 December 2020.</p> <p>DPIE issued MCC with a warning letter on 9/2/2021 and required MCC to undertake a review of heritage items by 15/2/2021. MCC submitted a response to DPIE confirming all actions had been taken on 9/2/2021 including a review of condition of all heritage items and refresher training on heritage management process.</p>			

Item No	Assessment Requirement	Comment (2021)	Audit Classification (2021)	Response/Action (2021)	2024 Status
Sch 3, C 70	<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; and</p> <p>(c) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review.</p>	<p>Waste streams and quantities are reported in the Annual Review.</p> <p>The MOP describes waste management practices including coal reject.</p> <p>The auditor observed waste IBCs containing contaminated gravel, oil and grease on unsealed ground in a waste storage area adjacent to the workshop. IBCs were not provided with secondary containment and the roof of a number of IBCs had been removed. Minor grease staining was observed.</p> <p>It is understood through discussions with the Environmental Superintendent that the environmental team undertakes monthly environmental inspections of the workshop area.</p> <p>MCC reported that the waste IBC storage was raised in INX as an incident and all waste IBCs were pumped out and removed from the area by the waste contractor. The material surrounding the IBC's was scraped down and taken to the bioremediation area. This was completed on the day of the audit. In addition, MCC reported that a toolbox talk was held with the environmental team to ensure future environmental inspections are led by the environmental team.</p>	NC	<p>Completed, action closed.</p> <p>Environmental inspection are scheduled through CMO and undertaken on a monthly basis.</p> <p>The area was rectified with all waste being removed.</p> <p>There is a waste area in the maintenance area with all waste being stored in the designated area and removed on a regular basis.</p>	Deemed as Compliant in current audit period.
Sch 5, C4	<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: • relevant statutory requirements, limits or performance measures/criteria; • monitoring results of previous years; and • relevant predictions in the EA;</p> <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>	<p>The Annual Reviews include the details required by this condition.</p> <p>An Official Caution from DPIE- Resource Regulator was received in July 2019 regarding the submission of the 2018 annual review after the specified date. MCC requested and had approved an extension to the submission date from DPIE, however no extension had been sought from the Resource regulator.</p>	ANC	Completed, action closed.	Deemed as Compliant in current audit period.
SoC 27	<p>Maules Creek Coal will use reasonable endeavours to obtain water access licence allocation to account for the capture and use of water from the various Water Sharing Plans that apply to the Project in accordance with the provisions of the WM Act and its Regulations.</p>	<p>In 2020 MCC the Natural Resource Access Regulator (NRAR) commenced proceedings against MCC for operating water take without an approved Water Access Licence. MCC entered into an Enforceable Undertaking with NRAR of which the addendum to the Water Management Plan was one commitment. Other commitments relate to construction of high wall dams.</p>	NC	MCC will continue to comply with the direction of the NRAR to close out proceedings. No further action required, item closed.	Deemed as Compliant in current audit period. WHC also closed out actions required by the Enforceable Undertaking in relation to this 2021 NC during the audit period.

Item No	Assessment Requirement	Comment (2021)	Audit Classification (2021)	Response/Action (2021)	2024 Status																				
<i>Environmental Protection Licence 20221</i>																									
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	<p>The following water incidents were reported in the audit period:</p> <ul style="list-style-type: none"> 16/1/2020 – Overtopping of sub-drain to Back Creek; 8/2/2020 – Release of EPS to Back Creek; 8/2/2020 – Overtopping of sub drain to Back Creek; and 3/12/2020 - Overtopping of sub drain to Back Creek. <p>On 12 January 2021 the NSW EPA commenced prosecution proceedings against Maules Creek Coal Pty Limited alleging 3 non-compliances with this condition. MCC has undertaken remedial works including construction of a new dam next to the Hanwha yard and installation of a new EPS delivery system, and review of drainage structures.</p>	NC	MCC will continue to comply with the direction of the EPA to close out proceedings. No further action required, item closed.	Deemed as Compliant in current audit period.																				
L3.1	<p>Noise generated at the premises must not exceed the noise limits in the table below.</p> <table border="1"> <thead> <tr> <th>Locality and Location</th> <th>Day-LAeq(15 minute)</th> <th>Evening - LAeq(15 minute)</th> <th>Night - LAeq (15 minute)</th> <th>Night - LA1 (1 minute)</th> </tr> </thead> <tbody> <tr> <td>All privately owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Locality and Location	Day-LAeq(15 minute)	Evening - LAeq(15 minute)	Night - LAeq (15 minute)	Night - LA1 (1 minute)	All privately owned residences	35	35	35	45	<p>The following exceedance of noise criteria were recorded during the audit period:</p> <ul style="list-style-type: none"> 23/9/2019 – NM1 (1 Min) by 1 dB; and 1/4/2020 – NM1 (15 Min) by 4 dB 	NC	MCC will continue to measure real time noise levels and activate TARPS as detailed in the NMP. No further action required, item closed.	Deemed as Compliant in current audit period.										
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All privately owned residences	35	35	35	45																					
L3.3	<p>Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.</p> <p>POINT 25,27,28,29,30</p> <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>LAeq (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Evening</td> <td>LAeq (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Night</td> <td>LAeq (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>Monthly</td> <td>45</td> </tr> </tbody> </table> <p>Note: Attended noise monitoring locations identified in the table above are taken to be representative of privately owned residences and are to be used for the purposes of determining compliance with noise limits identified in this licence, unless otherwise required in writing by the EPA.</p>	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	LAeq (15 minute)	Monthly	35	Evening	LAeq (15 minute)	Monthly	35	Night	LAeq (15 minute)	Monthly	35	Night	Night-LA1 (1 minute)	Monthly	45	<p>The following exceedance of noise criteria were recorded during the audit period:</p> <ul style="list-style-type: none"> 23/9/2019 – NM1 (1 Min) by 1 dB; and 1/4/2020 – NM1 (15 Min) by 4 dB. 	NC	MCC will continue to measure real time noise levels and activate TARPS as detailed in the NMP. No further action required, item closed.	Deemed as Compliant in current audit period.
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Item No	Assessment Requirement	Comment (2021)	Audit Classification (2021)	Response/Action (2021)	2024 Status																								
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.	The auditor observed waste IBCs containing contaminated gravel, oil and grease on unsealed ground in a waste storage area adjacent to the workshop. IBCs were not provided with secondary containment and the top cover of a number of IBCs had been removed. Minor grease staining was observed. It is understood through discussions with the Environmental Superintendent that the environmental team undertakes monthly environmental inspections of the workshop area. MCC reported that the waste IBC storage was raised in INX as an incident and all waste IBCs were pumped out and removed from the area by waste contractor. The material surrounding the IBC's was scraped down and taken to the bioremediation area. In addition, MCC reported that a toolbox talk was held with the environmental team to ensure future environmental inspections are led by the environmental team.	NC	Completed, action closed. Environmental inspections are scheduled through CMO and undertaken on a monthly basis. The area was rectified with all waste being removed. There is a waste area in the maintenance area with all waste being stored in the designated area and removed on a regular basis.	Deemed as Compliant in current audit period.																								
M2.2	<p>Air Monitoring Requirements</p> <p>POINT 18</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table> <p>POINT 19</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table> <p>POINT 20,21,22,23</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulates - Deposited Matter</td> <td>grams per square metre per month</td> <td>Monthly</td> <td>AM-19</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Every 6 days	AM-18	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19	PM10 is continuously monitored via the TEOM and monitored every 6 days via the HVAS. During the audit period, some data was not captured due to data interruption, power failure/ calibration error and was reported to the EPA.	ANC	Completed, action closed.	Deemed as Compliant in current audit period.
Pollutant	Units of measure	Frequency	Sampling Method																										
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<i>Coal Lease 768</i>																													
2.	(a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease. (b) For the purposes of this condition: i. environment means components of the earth, including: (A) land, air and water, and (B) any layer of the atmosphere, and (C) any organic or inorganic matter and any living organism, and (D) human-made or modified structures and areas,	Refer to CoA and EPL compliance tables	NC	Noted, action closed.	Deemed as Compliant in current audit period.																								

Item No	Assessment Requirement	Comment (2021)	Audit Classification (2021)	Response/Action (2021)	2024 Status
	<p>and includes interacting natural ecosystems that include components referred to in paragraphs (A)- (C). Harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.</p>				
3.	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General. (b) The MOP must: i. identify areas that will be disturbed by mining operations; ii. detail the staging of specific mining operations; iii. identify how the mine will be managed to allow mine closure; iv. identify how mining operations will be carried out in order to prevent and or minimise harm to the environment; v. reflect the conditions of approval under: o the Environmental Planning and Assessment Act 1979; o the Protection of the Environment Operations Act 1997; o and any other approvals relevant to the development including the conditions of this lease; and o have regard to any relevant guidelines adopted by the Director-General. (c) The leaseholder may apply to the Director-General to amend an approved MOP at any time. (d) It is not a breach of this condition if: i. the operations constituting the breach were necessary to comply with a lawful order or direction given under the <i>Mining Act 1992</i>, the <i>Environmental Planning and Assessment Act 1979</i>, <i>Protection of the Environment Operations Act 1997</i>, <i>Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002</i> and <i>Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006</i> or the <i>Occupational Health and Safety Act 2000</i>; and ii. the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. (e) A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General.</p>	<p>The Resource Regulator issued two Penalty Notices to MCC in 2020: • May 2020 – Topsoil and subsoil were comingled in a temporary stockpile location. Persons undertaking topsoil stripping were not proficient in the Soil Handling Management Plan; • Actions taken by MCC included review of the Soil Management Handling Procedure and completing refresher training for appropriate personnel. In addition, useable topsoil was salvaged from the stockpile; • August 2020 – Erosion and sediment control practices and measures not undertaken in accordance with the MOP leading to rilling and erosion; and • MCC implemented actions to install appropriate erosion and sediment control measures and implemented a procedure to review needs and implement corrective action following heavy rainfall events. The auditor reviewed actions taken following receipt of Penalty Notices and considers that actions taken were appropriate. In April 2019 the Resource Regulator issued a Notice under Section 240(1)(c) of the Mining Act 1991 requiring MCC to undertake an independent audit of rehabilitation at the site. Aspect Ecology prepared a report which recommended a number of actions to improve rehabilitation performance. In May 2020 the Resource Regulator issued a Notice under Section 240 (1)(c) of the Mining Act 1991 requiring an amendment to the MOP to include the findings of the Aspect Ecology Rehabilitation Audit. The MOP amendment in August 2020 incorporates this amendment.</p>	NC	Completed, action closed.	Deemed as Compliant in current audit period.
<i>Mining Lease ML 1701</i>					
3(a)	<p>The lease holder must comply with an Approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p>	Refer Coal Lease 768 Condition 3 above.	NC	Completed, action closed.	Deemed as Compliant in current audit period.

Item No	Assessment Requirement	Comment (2021)	Audit Classification (2021)	Response/Action (2021)	2024 Status
<i>Mining Lease ML 1719</i>					
3	<p>(a) The lease holder must comply with an approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and prospecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p> <p>(b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <ol style="list-style-type: none"> i. identifies areas that will be disturbed; ii. details the staging of specific mining operations, mining purposes and prospecting; iii. identifies how the mine will be managed and rehabilitated to achieve the post mining land use; iv. identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and v. reflects the conditions of approval under: <ul style="list-style-type: none"> o the Environmental Planning and Assessment Act 1979; o the Protection of the Environment Operations Act 1997; and o any other approvals relevant to the development including the conditions of this mining lease. <p>(c) The MOP must be prepared in accordance with the ESG3: Mining Operations Plan (MOP) Guidelines September 2013 published on the Department's website at www.resources.nsw.gov.au/environment</p> <p>(d) The lease holder may apply to the Minister to amend an approved MOP at any time.</p> <p>(e) It is not a breach of this condition if:</p> <ol style="list-style-type: none"> i. the operations which, but for this condition 3(e) would be a breach of condition 3(a), were necessary to comply with a lawful order or direction given under the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Protection of the Environment Operations Act 1997</i>, the <i>Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002</i> and <i>Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006</i> or the <i>Work Health and Safety Act 2011</i>; and ii. the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. <p>(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <ol style="list-style-type: none"> i. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; ii. be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and iii. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment. <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p> 	Refer Coal Lease 768 Condition 3 above.	NC	Completed, action closed.	Deemed as Compliant in current audit period.

3.2 ENVIRONMENTAL PERFORMANCE

A summary of environmental performance relating to complaints, environmental monitoring, water management, Management Plan adequacy, Environmental Protection Licence compliance, the Consolidated Coal Leases, and compliance with relevant regulatory instruments is provided over the following sections of this report. Table 3.2 summarises ERM's 2024 Audit findings.

The audit undertook an assessment of the Maules Creek Coal mine project's actual and predicted impacts, as documented in the Project Environmental Assessment.

The Project has generally been operating to achieve the predicted impacts as defined within the Project Environmental Assessments. Events of non-compliances related to the operations were noted during the audit period as listed in Section 3.8, and a number of incidents are summarized in Section 3.9.

3.3 COMPLAINTS SUMMARY

Complaints registers for the auditing period were available online and for review. Eighteen (18) complaints were received in the period 23 July 2021 to 9 July 2024.

The auditor reviewed the complaints register and verified that the sample of complaints reviewed had been investigated, followed up and actioned appropriately by MCC. The majority of complaints across the audit period were related to blasting events and noise.

3.4 ENVIRONMENTAL MONITORING PERFORMANCE

3.4.1 NOISE

Monthly attended noise monitoring has been conducted during the audit period by EMM and Global Acoustics. Noise levels were recorded to be within the assessment criteria during the audit period. The auditor sighted the systems that MCC uses to monitor weather and operation conditions which alert the team to activate Trigger Action Response Plan (TARP) responses as required. Auditor considers that MCC has implemented best noise practice during the audit period.

3.4.2 AIR QUALITY

Air quality monitoring is undertaken using dust gauges and high-volume samplers.

The following exceedance of air quality criteria were reported during the audit period:

- The Site reported an exceedance recorded at TEOM 3 on 3 March 2023. The Todoroski Air Sciences investigation report showed that the elevated level of PM₁₀ was due to the bushfire in the region. The Site's potential contribution to the PM₁₀ level were below 50 µg/m³; and
- Another exceedance was recorded on 12 December 2023. The Site notified the DPE on 14 December 2023 of the exceedance of 24-hour PM₁₀ limit. The DPE replied on 18 December 2023, stating that the Department considers the Pilliga fire which impacted that air quality monitoring results was an extraordinary event. Therefore, the criteria listed in this condition does not apply to this event. The DPE confirmed in the email that any outstanding reports already notified to the Department must still be submitted. The Site submitted the Environmental Event Report according to Appendix 9 of this Approval.

Auditors sighted the weather station onsite which provides the site's meteorological data. Meteorological data from the onsite weather station was provided for the audit period.

The auditor considers MCC has implemented best air quality management practice during the audit period.

3.4.3 WATER MANAGEMENT

3.4.3.1 SURFACE WATER

Surface water management comprising water storage dams, sediment basins and clean / dirty surface water drains appeared to be in place and established as per the Water Management Plan.

No incidents related to off-site release of surface water were noted during the audit period.

During a period of 24 hours from the 20th November 2021 heavy rainfall was received at the Maules Creek Coal Mine (MCC) resulting in approximately 86.4 millimetres (mm), with 35.8 mm falling in 30 minutes. During this rain event, a rock lined drain within the rehabilitated Northern Overburden Emplacement Area (NOEA) sustained some damage, resulting in the mobilisation of soil and rocks which partially blocked the sub-drain at the base of the NOEAs. Water moving down the sub-drain at the base of the NOEA left the containment of the sub-drain at the blockage, flowing into an adjacent paddock. At the time of the event, no water was observed reporting to Back Creek and the event remained within the premise boundary. MCC note that no harm or potential for harm occurred, however undertook the precautionary approach of triggering the Pollution Incident Response Management Plan (PIRMP) and notifying appropriate stakeholders.

3.4.4 WATER ACCESS LICENCES

MCC holds fifteen (15) water access licence. A review of compliance against the water access licences is provided below:

Access Licence	2020-2021		2021-2022		2022-2023	
	Available Water (ML)	Total Take (ML)	Available Water (ML)	Total Take (ML)	Available Water (ML)	Total Take (ML)
WAL 27385	69	34	76	48	76	32
WAL 36548	72	36	72	45	72	30
WAL 12613	-	-	50	0	100	42
WAL 12491	154	1	154	2	77	3
WAL 29467	382.5	306	382.5	175	382.5	217
WAL 29588	0	0	0	0	0	0
WAL 36641	1000	196	1000	458	1000	566
WAL 41585	30	0	30	0	30	0
WAL 13050	3000	251	3000	132.4	3000	0
WAL 12718	204	0	204	65.8	204	25.4
WAL 12722	154	0	154	7.7	154	0

Access Licence	2020-2021		2021-2022		2022-2023	
WAL 12811	-	0	270	2.9	270	2.9
WAL 12479	156	0	156	0	156	-
WAL 27383	0	0	0	0	0	-
WAL 12480	430	0	430	0	430	-

ERM notes the total take recorded for each WAL were within the stated allocations for the period.

The Natural Resources Access Regulator (NRAR) entered into an enforceable undertaking with MCC in 2021 (varied in 2022) for operating water take without an approved Water Access Licence. This is further discussed in Section 3.7 and Appendix A.

3.4.5 BLASTING

Blast monitoring occurred during all blast events with two recorded exceedances of the blast criteria, however this is within the allowable exceedance criteria. The blast schedule is notified on the WHC website and notifications are made to residents by email and SMS. Blasting is coordinated with other mines in the mining precinct.

Multiple events of blast fumes were recorded during the audit period. The EPA received reports from the public alleging dark coloured fume generated by blasts from October to November 2021. EPA then issued a Prevention Notice on 23 November 2021.

A blast fired on 9 March 2022 emitted blast fume and dispersed towards the project boundary while dissipating. Monitoring and investigation conducted by MCC reported that the blast fume remained within the boundary of the Site. The Environmental Superintendent advised that the Site was adjusting the components used in the explosives which led to difference in blasting conditions, And that the issue was rectified by using alternative products.

The auditor considers MCC has implemented best blast management practice during the audit period. The Auditor understands these events are subject to ongoing legal proceedings in the land and Environment Court.

3.5 MANAGEMENT PLAN ADEQUACY

The Management Plans for the site were reviewed and the adequacy in meeting the relevant approval requirements was assessed in view of current operations at the site. The Site's Management Plans underwent review and approval during the audit period as part of the site's governance program. In general, Management Plans were considered to be appropriate for the Site's operations at the time of the site visit and were found to be adequately implemented at the site except as where stated in the report. The findings of the Management Plan review are outlined in Table 3.2 and Appendix A.

3.6 ENVIRONMENT PROTECTION LICENCE

The site operates under Environment Protection Licence (EPL) 20221 issued to Maules Creek Coal Pty Ltd for the operation of Maules Creek Coal Mine. The site submitted Annual Returns to the EPA, as required for the audit period.

Non-compliances with the EPL have been reported in the Annual Returns and are discussed in Table 3.2 and Appendix A. ERM notes that reported blast fume events are currently subject to legal proceedings (Refer Section 3.4.5).

3.7 ENFORCEABLE UNDERTAKING

During the previous IEA audit period, the Natural Resource Access Regulator (NRAR) commenced proceedings against MCC for operating water take without an approved Water Access Licence. In July 2020, the NRAR commenced the prosecution in the Land of Environment Court of NSW. MCC was charged with two alleged breaches of section 60A(2) of the Water Management Act 2000 for taking water without an access licence, or in the alternative section 60C(2). The alleged offending arose between 1 July 2016 and 30 June 2019. NRAR entered into an enforceable undertaking with MCC on 11 August 2021, with a variation dated 28 June 2022 which is within this audit period.

Following the undertaking, MCC has taken the following required steps:

- Completion of the Highwall Dams 8, 9, 10, 11 and the associated pipe and pump infrastructure. The dams and associated infrastructure were then decommissioned due to the change in size of the catchment;
- Operation of the Western Clean Water Diversion;
- From 4 August 2022 until Sediment Dam 7/MC10 is decommissioned, publish Highwall Dam monitoring data on the website;
- Decommissioned sediment dam number 7/MC10 and re-establish the historical natural drainage line at the location of these storages within the rail corridor;
- Updated the Water management plan and submitted for approval; and
- Updated Biodiversity management plan Addendum A and submitted for approval.

An abstract of the undertaking and auditor's comments are recorded in Table A1 - Project Approval.

MCC reported they have completed the requirements under this Enforceable Undertaking.

3.8 COMPLIANCE WITH REGULATORY INSTRUMENTS

A compliance check of the CoA, EPL, CCL and mining leases conditions as well as management plan review has been completed and is provided in Appendix A. Non-compliances and observations for each component are summarised in Table 3.2.

As discussed in Section 3.3, a qualitative risk assessment was also completed on the findings as follows:

- non-compliance assessed as 'high' have been colour coded red;
- non-compliance assessed as 'moderate' have been colour coded orange; and
- non-compliance assessed as 'low' have been colour coded yellow;

TABLE 3.2 SUMMARY OF 2024 FINDINGS

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
Minister's Conditions of consent PA10_0138				
Sch.3-12	<p>Attenuation of Plant The Applicant must:</p> <p>a) ensure that:</p> <ul style="list-style-type: none"> all mining trucks and water carts used on the site 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 correspond to best practice or the application of the best available technology economically achievable; where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and <p>b) monitor and report on the implementation of these requirements annually on its website.</p>	<p>Sound Power Level (SPL) Testing is conducted annually on one-third of all plant on a three year-rolling basis and results are detailed in the annual reviews.</p> <p>In 2021 and 2022, 55 and 37 pieces of mobile plant were tested respectively. SPLs were exceeded for some stationary equipment within the CHPP, but the SPL testing was unable to measure each fixed plant within the CHPP without the influence of other equipment. It was noted that whilst not all fixed and individual mobile plant met the predicted SPLS, the total measured SPL was equal to or less than the model for Year 5 Project EA site total.</p> <p>In 2023, 133 individual pieces of mobile plant were tested. SPLs of one stationary plant within the CHPP was higher the predicted levels as a result of in-service testing, the layout and operation of the CHPP. The total measured SPL was equal to or less than the model for Year 5 Project EA site total.</p>	NC	Historical NC – no further action required.
Sch.3-23	<p>Operating Conditions During mining operations on site, the Applicant must:</p> <p>(a) implement best practice blasting management to:</p> <ul style="list-style-type: none"> protect the safety of people and livestock in the surrounding area; protect public or private infrastructure/property in the surrounding area from any damage; minimise the dust and fume emissions of any blasting; and minimise blasting impacts on heritage items in the vicinity of the site; <p>(b) co-ordinate the timing of blasting on site with the timing of blasting at other mines within the Leard Forest Mining Precinct to minimise the cumulative blasting impacts of the mines; and</p> <p>(c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Planning Secretary.</p>	<p>The EPA received multiple reports from the public alleging dark coloured fume generated by blasts from October to November 2021. EPA issued a Prevention Notice on 23 November 2021.</p> <p>A blast was then fired at 15:33 on 9 March 2022 which emitted blast fume and dispersed towards the project boundary while dissipating. The Site enacted the PIRMP as a precautionary measure and notified as required. Fume was evidenced to have dissipated on site. Environmental Superintendent advised that the Site was adjusting the components used in the explosives which led to different in blasting conditions. The issue was then rectified by using alternative products.</p>	ERM notes that the reported blast fume events are currently subject to legal proceedings.	N/A
Sch.5-13	<p>The Applicant must, within 3 months of the date of this approval:</p> <p>(a) make the following information for the project publicly available on its website, on a daily basis and in a clearly understandable form:</p> <ul style="list-style-type: none"> daily weather forecasts for the coming week; proposed operational responses to these weather forecasts; real-time noise and air quality monitoring data (subject to any necessary caveats); and any operational responses that were taken in response to the noise and air quality monitoring data, and <p>(b) make provision on its website for the provision of on-line and/or email comments by members of the community regarding this information, to the satisfaction of the Planning Secretary.</p>	<p>The Site received a query from the Department of Planning regarding dust report in May 2024. The Site found that air quality and noise monitoring data was not available on the website on a daily basis, specially during days when the environmental team is not onsite. The Site self-reported to the Department on 23 May 2024 regarding this non-compliance. It was rectified immediately through updating the website with the required information and implementing a new roster system to publish the data. A new automated system was then developed and launched to enable automated update of the website to ensure compliance.</p>	NC	Non-compliance has been rectified and closed out. No further action required.

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
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Environmental Protection Licence 20221

O5.1	<p>Offensive blast fume must not be emitted from the premises. Definition: Offensive blast fume means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:</p> <ol style="list-style-type: none"> are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted. 	<p>The EPA received multiple reports from the public alleging dark coloured fume generated by blasts from October to November 2021. EPA issued a Prevention Notice on 23 November 2021. A blast was then fired at 15:33 on 9 March 2022 which emitted blast fume and dispersed towards the project boundary while dissipating. The site enacted the PIRMP as a precautionary measure and notified as required. According to monitoring undertaken as part of the PIRMP response, fume was evidenced to have dissipated on site.. Environmental Superintendent advised that the Site was adjusting the components used in the explosives which led to different in blasting conditions. The issue was then rectified by using alternative products.</p>	ERM notes that the reported blast fume events are currently subject to legal proceedings.	N/A
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M2.2	<p>Air Monitoring Requirements</p> <p>POINT 18, 37</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table> <p>POINT 19</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table> <p>POINT 20,21,22,23</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulates - Deposited Matter</td> <td>grams per square metre per month</td> <td>Monthly</td> <td>AM-19</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Every 6 days	AM-18	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19	<p>MCC reported a non-compliance against this condition for TEOM3 non-compliance event between 7/10/23 - 9/11/23. MCC reported, due to the exceptional weather event TEOM3 was damaged by water ingress and was not recording accurately. The access to the TEOM during that period was cut off due to flooding, and MCC were unable to undertake the required maintenance, this resulted in the monitor being down between 7/10/23-9/11/23. This resulted in a monitoring frequency of 89.31% of a minimum 90% frequency rate. This is considered a technical non-compliance as due to the declared state of emergency maintenance work was not able to be completed.</p>	NC	Historic incident. No further action required.
Pollutant	Units of measure	Frequency	Sampling Method																									
PM10	micrograms per cubic metre	Continuous	AM-22																									
Pollutant	Units of measure	Frequency	Sampling Method																									
PM10	micrograms per cubic metre	Every 6 days	AM-18																									
Pollutant	Units of measure	Frequency	Sampling Method																									
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19																									

Coal Lease 375

Condition 2.	<p>(a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease. (b) For the purposes of this condition: environment means components of the earth, including:</p> <ul style="list-style-type: none"> land, air and water, and any layer of the atmosphere, and any organic or inorganic matter and any living organism, and human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)- (C). <p>Harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.</p>	Refer to CoA and EPL compliance tables.	ERM notes that the reported blast fume events are currently subject to legal proceedings.	N/A
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Mining Lease ML 1701 - No Non-Compliances noted.

Mining Lease ML 1719 - No Non-Compliances noted.

Consolidated Standard Conditions - No Non-Compliances noted.



3.9 INCIDENTS AND ENFORCEMENT SUMMARY

During the audit period, the following incidents were noted:

3.9.1 BLAST

The EPA received multiple reports from the public alleging dark coloured fume generated by blasts from October to November 2021. EPA issued a Prevention Notice on 23 November 2021. A blast was then fired at 15:33 on 9 March 2022 which emitted blast fume and dispersed towards the project boundary while dissipating. The Site enacted the PIRMP as a precautionary measure and notified as required. Fume was evidenced by monitoring to have dissipated on site.

The Environmental Superintendent advised that the Site was adjusting the components used in the explosives which led to different blasting conditions. The issue was then rectified by using alternative products, and no blast fume non-compliances have since been recorded.

ERM notes that the reported blast fume events are currently subject to legal proceedings.

3.9.2 AIR QUALITY

The Site reported an exceedance recorded at TEOM 3 on 3 March 2023. Todoroski Air Services report showed that the elevated level of PM₁₀ was due to the bushfire in the region. The Site's potential contribution to the PM₁₀ level were below 50 µg/m³.

MCC reported a non-compliance against the EPL for TEOM3 non-compliance event between 7 October 2023 and 9 November 2023. MCC reported, due to the exceptional weather event TEOM3 was damaged by water ingress and was not recording accurately. The access to the TEOM during that period was cut off due to flooding, and MCC were unable to undertake the required maintenance, this resulted in the monitor being down. This resulted in a monitoring frequency of 89.31% of a minimum 90% frequency rate. This is considered a technical non-compliance as due to the declared state of emergency maintenance work was not able to be completed.

Another exceedance was recorded on 12 December 2023. The Site notified the DPE on 14 December 2023 of the exceedance of 24 hour PM₁₀ limit. The DPE replied on 18 December 2023, stating that the Department considers the Pilliga fire which impacted air quality monitoring results was an extraordinary event. Therefore, the criteria listed in this condition does not apply to this event. The DPE confirmed in the email that any outstanding reports already notified to the Department must still be submitted. The Site submitted the Environmental Event Report according to Appendix 9 of the Approval.

3.9.3 WATER ACCESS

During the previous IEA audit period, the Natural Resource Access Regulator (NRAR) commenced proceedings against MCC for operating water take without an approved Water Access Licence. MCC entered into an Enforceable Undertaking in 2021 which was varied in June 2022 which is within this audit period. The Site has completed all the required actions during the audit period. Refer to Section 3.7.

3.9.4 MONITORING DATA

The Site received a query from the Department of Planning regarding the dust report in May 2024. The Site found that air quality and noise monitoring data was not available on the website on a daily basis, specifically during days when the environmental team is not onsite. The Site self-reported to the Department on 23 May 2024 regarding this non-compliance.

It was rectified immediately through updating the website with the required information and implementing a new roster system to publish the data. A new automated system was then developed and launched to enable automated update of the website to ensure compliance.

3.9.5 SPL

Sound Power Level (SPL) Testing is conducted annually on one-third of all plant on a three year-rolling basis and results are detailed in the annual reviews. In 2021 and 2022, 55 and 37 pieces of mobile plant were tested respectively. SPLs were exceeded for some stationary equipment within the CHPP, but the SPL testing was unable to measure each fixed plant within the CHPP without the influence of other equipment. It was noted that whilst not all fixed and individual mobile plant met the predicted SPLS, the total measured SPL was equal to or less than the model for Year 5 Project EA site total. In 2023, 133 individual pieces of mobile plant were tested. SPLs of one stationary plant within the CHPP was higher the predicted levels as a result of in-service testing, the layout and operation of the CHPP. The total measured SPL was equal to or less than the model for Year 5 Project EA site total.

4. CONCLUSION

An audit of CoA, Environmental Protection Licence, Coal Lease and Mining Leases conditions has been completed as well as a check against commitments made in the management plans developed as part of CoA conditions for the site.

Overall, compliance was generally achieved with the audit documents that were reviewed. The number of non-compliances with the statutory conditions and implementation of the management plans is summarised in Table 4.1 below.

TABLE 4.1 SUMMARY OF AUDIT FINDINGS

Review	Non-compliances (NC)	Observations
Statutory Instruments	3	-
Implementation of Plans	-	-

The assessment determined there were 3 instances of non-compliance with the CoA during the audit period.

The Maules Creek Coal mine was observed to be largely well managed with appropriate management systems. No additional improvement opportunities were noted during the audit.

An action response table to be developed by MCC addressing all audit findings and will be submitted separately to this report.



APPENDIX A

CONDITIONS OF APPROVAL,
ENVIRONMENTAL PROTECTION LICENCE
AND MINNGING LEASE COMPLIANCE
TABLES

Document details	
DOCUMENT TITLE	Table A1 - Project Approval
DOCUMENT SUBTITLE	Compliance with Project Approval 10_0138
PROJECT NUMBER	0738674
Date	03-09-24
Version	01
Author	Andrew Lewis, Leanne Lee
Client name	Whitehaven Coal

Note:

- MOD-7 Determination Date August 2021
- MOD-8 Determination Date January 2022
- MOD-9 Determination Date March 2024

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
SCHEDULE 2 – ADMINISTRATIVE CONDITIONS					
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT					
1.	In addition to meeting the specific performance criteria established under this approval, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the development.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
TERMS OF APPROVAL					
2.	<p>The Applicant must carry out the project:</p> <ol style="list-style-type: none"> generally in accordance with the EA; in accordance with the statement of commitments; and in accordance with the conditions of this approval. <p>Notes:</p> <ul style="list-style-type: none"> The general layout of the project is shown in Appendix 2; and The statement of commitments is reproduced in Appendix 5. 	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
3.	If there is any inconsistency between the above documents, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this approval must prevail to the extent of any inconsistency.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
4.	<p>The Applicant must comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment of:</p> <ul style="list-style-type: none"> any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; the implementation of any actions or measures contained in these documents. 	<ul style="list-style-type: none"> Management Plan Register Varied Enforceable Undertaking dated 28 June 2022 Letter from DPE approving Water Management Plan dated 6 April 2023 Water Management Plan dated March 2023 Water Management Plan Addendum A dated 2020 Water Management Plan Addendum B dated 2022 Interview with Environmental Intendent Biodiversity management plan Addendum A dated June 2022, and approval letter from DPE dated 24 August 2022 Site Observation 	<p>The Water Management Plan and Biodiversity Management Plan were required to be submitted for approval under the Enforceable Undertaking as stated in Appendix 5 Condition 27 of this Audit Table. Both plans were submitted in the required timeframe and approved by the Department.</p> <p>The Management Plan Register listed all the Management Plan for the MCC operation and the approval dates.</p> <p>Two Management Plans were reviewed by the Site according to the Department's comments, and are sitting with DPHI for</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			<p>review and approval at the time of the audit:</p> <ul style="list-style-type: none"> Water Management Plan - Resubmitted 13 June 2024 Air Quality and Greenhouse Gas Management Plan resubmit with DPHI feedback on 31 May 2024 <p>Auditor observed during site visit that MCC generally follows the actions and measures in the Management Plans.</p>		

LIMITS ON APPROVAL

Mining Operations

5.	<p>The Applicant may carry out mining operations on the site until the end of December 2034.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>Under this approval, the Applicant is required to decommission and rehabilitate the site and carry out additional undertakings in relation to mining operations. Consequently, this approval will continue to apply in all other respects - other than the right to conduct mining operations - until the rehabilitation of the site and these additional undertakings have been carried out satisfactorily.</i> <i>Mining operations and rehabilitation are also regulated under the Mining Act 1992.</i> 	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
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Coal Extraction

6.	<p>The Applicant must not extract more than 13 million tonnes of ROM coal from the site in any calendar year.</p>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 	<p>Data provided in the annual reviews confirms that the extracted tonnes of ROM coal are as below.</p> <ul style="list-style-type: none"> 2021: 12,379,894 tonnes 2022: 10,204,445 tonnes 2023: 11,653,467 tonnes 2024 prediction: 11,700,000 tonnes 	C	N/A
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Vegetation Buffer Corridor

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
7.	<p>The Applicant must not clear native vegetation from any land within 250 metres of the adjoining Boggabri Coal Mine mining lease boundary, unless:</p> <ol style="list-style-type: none"> the Applicant has provided an alternative area of equal or better habitat value for the purpose of providing a fully effective east-west movement corridor for native fauna; the alternative area is capable of delivering this outcome before clearing commences within 250 m of the lease boundary; the alternative area is under tenure arrangements that ensure its maintenance for biodiversity purposes in perpetuity, or there is an enforceable commitment to deliver this outcome; and the alternative area has been endorsed by the BCS and subsequently approved by the Planning Secretary. <p><i>Notes:</i></p> <ul style="list-style-type: none"> The alternative area may be provided by way of offset or by way of suitable rehabilitated land within the Boggabri Coal Project site or the Maules Creek Coal Project site. The alternative area may be provided by the Applicant or the Applicant in conjunction with the Applicant of the Boggabri Coal Project. 	<ul style="list-style-type: none"> MCC-EPBC Compliance Report 2022, 2023 and 2024 	<p>The MCC-EPBC Compliance Report confirms that the Site is compliant with this condition. The Biodiversity Corridor Plan was submitted to the former Department of Environment in May 2013 and last approved on 23 December 2021. WHC is in consultation with NSW Forestry Corporation and Idemitsu Boggabri Coal to establish a legal mechanism to protect the corridor in perpetuity by 2053.</p>	C	N/A
Coal Transport					
8.	<p>The Applicant must only transport coal from the site by rail.</p> <p><i>Note: All coal is to be transported from site via the Maules Creek rail spur line, and the shared portion of the Boggabri Coal rail spur line. The separate rail crossing over the Namoi River, as mentioned in at least one part of the EA, does not form part of the project and is not approved under this project approval.</i></p>	<ul style="list-style-type: none"> Site observations Annual review 2021, 2022 and 2023 	<p>The auditor observed that there are no facilities on site to load road vehicles for the transport of coal.</p> <p>Annual reviews state that coal is only transported from the MCC via the Maules Creek rail spur and the shared portion of the Boggabri Coal rail spur.</p> <p>Train loading data details the number of laden trains and amount of coal transported from MCC.</p>	C	N/A
9.	<p>The Applicant must not:</p> <ol style="list-style-type: none"> transport more than 12.4 million tonnes of product coal from the site in any calendar year; and dispatch more than 7 laden trains from the site in a day when averaged over a calendar year; or dispatch more than 10 laden trains from the site in a day. 	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 	<p>a. Annual reviews show the following million tonnes of coal transports per year:</p> <ul style="list-style-type: none"> 2021: 9.19; 2022: 9.16; and 2023: 8.01. 	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<i>Note: For the purposes of this condition, a day refers to the 24 hours from midnight to midnight the next day.</i>		<p>b. Annuals reviews reported the following average number of laden trains:</p> <ul style="list-style-type: none"> ◦ 2021: 3.61; ◦ 2022: 3.56; and ◦ 2023: 2.81. <p>c. Annuals reviews reported the following maximum number of laden trains from the site in any one day:</p> <ul style="list-style-type: none"> ◦ 2021: 7; ◦ 2022: 8; and ◦ 2023: 7. <p>The data provided by the site shows that the condition is complied with.</p>		

SURRENDER OF EXISTING DEVELOPMENT CONSENT

10.	<p>By the end of 2013, or as otherwise agreed by the Planning Secretary, the Applicant must surrender the existing development consent (i.e. DA85/1819) for mining on the site in accordance with Section 104A of the EP&A Act.</p> <p>Prior to the surrender of this development consent, the conditions of this approval must prevail to the extent of any inconsistency with the conditions of the development consent.</p>	<ul style="list-style-type: none"> • NT 	Outside audit period	NT	N/A
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STRUCTURAL ADEQUACY

11.	<p>The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works; and • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project. 	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	No construction work during the audit period was reported by the Environmental Superintendent or observed by the auditor.	NT	N/A
12.	<p>The Applicant must ensure that the Maules Creek rail spur line and ancillary infrastructure are designed and constructed in accordance with the relevant requirements of the current ARTC infrastructure standards, or as otherwise approved by the Planning Secretary.</p>	<ul style="list-style-type: none"> • NT 	Outside audit period	NT	N/A

DEMOLITION

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
13.	The Applicant must ensure that all demolition work on site is carried out in accordance with <i>Australian Standard AS 2601-2001: The Demolition of Structures</i> , or its latest version.	<ul style="list-style-type: none"> Site observations Interview with Environmental Superintendent 	No demolition work during the audit period was reported by the Environmental Superintendent or observed by the auditor.	NT	N/A
PROTECTION OF PUBLIC INFRASTRUCTURE					
14.	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: <ul style="list-style-type: none"> a. repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the project; and b. relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project. 	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No public infrastructure was damaged by the project or needed to be relocated as a result of the project during the audit period.	NT	N/A
OPERATION OF PLANT AND EQUIPMENT					
15.	The Applicant must ensure that all the plant and equipment used on site, or to transport coal from the site, is: <ul style="list-style-type: none"> a. maintained in a proper and efficient condition; and b. operated in a proper and efficient manner. 	<ul style="list-style-type: none"> Maintenance "As Is" WOS Manual Site observations Interview with Maintenance Manager 	<p>Plant and equipment are maintained by the site maintenance team or specialist suppliers in accordance with the Whitehaven standard.</p> <p>Maintenance Manager advised that the Site uses Pulse and Soochi to store maintenance data, as well as forecast and plan maintenance work onsite.</p> <p>Work orders are stored as hard copy which are signed by supervisors upon completion and close out in the system with scanned copies uploaded to the system.</p> <p>Plant and equipment onsite were observed to be in good condition.</p>	C	N/A
UPDATING & STAGING STRATEGIES, PLANS OR PROGRAMS					
16.	With the approval of the Planning Secretary, the Applicant may submit any strategies, plans or programs required by this consent on a progressive basis.	<ul style="list-style-type: none"> DPIE (DPHI) Approval Letter of Environmental Management Strategy dated 11/12/2023, 11/6/2024 	The Auditor notes that while MCC has undertaken the	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>To ensure the strategies, plans or programs under the conditions of this approval are updated on a regular basis, the Applicant may at any time submit revised strategies, plans or programs to the Planning Secretary for approval.</p> <p>With the agreement of the Planning Secretary, the Applicant may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this approval.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> • While any strategy, plan or program may be submitted on a progressive basis, the Applicant must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times. • If the submission of any strategy, plan or program is to be staged, then the relevant strategy, plan or program must clearly describe the specific stage to which the strategy, plan or program applies, the relationship of this stage to any future stages, and the trigger for updating the strategy, plan or program. 	<ul style="list-style-type: none"> • DPIE Approval Letter of Blast Management Plan dated 02/02/2023. • Management Plan register 	<p>required actions to satisfy this condition, a number of the plans that have been required to be updated through this process sit with DPFI for approval. MCC continue to work in accordance with approved plans and to also implement the additional controls or mitigation measures as outlined in the plans that are awaiting the Department's approval.</p> <p>At the time of the audit, according to the MCC internal Management Plan register, Management Plans that are sitting with DPFI for review and approval include:</p> <ul style="list-style-type: none"> • Water Management Plan - Resubmitted 13 June 2024 • Air Quality and Greenhouse Gas Management Plan resubmit with DPFI feedback on 31 May 2024 		
COMMUNITY ENHANCEMENT					
17.	<p>By the end of March 2013, unless the Planning Secretary agrees otherwise, the Applicant must enter into a planning agreement with Council in accordance with:</p> <p>(a) Division 6 of Part 4 of the EP&A Act; and (b) the terms of the Applicant's offer provided in Appendix 3.</p>	■ NT	Outside audit period	NT	N/A
SCHEDULE 3 – ENVIRONMENTAL PERFORMANCE CONDITIONS					
ACQUISITION ON REQUEST					
1.	<p>Upon receiving a written request for acquisition from an owner of the privately-owned land listed in Table 1, the Applicant must acquire the land in accordance with the procedures in conditions 8-9 of schedule 4.</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	MCC stated, no properties have been acquired during the audit period.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
	<p><i>Table 1: Land subject to acquisition upon request</i></p> <p>Mod 6</p> <table border="1" data-bbox="249 390 1163 722"> <thead> <tr> <th>Acquisition Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Noise & Air</td> <td>110-114</td> </tr> <tr> <td>Noise</td> <td>61-66, 108-109, 117-120, 123-124, 125-131, 132-140, 141-148, 149-155, 236, 256-263</td> </tr> <tr> <td>Air</td> <td>279-280</td> </tr> </tbody> </table> <p>Mod 7 and 8</p> <table border="1" data-bbox="249 783 1163 919"> <thead> <tr> <th>Acquisition Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>108- 109</td> </tr> </tbody> </table> <p>However, this condition does not apply if the Proponent Applicant has an agreement with the owner(s) of the relevant properties to generate higher noise levels, and the Proponent Applicant has advised the Department in writing of the terms of this agreement.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>To interpret the locations referred to in Table 1 see the applicable figure(s) in Appendix 4.</i> <i>The Proponent Applicant is only required to acquire property 279-280 if the owner of the land no longer has acquisition rights under any planning approval for the Boggabri mine and/or Tarrawonga mine.</i> <i>For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be included as part of the land to be acquired. Where the Proponent Applicant and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</i> 	Acquisition Basis	Land	Noise & Air	110-114	Noise	61-66, 108-109, 117-120, 123-124, 125-131, 132-140, 141-148, 149-155, 236, 256-263	Air	279-280	Acquisition Basis	Land	Noise	108- 109				
Acquisition Basis	Land																
Noise & Air	110-114																
Noise	61-66, 108-109, 117-120, 123-124, 125-131, 132-140, 141-148, 149-155, 236, 256-263																
Air	279-280																
Acquisition Basis	Land																
Noise	108- 109																

NOISE AND VIBRATION

Noise Affected Residencies

2.	<p>For privately-owned residences within the project's 35dB(A) noise impact contour (see Table 2 and Appendix 4A) the owner(s) can make a written request to the Applicant for one of the following:</p> <ol style="list-style-type: none"> mitigation (such as double glazing, insulation and air conditioning) at the residence in consultation with the owner(s). These measures must be reasonable and feasible and directed towards reducing the noise impacts of the project on the residence. If within 3 months of 	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	<p>No properties have been acquired during the audit period.</p>	<p>NT</p>	<p>N/A</p>
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations		
	<p>receiving this request from the owner(s), the Applicant and owner(s) cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution; or</p> <p>b. acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p><i>Table 2: Residences subject to acquisition or noise mitigation on request</i></p> <table border="1" data-bbox="252 632 1160 764"> <thead> <tr> <th data-bbox="252 632 1160 684">Residences</th> </tr> </thead> <tbody> <tr> <td data-bbox="252 684 1160 764"> Mod 6 and prior: 61, 108, 118, 120, 126, 134, 236, 256 and 259 Mod 7 and onwards: 108 </td> </tr> </tbody> </table> <p>Upon receiving a written request from the owner(s), the Applicant must undertake whichever option has been requested by the owner(s). However, this condition does not apply if the Applicant has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>To interpret the locations referred to in Table 2 see the applicable figure(s) in Appendix 4.</i> <i>For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that: is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.</i> <i>For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be included as part of the land to be acquired. Where the Applicant and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for Planning resolution. The Planning Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 must be final.</i> 	Residences	Mod 6 and prior: 61, 108, 118, 120, 126, 134, 236, 256 and 259 Mod 7 and onwards: 108				
Residences							
Mod 6 and prior: 61, 108, 118, 120, 126, 134, 236, 256 and 259 Mod 7 and onwards: 108							
2A	<p>Auditor's note: Condition 2A was removed in Mod 7</p> <p>For privately-owned residences where noise generated by the Project is predicted to exceed traffic noise impact assessment criteria (see Table 2A) the owner(s) can make a written request to the Proponent for noise mitigation measures (such as double glazing, insulation and air conditioning) at the residence. These measures must be reasonable and feasible and directed towards reducing the road noise impacts of the project on the residence. If within 3 months of receiving this request from</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	<p>No properties have been acquired during the audit period.</p>	<p>NT</p>	<p>N/A</p>		

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations		
	<p>the owner(s), the Proponent and owner(s) cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p><i>Table 2A: Residences subject to road noise mitigation on request</i></p> <table border="1" data-bbox="246 478 1160 583"> <thead> <tr> <th data-bbox="620 489 783 520">Residences</th> </tr> </thead> <tbody> <tr> <td data-bbox="676 541 727 573">264</td> </tr> </tbody> </table> <p>However, this condition does not apply if the Proponent has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>To interpret the locations referred to in Table 2A see the applicable figure(s) in Appendix 4.</i> <p><i>For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that: is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.</i></p>	Residences	264				
Residences							
264							

Maximum predicted noise levels

3.	<p>Where the owner(s) of a residence included in Table 2 of this schedule have opted for either an agreement to generate higher noise levels or noise mitigation under condition 2, and the owner(s) have reason to believe that the noise impacts at the residence are more than 3 dB(A) above the predicted noise levels for that residence (see Table 3), the owner(s) can request an independent noise impact assessment for the residence. The request must be made in writing to the Planning Secretary. If the Planning Secretary considers that a noise impact assessment is warranted, then the Applicant must commission the assessment. If the noise impact assessment determines that the noise generated by the project causes sustained exceedances, or is likely to cause sustained exceedances, of the predicted noise levels by more than 3 dB(A), the owner(s) may require the Applicant to acquire the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p><i>Table 3: Maximum Predicted Noise Levels</i></p> <p>Mod 6 and prior</p> <table border="1" data-bbox="246 1646 1160 1871"> <thead> <tr> <th data-bbox="290 1656 477 1719">Location Property/ID</th> <th data-bbox="560 1656 676 1751">Day (L_{Aeq} (15 min))</th> <th data-bbox="706 1656 822 1751">Evening (L_{Aeq} (15 min))</th> <th data-bbox="851 1656 967 1751">Night (L_{Aeq} (15 min))</th> <th data-bbox="997 1656 1113 1751">Night (L_{A1} (1 min))</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1772 400 1803">61</td> <td data-bbox="590 1772 623 1803">35</td> <td data-bbox="736 1772 768 1803">43</td> <td data-bbox="881 1772 914 1803">43</td> <td data-bbox="1059 1772 1092 1803">53</td> </tr> <tr> <td data-bbox="323 1835 445 1866">108, 120</td> <td data-bbox="590 1835 623 1866">35</td> <td data-bbox="736 1835 768 1866">39</td> <td data-bbox="881 1835 914 1866">39</td> <td data-bbox="1059 1835 1092 1866">45</td> </tr> </tbody> </table>	Location Property/ID	Day (L _{Aeq} (15 min))	Evening (L _{Aeq} (15 min))	Night (L _{Aeq} (15 min))	Night (L _{A1} (1 min))	61	35	43	43	53	108, 120	35	39	39	45	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	<p>No properties have been acquired during the audit period.</p>	<p>NT</p>	<p>N/A</p>
Location Property/ID	Day (L _{Aeq} (15 min))	Evening (L _{Aeq} (15 min))	Night (L _{Aeq} (15 min))	Night (L _{A1} (1 min))																
61	35	43	43	53																
108, 120	35	39	39	45																

Item	Assessment Requirement					Reference/ Evidence	Comments	Compliance	Recommendations
	118	40	44	44	45				
	126	45	48	48	53				
	134, 236	35	36	36	45				
	256	35	40	40	50				
	259	35	39	39	49				
Mod 7 and onwards									
	Location Property/ID	Day (L_{Aeq} (15 min))	Evening (L_{Aeq} (15 min))	Night (L_{Aeq} (15 min))	Night (L_{A1} (1 min))				
	108	35	39	39	45				
Notes:									
<ol style="list-style-type: none"> To interpret the locations referred to in Table 3, see the applicable figure in Appendix 4 The noise assessment must be undertaken by a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary and include either: <ul style="list-style-type: none"> sufficient monitoring at the affected residence to allow for assessment of the impacts under a range of meteorological conditions (including adverse conditions) likely to be experienced at the residence; or sufficient monitoring to allow reliable prediction of the likely impacts under the range of meteorological conditions (including adverse conditions) likely to be experienced at the residence. Monitoring should be conducted in accordance with the requirements of the NSW Noise Policy for Industry (EPA, 2017). Where predictions of likely impacts is to be used, either in substitution for, or in conjunction with, direct measurement of noise impacts at the residence, it must be based on sufficient monitoring data to provide a reliable estimate of the impacts (including under adverse meteorological conditions) and be derived using standard noise modelling techniques accepted by the EPA. The Applicant must ensure that the requested noise impact assessment is submitted to the Planning Secretary within 3 months of the Secretary's decision that the assessment was warranted. The Applicant must also provide a copy of the assessment to the owner(s) of the residence at the same time it is submitted to the Secretary. Note 3 to condition 1 of this Schedule applies to acquisition under this condition. 									

Construction Noise and Vibration Criteria – Maules Creek and Boggabri Shared Rail Spur Lines

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations														
4.	<p>During the hours of:</p> <ul style="list-style-type: none"> a. 7 am to 6 pm Monday to Fridays, inclusive; b. 8 am to 1 pm on Saturdays; and c. at no time on Sundays or public holidays, <p>noise from activities associated with the construction and/or upgrade of the Maules Creek rail spur line and shared section of the Boggabri rail spur line shall must meet the criteria in Table 4.</p> <p><i>Table 4: Rail spur line construction noise criteria dB(A)</i></p> <p>Mod 6 and prior</p> <table border="1"> <thead> <tr> <th rowspan="2">Location Property/ID</th> <th>Construction Noise Criteria</th> </tr> <tr> <th>Day dB(A) $L_{Aeq} (15 min)$</th> </tr> </thead> <tbody> <tr> <td>256</td> <td>50</td> </tr> <tr> <td>259</td> <td>45</td> </tr> <tr> <td>All other privately-owned residences</td> <td>40</td> </tr> </tbody> </table> <p>Mod 7 and onwards</p> <table border="1"> <thead> <tr> <th rowspan="2">Location Property/ID</th> <th>Construction Noise Criteria</th> </tr> <tr> <th>Day dB(A) $L_{Aeq} (15 min)$</th> </tr> </thead> <tbody> <tr> <td>All other privately-owned residences</td> <td>40</td> </tr> </tbody> </table> <p><i>Note: To interpret the locations referred to in Table 4, see the applicable figure in Appendix 4.</i></p>	Location Property/ID	Construction Noise Criteria	Day dB(A) $L_{Aeq} (15 min)$	256	50	259	45	All other privately-owned residences	40	Location Property/ID	Construction Noise Criteria	Day dB(A) $L_{Aeq} (15 min)$	All other privately-owned residences	40	<ul style="list-style-type: none"> • NT 	Outside audit period.	NT	N/A
Location Property/ID	Construction Noise Criteria																		
	Day dB(A) $L_{Aeq} (15 min)$																		
256	50																		
259	45																		
All other privately-owned residences	40																		
Location Property/ID	Construction Noise Criteria																		
	Day dB(A) $L_{Aeq} (15 min)$																		
All other privately-owned residences	40																		
5.	<p>Vibration from activities associated with the construction and/or upgrade of the Maules Creek rail spur line and shared section of the Boggabri rail spur line must comply with the following:</p> <ul style="list-style-type: none"> a. for structural damage, the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures; and b. for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006). 	<ul style="list-style-type: none"> • As above 	As above	NT	N/A														
6.	<p>If the Applicant proposes to undertake any construction works associated with the Maules Creek rail spur line (and shared section of the Boggabri rail spur line) outside the hours specified above, then the Applicant must prepare and implement an Out of Hours Work protocol for these works to the satisfaction of the Planning Secretary. This protocol must be prepared in consultation with the EPA and the residents who would be affected by the noise generated by these works, and be consistent with the</p>	<ul style="list-style-type: none"> • As above 	As above	NT	N/A														

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>requirements of the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). The Applicant must not carry out any out of hours construction works before this protocol has been approved by the Planning Secretary.</p> <p><i>Note: For areas where construction noise from the Maules Creek rail spur line and shared section of the Boggabri rail spur line is predicted to be at or below 35 dB(A) and/ or below operational noise criteria at sensitive receptors, this is likely to provide sufficient justification for the need to operate outside of recommended standard hours as specified in the ICNG.</i></p>				

Noise Criteria

7.	<p>Except for the noise affected land in Table 1, the Applicant must ensure that operational noise generated by the project does not exceed the criteria in Table 5.</p> <p><i>Table 5: Noise criteria dB(A)</i></p> <table border="1" data-bbox="249 846 1205 1010"> <thead> <tr> <th data-bbox="397 856 468 882">Land</th> <th data-bbox="635 856 908 919">Day/Evening/Night L_{Aeq} (15 min)</th> <th data-bbox="1020 856 1121 919">Night L_{A1} (1 min)</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 940 546 1003">All private-owned residences</td> <td data-bbox="753 940 795 966">35</td> <td data-bbox="1050 940 1092 966">45</td> </tr> </tbody> </table> <p><i>Note:</i></p> <ul style="list-style-type: none"> Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017). Operational noise includes noise from the mining operations and the use of private roads and rail spurs. <p>However, these noise criteria do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.</p>	Land	Day/Evening/Night L _{Aeq} (15 min)	Night L _{A1} (1 min)	All private-owned residences	35	45	<ul style="list-style-type: none"> EPL Monitoring Data 2021 – 2024 June Annual Reviews 2021, 2022 and 2023 Interview with Environmental Superintendent 	<p>EPL monitoring data and Annual Reviews published on the website show that all noise monitoring within the audit period complied with the criteria in Table 5. No exceedance was recorded.</p> <p>Environmental Superintendent also advised that there has not been any exceedance in 2024 and none were noted in review of the monitoring data.</p>	C	N/A
Land	Day/Evening/Night L _{Aeq} (15 min)	Night L _{A1} (1 min)									
All private-owned residences	35	45									

Noise Acquisition Requirements - Residences

8.	<p>If the owner(s) of a privately-owned residence, which is not within the project’s 35 dB(A) noise impact contour (see condition 2, Table 2 and Appendix 4A), have reason to believe that operational noise from the project is causing the criteria in Table 5 to be exceeded at the residence, the owner(s) can request an independent noise impact assessment for the residence. The request must be made in writing to the Planning Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Applicant must commission the assessment.</p> <p>If the noise impact assessment determines that the noise generated by the project causes sustained exceedances, or is likely to cause sustained exceedances, of the criteria in Table 5, the owner(s) can make a written request to the Applicant for one of the following:</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	<p>No properties have been acquired during the audit period.</p>	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>a. mitigation (such as double glazing, insulation and air conditioning) at the residence in consultation with the owner(s). These measures must be reasonable and feasible and directed towards reducing the noise impacts of the project on the residence. If within 3 months of receiving this request from the owner(s), the Applicant and owner(s) cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution; or</p> <p>b. acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p>Upon receiving a written request from the owner(s), the Applicant must undertake whichever option has been requested by the owner(s). However, this condition does not apply if the Applicant has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p> <p>Notes:</p> <p>1. For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that: is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.</p> <p>2. For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be included as part of the land to be acquired. Where the Applicant and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 must be final.</p> <p>3. Notes 2,3,4 and 5 of condition 3 apply to this condition.</p>				

Noise Acquisition Requirements - Land

9.	<p>If the owner(s) of land containing a privately owned residence, which is not listed in Table 1, have reason to believe that operational noise from the project is causing noise levels to exceed 40 dB(A) LAeq(15 min) over more than 25% of that land, the owner(s) can request an independent noise impact assessment for the land. The request must be made in writing to the Planning Secretary. If the Planning Secretary considers that a noise impact assessment is warranted, then the Applicant must commission the assessment.</p> <p>If the noise impact assessment determines that the noise generated by the project causes sustained exceedances, or is likely to cause sustained exceedances, of the 40 dBA criteria, the owner(s) can make a written request to the Applicant for acquisition of the residence and land in accordance with the procedures in conditions 8- 9 of Schedule 4.</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	<p>No properties have been acquired during the audit period.</p>	<p>NT</p>	<p>N/A</p>
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>Upon receiving a written request from the owner(s), the Applicant must purchase the residence and land in accordance with the procedures in conditions 8- 9 of Schedule 4.</p> <p>However, this condition does not apply if the Applicant has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.</p> <p><i>Note:</i></p> <ol style="list-style-type: none"> 1. For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that: is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval. 2. For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be included as part of the land to be acquired. Where the Applicant and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 must be final. 3. Notes 2,3,4 and 5 of condition 3 apply to this condition. 				

Cumulative Noise Criteria

10.	<p>Except for the land listed in Table 1, the Applicant must ensure that the operational noise generated by the project combined with the noise generated by other mines does not exceed the criteria in Table 6 at any residence on privately-owned land.</p> <p>Table 6: Cumulative noise criteria dB(A) LAeq (period)</p> <table border="1" data-bbox="249 1329 1169 1472"> <thead> <tr> <th data-bbox="439 1339 513 1371">Land</th> <th data-bbox="795 1339 1077 1402">Day/Evening/Night LAeq (period)</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1423 632 1455">All privately-owned land</td> <td data-bbox="973 1423 1018 1455">40</td> </tr> </tbody> </table> <p><i>Notes:</i></p> <ul style="list-style-type: none"> • Cumulative noise is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the Noise Policy for Industry (EPA, 2017). • Operational noise includes noise from the mining operations and the use of private roads and rail spurs. 	Land	Day/Evening/Night LAeq (period)	All privately-owned land	40	<ul style="list-style-type: none"> • Annual Review 2021, 2022, 2023 • Samples of EMM Attended Noise Monitoring Report (September 2022, September 2023, June 2024) 	<p>Cumulative noise assessment is carried out by Global Acoustics and EMM as part of monthly attended noise surveys and reported in the monitoring report and reported by MCC in the Annual Reviews. No noise exceedance has been recorded during the audit period.</p>	C	N/A
Land	Day/Evening/Night LAeq (period)								
All privately-owned land	40								

Cumulative Noise Acquisition Requirements

11.	<p>If the owner(s) of a privately-owned residence, which is not listed in Table 1, reasonably believes that the noise limits in Table 6 are being exceeded at the residence and that the exceedance is caused by operational noise</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	<p>No requests have been made for an independent</p>	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>from the project and one or more other mines (including use of private roads or rail spurs), the owner(s) can request an independent noise impact assessment for the residence. The request must be made in writing to the Planning Secretary. If the Planning Secretary considers that a noise impact assessment is warranted, then the Applicant must commission the assessment.</p> <p>Where the noise impact assessment determines that the cumulative noise generated by the project combined with the noise from the other mine(s) causes, or is likely to cause, sustained exceedances of the criteria in Table 6, then the owner(s) can make a written request to the Applicant for one of the following:</p> <ol style="list-style-type: none"> a. mitigation (such as double glazing, insulation and air conditioning) at the residence in consultation with the owner(s). These measures must be reasonable and feasible and directed towards reducing the noise impacts of the project on the residence. If within 3 months of receiving this request from the owner(s), the Applicant and owner(s) cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution; or b. acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4. <p>Upon receiving a written request from the owner(s), the Applicant must undertake whichever option has been requested by the owner(s).</p> <p>However, this condition does not apply if the Applicant has an agreement with the owner(s) of the relevant residence to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.</p> <p>The Applicant may seek to recover an equitable share of the costs incurred from the other mines contributing to the cumulative impact. Unless otherwise agreed between the mines, the proportional contributions should be based on expert analysis of the monitoring results to assess relative contribution to the impact. In the event of a dispute between the mines the Applicant, or one of the contributing mines, may submit the matter to the Planning Secretary for resolution. The Planning Secretary's decision must be final.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> 1. <i>For the purposes of this condition a privately-owned residence is defined as a residence not owned by a mining company that: is regularly occupied; or is an existing residence that is not regularly occupied but for which a valid development consent exists; or is a proposed residence for which a development application has been lodged with the relevant authority prior to the date of this approval.</i> 2. <i>For the purposes of acquisition under this condition, parcels of land that are in close proximity and operated as a single agricultural enterprise should be included as part of the land to be acquired. Where the Applicant and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer</i> 		noise impact assessment during the audit period.		

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p><i>the matter to the Planning Secretary for resolution. The Planning Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 must be final.</i></p> <p>3. <i>Notes 2,3,4 and 5 of condition 3 apply to this condition.</i></p> <p>4. <i>The noise impact assessment must include assessment of the relative contribution of the mines to the impact at the residence.</i></p>				
Attenuation of Plant					
12.	<p>The Applicant must:</p> <p>a. ensure that:</p> <ul style="list-style-type: none"> • all mining trucks and water carts used on the site 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 correspond to best practice or the application of the best available technology economically achievable; • where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and <p>b. monitor and report on the implementation of these requirements annually on its website.</p>	<ul style="list-style-type: none"> • Annual Review 2021, 2022, 2023 • Spectrum Acoustics Report, 30-01-2023 	<p>Sound Power Level (SPL) Testing is conducted annually on one-third of all plant on a three year-rolling basis and results are detailed in the annual reviews.</p> <p>In 2021 and 2022, 55 and 37 pieces of mobile plant were tested respectively. SPLs were exceeded for some stationary equipment within the CHPP, but the SPL testing was unable to measure each fixed plant within the CHPP without the influence of other equipment. It was noted that whilst not all fixed and individual mobile plant met the predicted SPLS, the total measured SPL was equal to or less than the model for Year 5 Project EA site total.</p> <p>In 2023, 133 individual pieces of mobile plant were tested. SPLs of one stationary plant within the CHPP was higher the predicted levels as a result of in-service testing, the layout and operation of the CHPP. The total measured SPL was equal to or less than the model for Year 5 Project EA site total.</p>	NC	Historical NC – no further action required.
13.	<p>The Applicant must:</p> <p>a. conduct an annual testing program of the attenuated plant on site to ensure that the attenuation remains effective;</p> <p>b. restore the effectiveness of any attenuation if it is found to be defective; and</p>	<ul style="list-style-type: none"> • Annual Review 2021, 2022, 2023 • Interview with Environmental Superintendent 	<p>Annual sound power survey is conducted by Spectrum Acoustics and reports forwarded to environmental team. The environmental</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	c. report on the results of any testing and/or attenuation work annually on its website.		team communicate all fleet exceedances with maintenance team which are subsequently captured in maintenance scheduling, and further sound attenuation improvements can be considered if necessary. Annual Review published on the website report on the annual testing results.		

Maules Creek Rail Spur Line – Noise impacts

14.	<p>The Applicant must:</p> <ol style="list-style-type: none"> commission suitably qualified and experienced person/s to review the design of the Maules Creek rail spur line, and determine whether it incorporates all reasonable and feasible noise mitigation measures, including suitable measures to minimise low frequency noise; implement the recommendations of this acoustic review; undertake commissioning trials of the spur line to determine the optimal train speed to minimise noise impacts; and following commissioning of the spur line, undertake targeted noise monitoring to determine the accuracy of predicted acoustic impacts and effectiveness of any noise reduction measures, including monitoring during adverse inversion conditions, to the satisfaction the Planning Secretary. 	<ul style="list-style-type: none"> NT 	Outside audit period.	NT	N/A
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Operating Conditions

15.	<p>The Applicant must:</p> <ol style="list-style-type: none"> implement best management practice to minimise the construction, operational, low frequency, road and rail traffic noise of the project; operate a comprehensive noise management system on site 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 noise mitigation measures to ensure compliance with the relevant conditions of this approval; maintain the effectiveness of noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired; ensure that noise attenuated plant is deployed preferentially in locations relevant to sensitive receivers; minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply; ensure that the Maules Creek rail spur line is only accessed by locomotives that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL (No. 3142); 	<ul style="list-style-type: none"> MCC Noise Management Plan March 2022 BTM Noise Management Strategy April 2024 CoalTrak and Teledata Interview with Environmental Superintendent 	<p>The MCC Noise Management Plan addresses the requirements of this condition. The BTM Complex Noise Management Strategy was approved by DPHI in 2024.</p> <p>Real time noise and weather monitoring is recorded in Teledata which feeds into Coal Trak for monitoring of conditions and operations every 15 minutes. The Dispatch team activates Trigger Action Response Plan (TARP) responses as required according to Coal Trak. Auditors sighted the CoalTrak data on the day of</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>g. use its best endeavours to ensure that the rolling stock supplied by service providers on the rail spur line is designed, constructed and maintained to minimise noise;</p> <p>h. ensure any new rail rolling stock manufactured specifically for the project is designed, constructed and maintained to minimise noise; and</p> <p>i. co-ordinate the noise management on site with the noise management at other mines within the Leard Forest Mining Precinct to minimise the cumulative noise impacts of these mines, to the satisfaction of the Planning Secretary.</p>		<p>the audit and note that TARP was activated due to high wind speed. Locomotives are registered by ARTC and ARTC has to comply within their EPL. MCC requests evidence from its service provider's (ARTC) to confirm rolling stock is provided with latest technology.</p> <p>No noise exceedance was reported during the audit period.</p>		

Noise Management Plan

16.	<p>The Applicant must prepare and implement a Noise Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:</p> <p>a. be prepared in consultation with the EPA, and submitted to the Planning Secretary for approval prior to the commencement of construction;</p> <p>b. describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> • best management practice is being employed; • the noise impacts of the project are minimised during meteorological conditions when the noise limits in this approval do not apply; and • compliance with the relevant conditions of this approval; <p>c. describe the proposed noise management system in detail;</p> <p>d. include a risk/response matrix to codify mine operational responses to varying levels of risk resulting from weather conditions and specific mining activities;</p> <p>e. include commitments to provide summary reports and specific briefings at CCC meetings on issues arising from noise monitoring;</p> <p>f. include a monitoring program that:</p> <ul style="list-style-type: none"> • uses a combination of real time and supplementary attended monitoring to evaluate the performance of the project; • adequately supports the proactive and reactive noise management system on site; • includes a protocol for determining exceedances of the relevant conditions of this approval; • includes monitoring of inversion strength at an appropriate sampling rate to determine compliance with noise limits; • evaluates and reports on the effectiveness of the noise management system on site; and • provides for the annual validation of the noise model for the project; 	<ul style="list-style-type: none"> • MCC Noise Management Plan March 2022 • CoalTrak and Teledata • Interview with Environmental Advisors 	<p>The approved Noise Management Plan addresses the requirements of this condition and last reviewed in 2022. CoalTrak and Teledata operates as per the monitoring program required by this condition.</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>g. includes a Leard Forest Mining Precinct Noise Management Strategy that has been prepared in consultation with the other coal mines in the Precinct to minimise the cumulative noise impacts of all the mines within the precinct, and includes:</p> <ul style="list-style-type: none"> a description of the measures that would be implemented to ensure that the noise management of the mines is properly co-ordinated to ensure compliance with the relevant noise criteria; a suitable monitoring network for the precinct; protocols for data sharing; and procedures for identifying and apportioning the source/s and contribution/s to cumulative noise impacts for the operating mines and other sources, using the noise and meteorological monitoring network and appropriate investigative tools. <p><i>Note: The Leard Forest Mining Precinct Noise Management Strategy can be developed in stages and will need to be subject to ongoing review dependent upon the determination and commencement of other mining projects in the area.</i></p>				

Noise Measurement

17.	<p>Auditor's note: Condition 17 was removed in Mod 7</p> <p>Where conditions in this approval refer to measurement of noise within the context of the NSW Industrial Noise Policy the inversion class to be applied to the project is Class G.</p> <p>However, the Proponent may undertake an investigation to determine whether a proposal for change in this classification could be considered for approval by the Secretary. Any such investigation must be conducted in consultation with the EPA and be conducted by a suitably qualified person whose appointment has been endorsed by the EPA and approved by the Secretary. The report and recommendation must be submitted to the EPA for endorsement prior to submission to the Secretary. If the Secretary is satisfied that the recommendation is reasonable, then the Secretary may amend the inversion class applying to the project under this approval.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No change to the inversion class has been applied during the audit period.	NT	N/A
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BLASTING

Blasting Criteria

18.	<p>The Applicant must ensure that blasting does not cause any exceedance of the criteria in Table 7.</p> <p><i>Table 7: Blasting criteria</i></p>	<ul style="list-style-type: none"> EPL Monitoring Data 2021-2024 June Blast Register 2021-2024 	<p>The EPL monitoring data and blast register show that only 2 records exceed overpressure of 115dB during the audit period:</p> <ul style="list-style-type: none"> 22/02/2023: BM4 116.9 dB 	C	N/A
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Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations
	<i>Location</i>	<i>Airblast overpressure (dB(Lin Peak))</i>	<i>Ground vibration (mm/s)</i>	<i>Allowable exceedence</i>				
	Residence on privately-owned land	120	10	0%		<ul style="list-style-type: none"> 24/07/2023 BM2 117.4 dB, BM3 116.3 dB Only two blasts were recorded above the limit for the period, which was within the 5% allowable exceedence criteria. There were 109 blasts in 2022 and 112 blasts in 2023. Therefore, this is within the allowable exceedence. All ground vibration are recorded to be below the listed requirement.		
		115	5	5% of the total number of blasts over a period of 12 months				
	All public infrastructure	-	50 <i>(or a limit determined by the structural design methodology in AS 2187.3-2006, or its latest version, to the satisfaction of the Planning Secretary)</i>	0%				
	However, these criteria do not apply if the Applicant has a written agreement with the relevant owner or infrastructure provider/owner, and the Applicant has advised the Department in writing of the terms of this agreement.							
Blasting Hours								
19.	The Applicant must only carry out blasting on the site between 9 am and 5 pm Monday to Saturday inclusive. No blasting is allowed on Sundays, public holidays, or at any other time without the written approval of the Planning Secretary.				<ul style="list-style-type: none"> Blast Register 2021-2024 	All blasting is undertaken between 9am and 5pm and no blasting occurs on Sundays.	C	N/A
Blasting Frequency								
20.	The Applicant may carry out a maximum of: <ol style="list-style-type: none"> 1 blast a day; unless an additional blast is required following a blast misfire; and 4 blasts a week, averaged over a calendar year, for the project. <p>This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blasts required to ensure the safety of the mine or its workers.</p> <p><i>Note: For the purposes of this condition a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.</i></p>				<ul style="list-style-type: none"> Blast Register 2021-2024 	Two blasts were recorded to have taken place on 28/2/2022 and 12/12/2022. Ground vibration was recorded as less than 0.5mm/s at all locations. <p>Records indicate MCC is below 4 blast per week.</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
Property Inspections					
21.	<p>If the Applicant receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut mining pit on site, for a property inspection to establish the baseline condition of any buildings and/or structures on his/her land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to:</p> <ul style="list-style-type: none"> • establish the baseline condition of any buildings and/or structures on the land, or update the previous property inspection report; and • identify any measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and <p>(b) give the landowner a copy of the new or updated property inspection report.</p> <p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	<p>MCC has not received a request for a property inspection to establish a baseline conditions of any building or structure during the audit period.</p>	NT	N/A
Property Investigations					
22.	<p>If the owner of any privately-owned land claims that the buildings and/or structures on his/her land have been damaged as a result of blasting on site, then within 2 months of receiving this claim in writing from the landowner the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties, to investigate the claim; and</p> <p>(b) give the landowner a copy of the property investigation report.</p> <p>If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant repair the damages to the satisfaction of the Planning Secretary.</p> <p>If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	<p>MCC has not received a request for a property inspection due to damages as a result of blasting onsite during the audit period.</p>	C	N/A
Operating Conditions					

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
23.	<p>During mining operations on site, the Applicant must:</p> <p>(a) implement best practice blasting management to:</p> <ul style="list-style-type: none"> • protect the safety of people and livestock in the surrounding area; • protect public or private infrastructure/property in the surrounding area from any damage; • minimise the dust and fume emissions of any blasting; and • minimise blasting impacts on heritage items in the vicinity of the site; <p>(b) co-ordinate the timing of blasting on site with the timing of blasting at other mines within the Leard Forest Mining Precinct to minimise the cumulative blasting impacts of the mines; and</p> <p>(c) operate a suitable system to enable the public to get up-to-date information on the proposed blasting schedule on site, to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> • Blast Management Plan, December 2022 • Interview with Environmental Superintendent • Email to Boggabri Mine and Tarrawonga mine dated 13 June 2024. • WHC website • Email to Narrabri Shire Council on 9 March 2022 • Environmental Event Reports regarding incident on 9 March 2022, under Appendix 9 Condition 2 and 4 respectively. • EPA Prevention Notice dated 23 November 2021 	<p>MCC has developed a Blast Management Plan that addresses this condition.</p> <p>Blasting schedule is notified on the WHC website.</p> <p>Communication with other mines is conducted by email, radio and phone. Notification email includes the scheduled time of the blast, location and map with the exclusion zone.</p> <p>The EPA received multiple reports from the public alleging dark coloured fume generated by blasts from October to November 2021. EPA issued a Prevention Notice on 23 November 2021.</p> <p>A blast was then fired at 15:33 on 9 March 2022 which emitted blast fume and dispersed towards the project boundary while dissipating. The Site enacted the PIRMP as a precautionary measure and notified as required. Fume was evidenced to have dissipated on site.</p> <p>Environmental Superintendent advised that the Site was adjusting the components used in the explosives which led to different blasting conditions. The issue was then rectified by using alternative products, and no blast fume non-compliances have since been recorded.</p>	<p>ERM notes that the reported blast fume events are currently subject to legal proceedings.</p>	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
24.	<p>The Applicant must not undertake blasting on-site within 500 metres of:</p> <p>(a) any public road without the approval of Council; or</p> <p>(b) any land outside of the site not owned by the Applicant, unless:</p> <ul style="list-style-type: none"> • the Applicant has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Applicant has advised the Department in writing of the terms of this agreement; or • the Applicant has: <ul style="list-style-type: none"> ○ demonstrated to the satisfaction of the Planning Secretary that the blasting can be carried out closer to the land without compromising the safety of the people or livestock on the land, or damaging the buildings and/or structures on the land; and ○ updated the Blast Management Plan to include the specific measures that would be implemented while blasting is being carried out within 500 metres of the land. 	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	<p>No blasting has been carried out within 500 metres of a public road or land outside of the site not owned by WHC without agreement with the relevant landowner during the audit period.</p>	C	N/A
Blast Management Plan					
25.	<p>The Applicant must prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ol style="list-style-type: none"> a. be submitted to the Secretary for approval prior to undertaking any blasting activities on the site; b. be prepared in consultation with the EPA and interested members of the local community potentially affected by blasting operations; c. propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site; d. describe the measures that would be implemented to ensure: <ul style="list-style-type: none"> • best management practice is being employed; and • compliance with the relevant conditions of this approval; e. include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with Council; f. include a specific blast fume management protocol to demonstrate how emissions will be minimised including risk management strategies if blast fumes are generated; g. include a monitoring program for evaluating the performance of the project including: <ul style="list-style-type: none"> • compliance with the applicable criteria; and • minimising fume emissions from the site; and h. include a Leard Forest Mining Precinct Blast Management Strategy that has been prepared in consultation with the other mines within the Leard Forest Mining Precinct to minimise the cumulative blasting impacts of all the mines within the precinct. <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>	<ul style="list-style-type: none"> • Blast Management Plan, December 2022 • DPHI Approval Letter dated 2/2/2023 	<p>The approved Blast Management Plan meets the requirement of this condition.</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
AIR QUALITY & GREENHOUSE GAS					
Odour					
26.	Unless otherwise authorised by an EPL, the Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	<ul style="list-style-type: none"> Community Complaints Register (2021-2024 May) Interview with Environmental Superintendent 	No specific complaints were received during the audit period with regard to odour from the site.	C	N/A
Greenhouse Gas Emissions					
27.	The Applicant must implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> MCC Air Quality and Greenhouse Gas Management Plan 2022 National Pollution Inventory (NPI) online database National Greenhouse and Energy Reporting Scheme online register NPI Report for 22/23 Maules Creek Coal Pty Ltd 1380 Financial Year NPI Report for 21/22 Maules Creek Coal Pty Ltd 1380 Financial Year Interview with Environmental Superintendent 	<p>MCC reports into the WHC annual National Greenhouse and Energy Reporting Scheme (NGERS) and NPI Reports.</p> <p>Sources of greenhouse gas emissions are fuel consumption (diesel), release of fugitive methane from the mining of coal seams, indirect emissions from consumptions and use of purchased electricity.</p> <p>The Air Quality and Greenhouse Gas Management Plan describes the measures MCC undertake to reasonably and feasibly minimise emissions.</p>	C	N/A
Additional Air Quality Mitigation Upon Request					
28.	<p>Upon receiving a written request from the owner(s) of any residence on the land listed in Table 1 (on the basis of air quality) or the land listed in Table 8, the Applicant must implement additional air quality mitigation measures (such as air filters, a first flush roof water drainage system and/or air conditioning) at the residence in consultation with the owner. These measures must be reasonable and feasible and directed towards reducing the air quality impacts of the project on the residence.</p> <p>If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No written requests for air quality mitigation measures have been received during the audit period.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations				
	<p>is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.</p> <p><i>Table 8: Land subject to additional air quality mitigation measures upon request</i></p> <table border="1"> <thead> <tr> <th>Mitigation Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Air</td> <td> Mod 6 and prior: 108-109, 115-116, 121-122 Mod 7 and 8 108-109 </td> </tr> </tbody> </table> <p><i>Note: To interpret the locations referred to in Table 8, see the applicable figure(s) in Appendix 4</i></p>	Mitigation Basis	Land	Air	Mod 6 and prior: 108-109, 115-116, 121-122 Mod 7 and 8 108-109				
Mitigation Basis	Land								
Air	Mod 6 and prior: 108-109, 115-116, 121-122 Mod 7 and 8 108-109								

Air Quality Criteria

29.	<p>Except for the air quality affected land in Table 1, the Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the project do not cause exceedances of the criteria listed in Table 9, Table 10 and Table 11 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.</p> <p>Table 9: Long-term criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> </tbody> </table> <p>Table 10: Short-term criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table>	Pollutant	Averaging period	^d Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	<ul style="list-style-type: none"> EPL Monitoring Data 2021 – June 2024 Environmental Event Report regarding dust exceedance event on 3 March 2023 Incident reporting receipt email from DPE on 16 March 2023 PM10 data investigation letter from Todoroski Air Services (TAS) dated 16 March 2023 Environmental Event Report regarding exceedance event on 12 December 2023 Email to DPE on 14 December 2023 regarding exceedance on 12 December 2023 Incident reporting receipt email from DPE on 14 December 2023 Email from DPE on 18 December 2023 regarding Pilliga Forest fire 	<p>The Site reported an exceedance recorded at TEOM 3 on 3 March 2023. TAS report showed that the elevated level of PM₁₀ was due to the bushfire in the region. The Site’s potential contribution to the PM₁₀ level were below 50 µg/m³.</p> <p>Another exceedance was recorded on 12 December 2023. The Site notified the DPE on 14 December 2023 of the exceedance of 24 hour PM₁₀ limit. The DPE replied on 18 December 2023, stating that the Department considers the Pilliga fire which impacted that air quality monitoring results was an extraordinary event. Therefore, the criteria listed in this condition does not apply to this event. The DPE</p>	C	N/A
Pollutant	Averaging period	^d Criterion																		
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																		
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																		
Pollutant	Averaging period	^d Criterion																		
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³																		

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations								
	<p>Table 11: Long-term criteria for deposited dust</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>^cDeposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a4 g/m²/month</td> </tr> </tbody> </table> <p><i>Notes to Table 9, Table 10 and Table 11:</i></p> <p>^a Total impact (ie incremental increase in concentrations due to the project plus background concentrations due to all other sources);</p> <p>^b Incremental impact (ie incremental increase in concentrations due to the project on its own);</p> <p>^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</p> <p>^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Planning Secretary.</p> <p>'reasonable and feasible avoidance and mitigation measures' includes, but is not limited to, the operational requirements in condition 33 and the requirements in conditions 33 and 34 to develop and implement a real-time air quality management system that ensures effective operational responses to the risks of exceedance of the criteria.</p>	Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month		<p>confirmed in the email that any outstanding reports already notified to the Department must still be submitted. The Site submitted the Environmental Event Report according to Appendix 9 of this Approval.</p>		
Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level										
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month										

Mine-Specific Air Quality Criteria

30.	<p>The Applicant must ensure that except for the air quality affected land in Table 1 (and subject to note 1 below for properties listed in Table 8), particulate matter emissions generated by the project do not exceed the criteria listed in Table 12 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.</p> <p><i>Table 12: Short-term criteria for particulate matter</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table>	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	<ul style="list-style-type: none"> EPL Monitoring Data 2021 – 2024 June 	<p>No exceedance was recorded under this condition during the audit period.</p>	C	N/A
Pollutant	Averaging period	^d Criterion									
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³									

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p><i>Note:</i></p> <p>1. The properties listed in Table 8 are each predicted to be impacted by an exceedance of the criteria in Table 12 on one occasion in one modelled year. For each of these properties a maximum of 5 exceedances of the criteria in Table 12 is allowed over the period covered by this approval. These allowed exceedances are limited to the project-specific emission predictions for each property and to a single exceedance for each property in any one year.</p> <p>2. As provided by the EP&A Act, the criterion in Table 12 (and the exceptions in note 1) may be amended to a more stringent criterion in an EPL, after the first review of the EPL under section 78 of the POEO Act.</p>				
Mine-owned Land					
31.	<p>The Applicant must ensure that particulate matter emissions generated by the project do not exceed the criteria listed in Table 9, Table 10 and Table 11 at any occupied residence on any mine-owned land (including land owned by adjacent mines) unless:</p> <p>(a) the tenant and landowner has been notified of health risks in accordance with the notification requirements under schedule 4 of this approval;</p> <p>(b) the tenant on project owned land can terminate their tenancy agreement without penalty, subject to giving reasonable notice, and the Applicant uses its best endeavours to provide assistance with relocation and sourcing of alternative accommodation;</p> <p>(c) air mitigation measures such as air filters, a first flush roof water drainage system and/or air conditioning) are installed at the residence, if requested by the tenant and landowner (where owned by another mine other than the Applicant);</p> <p>(d) particulate matter air quality monitoring is undertaken to inform the tenant and landowner of potential health risks; and</p> <p>(e) monitoring data is presented to the tenant in an appropriate format, for a medical practitioner to assist the tenant in making an informed decision on the health risks associated with occupying the property, to the satisfaction of the <i>Planning Secretary</i>.</p>	<ul style="list-style-type: none"> Licence Agreement to Occupy Land – Template Interview with Environmental Superintendent 	<p>MCC has in place tenancy agreements with tenants on mine owned land, which outlines to the tenant that there may be impacts from noise and dust exceeding the criteria and that health implication information can be found at NSW Mining Website (website included).</p> <p>MCC has not caused an exceedance of criteria to trigger a response to the tenants, most exceedances relate to regional events.</p> <p>MCC has received no terminations of agreements and no additional mitigations measures have been requested.</p>	C	N/A
Air Quality Acquisition Criteria					

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																										
32.	<p>If particulate matter emissions generated by the project exceed the criteria, or contribute to an exceedance of the relevant cumulative criteria, in Table 13, Table 14 or Table 15, at any residence on privately-owned land or on more than 25 percent of any privately-owned land, then upon receiving a written request for acquisition from the landowner the Applicant must acquire the land in accordance with the procedures in conditions 8-9 of schedule 4.</p> <p>Table 13: Long term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^a 90 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^a 30 µg/m³</td> </tr> </tbody> </table> <p>Table 14: Short term land acquisition criteria for particulate matter</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>^d Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 150 µg/m³</td> </tr> <tr> <td>Particulate matter < 10 µm (PM₁₀)</td> <td>24 hour</td> <td>^a 50 µg/m³</td> </tr> </tbody> </table> <p>Table 15: Long term land acquisition criteria for deposited dust</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>Maximum increase in deposited dust level</th> <th>Maximum total deposited dust level</th> </tr> </thead> <tbody> <tr> <td>^cDeposited dust</td> <td>Annual</td> <td>^b 2 g/m²/month</td> <td>^a4 g/m²/month</td> </tr> </tbody> </table> <p><i>Notes to Table 13, Table 14 and Table 15:</i> ^a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);</p>	Pollutant	Averaging period	^d Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 150 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No properties have been acquired during the audit period.	NT	N/A
Pollutant	Averaging period	^d Criterion																													
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																													
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																													
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>^b Incremental impact (i.e. incremental increase in concentrations due to the project on its own);</p> <p>^c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method;</p> <p>^d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, or any other activity agreed by the Planning Secretary.</p>				

Operating Conditions

33.	<p>The Applicant must:</p> <p>(a) implement best management practice to minimise the off-site odour, fume and dust emissions of the project, including best practice coal loading and profiling and other measures to minimise dust emissions from coal transportation by rail;</p> <p>(b) operate a comprehensive air quality management system on site that uses a combination of predictive meteorological forecasting, predictive and real time air dispersion modelling and real-time air quality monitoring data to guide the day to day planning of mining operations and implementation of both proactive and reactive air quality mitigation measures (such as relocate, modify and/or suspend operations) to ensure compliance with the relevant conditions of this approval;</p> <p>(c) manage PM2.5 levels in accordance with any requirements of an EPL;</p> <p>(d) minimise the air quality impacts of the project during adverse meteorological conditions and extraordinary events (see noted in condition 29);</p> <p>(e) minimise any visible off-site air pollution;</p> <p>(f) minimise the surface disturbance of the site generated by the project; and</p> <p>(g) co-ordinate the air quality management on site with the air quality management at other mines within the Leard Forest Mining Precinct to minimise the cumulative air quality impacts of the mines, to the satisfaction of the <i>Planning</i> Secretary.</p>	<ul style="list-style-type: none"> Air Quality & Greenhouse Gas Management Plan 2022 CoalTrak and Teledata records 	<p>The Air Quality and Greenhouse Gas Management Plan details with the management and action response to manage air quality.</p> <p>The MCC Noise Management Plan addresses the requirements of this condition. The BTM Complex Noise Management Strategy was approved by DPFI in 2024.</p> <p>Real time weather and dust monitoring is recorded in Teledata which feeds into Coal Trak for monitoring of conditions and operations every 15 minutes. The Dispatch team activates Trigger Action Response Plan (TARP) responses as required according to Coal Trak. Auditors sighted the CoalTrak data on the day of the audit and note that watercarts were manned as required by dust monitoring. No air quality or dust exceedance was reported during the audit period apart from extraordinary events.</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
Air Quality and Greenhouse Gas Management Plan					
34.	<p>The Applicant must prepare and implement an Air Quality and Greenhouse Gas Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and be submitted to the Planning Secretary for approval prior to the commencement of construction;</p> <p>(b) describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> • best management practice is being employed; • the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events; and • compliance with the relevant conditions of this consent. <p>(c) describe the proposed air quality management system;</p> <p>(d) include a risk/response matrix to codify mine operational responses to varying levels of risk resulting from weather conditions and specific mining activities;</p> <p>(e) include commitments to provide summary reports and specific briefings at CCC meetings on issues arising from air quality monitoring;</p> <p>(f) include an air quality monitoring program that:</p> <ul style="list-style-type: none"> • uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the project; • adequately supports the proactive and reactive air quality management system; • includes PM2.5 monitoring; • includes a trigger response/reactive management protocol to be used in combination with the real time PM10 monitoring sites and the site meteorological weather station • includes monitoring of occupied project-related residences and residences on air quality-affected land listed in Table 1 and Table 8, subject to the agreement of the tenant and/or landowner; • evaluates and reports on the effectiveness of the air quality management system; • includes sufficient random audit of operational responses to the real time air quality management system to determine the ongoing effectiveness of these responses in maintaining the project within the relevant criteria in this Schedule and the requirements of conditions 29 and 30 above; and • includes a protocol for determining any exceedances of the relevant conditions in this approval; and <p>(g) includes a Leard Forest Mining Precinct Air Quality Management Strategy that has been prepared in consultation with other coal mines in</p>	<ul style="list-style-type: none"> • Air Quality and Greenhouse Gas Management Plan, June 2022 • CoalTrak • BMT Air Quality Management Strategy, May 2017 	<p>The approved AQGHMP meets the requirements of this condition a) to g). The Auditor reviewed records of TARP activations in CoalTrak and has determined that appropriate actions were taken. The BMT Air Quality Management Strategy is included in the AQGHMP as Appendix B.</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>the Precinct to minimise the cumulative air quality impacts of all mines within the Precinct, that includes:</p> <ul style="list-style-type: none"> • systems and processes to ensure that all mines are managed to achieve their air quality criteria; • a shared environmental monitoring network and data sharing protocol; • control monitoring site(s) to provide real time data on background air quality levels (ie not influenced by mining from the Leard Forest Mining Precinct and representative of regional air quality); • a shared predictive and real time air dispersion model covering the Leard Forest Mining Precinct to be used for assessment of cumulative impacts, optimising location of the shared real time monitoring network, validation of air predictions and optimising mitigation measures; and • procedures for identifying and apportioning the source/s and contribution/s to cumulative air impacts for both mines and other sources, using the air quality and meteorological monitoring network and appropriate investigative tools such as modelling of post incident plume dispersion, dual synchronised monitors and chemical methods of source apportionment (where possible). <p><i>Notes:</i></p> <ul style="list-style-type: none"> • <i>The requirement for regionally based control sites can be further reviewed if a regional air monitoring network is implemented and operated by the EPA as recommended in the draft Strategic Regional Land Use Plan for New England North West.</i> • <i>The Leard Forest Mining Precinct Air Quality 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> • <i>The management plan should be consistent with the EPA's guidance on Best Management Practice reporting and Reactive Particulate Management Strategies.</i> 				
METEOROLOGICAL MONITORING					
35.	<p>For the life of the project, the Applicant must ensure that there is a meteorological station in the vicinity of the site that:</p> <p>(a) complies with the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> guideline; and</p> <p>(b) is capable of continuous real-time measurement of temperature lapse rate in accordance with the <i>NSW Noise Policy for Industry (EPA, 2017)</i>, unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.</p>	<ul style="list-style-type: none"> • Photos of the meteorological monitoring • Teledata weather monitoring 	MCC operates a meteorological station that is capable of continuous real-time measurements. The meteorological station was not accessible during the audit (due to wet weather) but photos were provided, showing that the	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			station is kept in good condition. Auditor sighted the Teledata record, showing real time data recorded from the station. The system is updated every five minutes and update CoalTrack every 15 minutes.		
35A	The Applicant must develop and implement a quality assurance and control procedure for the data collected from the meteorological monitoring station and make it available to the EPA upon request.	<ul style="list-style-type: none"> Interview with Environmental Superintendent WHC Procedure QA/QC of Meteorological Station Data (September 2023) 	The Site provided the procedure for review, which satisfies this condition. Environmental Superintendent advised that the EPA has not requested the procedure.	C	N/A
SOIL AND WATER					
	<i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain the necessary water licences for the project.</i>	<ul style="list-style-type: none"> Noted 	Noted	N/A	N/A
Water Supply					
36.	The Applicant must ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations on site, to match its available water supply to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> Annual Review 2021, 2022, 2023 	Water take is reported in the annual reviews. MCC holds a number of water access licences and bore licences which allow water take from passive allows and active pumping. Water take reported in the Annual Reviews is below the water entitlements afforded by the licences.	C	N/A
Compensatory Water Supply					
37.	The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose water supply is adversely and directly impacted (other than an impact that is negligible) as a result of the project, in consultation with DCCEW Water, and to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> Interview with Environmental Superintendent. 	None required in audit period.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the project. Equivalent water supply should be provided (at least on an interim basis) within 24 hours of the loss being identified.</p> <p>If the Applicant and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.</p> <p>If the Applicant is unable to provide an alternative long-term supply of water, then the Applicant must provide alternative compensation to the satisfaction of the Planning Secretary.</p>				
Surface Water Discharges					
38.	<p>The Applicant must ensure that any surface water discharges of mine water from the site:</p> <p>(a) are of equal or better quality than the receiving waters; and</p> <p>(b) comply with the discharge limits (both volume and quality) set for the project in any EPL.</p> <p><i>Note: The project is based on a zero discharge basis for mine water in all modelled meteorological events, however the Department acknowledges that discharge of treated water may be required to be undertaken following very extraordinary events outside modelled data, if approved under an EPL.</i></p>	<ul style="list-style-type: none"> Annual Review 2021, 2022, 2023 	<p>No non-compliances for surface water discharges were noted to have occurred during the audit period.</p>	C	N/A
Operating Conditions					
39.	<p>The Applicant must:</p> <p>(a) develop a detailed soil management protocol that identifies procedures for:</p> <ul style="list-style-type: none"> comprehensive soil surveys prior to soil stripping; assessment of top-soil and sub-soil suitability for mine rehabilitation; and annual soil balances to manage soil handling including direct respreading and stockpiling; <p>(b) maximise the salvage of suitable top-soils and sub-soils and biodiversity habitat components such as bush rocks, tree hollows and fallen timber for rehabilitation of disturbed areas within the site and for enhancement of biodiversity offset areas;</p> <p>(c) ensure that coal reject or any potentially acid forming interburden materials are not emplaced at elevations within the pit shell or out of pit emplacement areas where they may promote acid or sulphate species</p>	<ul style="list-style-type: none"> Approval of Mining Operations Plan and Assessment of Security Deposit, 23 July 2021 Soil Management Protocol, May 2023 Soil Survey and Growth Media Inventory for Rehabilitation, Landloch Pty Ltd, 12 March 2024, 23 January 2023, 25 February 2022 Site observations MCC – Draft Final Void and Mine Closure Plan, December 2020 	<p>In accordance with the Soil Management Protocol an annual soil survey is undertaken of clearing areas and other relevant disturbance area. Soil surveys are conducted by Landloch Pty Ltd. The report contains a description of soil and growth media, and stripping depths for recovery of topsoil and subsoil.</p> <p>The audit team observed various soil stockpiles at the site and were noted to be well managed.</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>generation and migration beyond the pit shell or out of pit emplacement areas;</p> <p>(d) ensure that no water can drain from an out of pit emplacement area to any watercourse or to any land beyond the lease; and</p> <p>(e) ensure that the coal barrier between the final void and any future surrounding mining operations minimises exchange of any contained groundwaters in the pit shell</p> <p>(f) design, install and maintain any new infrastructure within 40 metres of watercourses in accordance with the guidance series for Controlled Activities on Waterfront Land (DPI Water, 2012 or latest version;</p>		<p>Modelling of the groundwater aspects of final void are contained in the Final Void and Mine Closure Plan which was developed and approved prior to the audit period.</p>		
Water Management Plan					
40.	<p>The Applicant must prepare and implement a Water Management Plan for the project to the satisfaction of the Planning Secretary. This plan must be prepared in consultation with BCS, DCCEEW Water and North West LLS, by suitably qualified and experienced person/s whose appointment has been approved by the Planning Secretary, and be submitted to the Planning Secretary for approval prior to the commencement of construction.</p> <p>In addition to the standard requirements for management plans (see condition 3 of schedule 5), this plan must include:</p> <p>(a) a Site Water Balance, that:</p> <ul style="list-style-type: none"> • includes details of: <ul style="list-style-type: none"> ○ sources and security of water supply, including contingency for future reporting periods; ○ water use on site; ○ water management on site; ○ any off-site water discharges; ○ reporting procedures, including the preparation of a site water balance for each calendar year; ○ a program to validate the surface water model, including monitoring discharge volumes from the site and comparison of monitoring results with modelled predictions; and • describes the measures that would be implemented to minimise clean water use on site; <p>(b) 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 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"> ○ clean water diversion systems; 	<ul style="list-style-type: none"> • Water management Plan, March 2023 • Water management Plan ADDENDUM A, 2020 • BTM Complex Water Management Strategy, May 2019 • EPL Monitoring Data (Groundwater monitoring records) 2021 – 2024 June 	<p>The currently approved Water Management Plan and Addendum complies with this condition. The Plan includes the following appendices:</p> <ul style="list-style-type: none"> • Appendix A Site Water Balance • Appendix B Surface Water Management Plan • Appendix C Groundwater Management Plan • Appendix D BTM Complex Water Strategy <p>Groundwater monitoring is undertaken in accordance with the WMP.</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<ul style="list-style-type: none"> ○ erosion and sediment controls (dirty water system); ○ mine water management systems; ○ discharge limits in accordance with EPL requirements; ○ water storages; ○ mine access road and Maules Creek rail spur line; • detailed plans, including design objectives and performance criteria for: <ul style="list-style-type: none"> ○ design and management of final voids; ○ design and management for the emplacement of reject materials, sodic and dispersible soils and acid or sulphate generating materials; ○ design and management for construction and operation of the rail spur line and mine access road; ○ reinstatement of drainage lines on the rehabilitated areas of the site; and ○ 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"> ○ the water management system; downstream surface water quality; ○ downstream flooding impacts, including flood impacts due to the construction and operation of the rail spur line and mine access road, and flooding along Back Creek; and ○ stream and riparian vegetation health, including the Namoi River; • a program to monitor: <ul style="list-style-type: none"> ○ the effectiveness of the water management system; and ○ surface water flows and quality in the watercourses that could be affected by the project; ○ 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 <p>(c) 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 groundwater bores including a detailed survey/schedule of groundwater dependent ecosystems (including stygo-fauna and Melaleuca riparian forest communities), that could be affected by the project; • the monitoring and testing requirements specified in the PAC recommendations for groundwater management as set out in Appendix 6; 				

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<ul style="list-style-type: none"> • detailed plans, including design objectives and performance criteria, for the design and management of: <ul style="list-style-type: none"> o the proposed final void; and o coal reject and potential acid forming material emplacement; • a program to monitor and assess: <ul style="list-style-type: none"> o groundwater inflows to the open cut mining operations; o the seepage/leachate from water storages, emplacements, backfilled voids and the final void; o interconnectivity between the alluvial and bedrock aquifers; o background changes in groundwater yield/quality against mine-induced changes; o the impacts of the project on: <ul style="list-style-type: none"> ▪ regional and local (including alluvial) aquifers; ▪ groundwater supply of potentially affected landowners; ▪ groundwater dependent ecosystems (including potential impacts on stygofauna and Melaleuca riparian forest communities) 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>(d) a Leard Forest Mining Precinct Water Management Strategy that has been prepared in consultation with other mines within the Precinct to:</p> <ul style="list-style-type: none"> • minimise the cumulative water quality impacts of the mines; • review opportunities for water sharing/water transfers between mines; • co-ordinate water quality monitoring programs as far as practicable; • undertake joint investigations/studies in relation to complaints/exceedances of trigger levels where cumulative impacts are considered likely; and • co-ordinate modelling programs for validation, re-calibration and re-running of the groundwater and surface water models using approved mine operation plans. <p><i>Note: The Leard Forest Mining Precinct Water 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>				

BIODIVERSITY**Leard Forest Mining Precinct Regional Biodiversity Strategy**

41.	The Applicant must commission and fund the preparation of a Leard Forest Mining Precinct Regional Biodiversity Strategy, jointly with all other coal	Regional BTM Biodiversity Offset Strategy August 2017	The Strategy was prepared by Umwelt on behalf of NSW	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>mines within the Precinct. The Strategy must be co-ordinated through the Department (refer condition 42 below) and be prepared by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCD BCS and subsequently approved by the Planning Secretary, in the following stages:</p> <p><u>Stage 1 – Scoping Stage</u></p> <p>A scoping report for development of the Strategy must be submitted, by the end of January 2013, for endorsement by BCS and subsequent approval by the Planning Secretary. The Planning Secretary may extend this period with the agreement of BCS. The scoping report must:</p> <p>(a) include terms of reference, scope and objectives for the Strategy, including recommendations for the Strategy’s geographic extent;</p> <p>(b) identify the ongoing functions and members of the working group (see condition 42 below);</p> <p>(c) include a project management plan of the Strategy, with a time schedule, indicative dates for working group meetings, review and milestones for completion;</p> <p>(d) include a funding program for the development of the Strategy, including provision of adequate resources for the participation of working group members; and</p> <p>(e) include a consultation/communications program for the Strategy.</p> <p><i>Note: The broad terms of reference must be guided by the Planning Assessment Commission (PAC) merit reviews for the Boggabri Coal Mine (February 2012) and Maules Creek Coal Mine (March 2012) – Recommendation 1 for the development of a regional biodiversity strategy.</i></p> <p><u>Stage 2 – Strategy Development</u></p> <p>The Strategy must be developed in accordance with the approved Scoping Stage report and be submitted, by the end of January 2014, for endorsement by BCS and subsequent approval by the Planning Secretary. The Planning Secretary may extend this period with agreement of BCS.</p> <p><u>Stage 3 – Strategy Review</u></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 must be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCD and subsequently approved by the Planning Secretary. Any modifications to the Strategy arising from the review must be endorsed by BCS prior to approval by the Planning Secretary.</p>		<p>Planning & Environment in 2017 which was outside of the audit period.</p>		

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
42.	The Strategy must be prepared in collaboration with a working group containing (subject to the outcomes of the Stage 1 – Scoping Stage) representatives of the Department, BCS, the Resources Regulator, North West LLS, Council and Commonwealth DCCEEW and the other Leard Forest Mining Precinct mines; which must be chaired by a suitably qualified, experienced and independent person whose appointment has been approved by the Planning Secretary.	<ul style="list-style-type: none"> Regional BTM Biodiversity Offset Strategy August 2017 	Outside audit period.	NT	N/A
43.	<p>The cost of preparing the Strategy, including the independent chairperson and a co-ordinator to be employed by the Department must be shared equitably between the coal mines in the Leard Forest Mining Precinct on the basis of the approved clearing of remnant vegetation (including native grassland) by the mines, based on the following arrangements:</p> <p>(a) Stage 1 is to be initially funded by Boggabri Coal, with appropriate compensation from the Applicant made following the determination of the Maules Creek Coal and Tarrawonga Coal Projects and as per approved funding arrangements finalised under the Stage 1 Scoping Report;</p> <p>(b) Stage 2 is to be funded by all Leard Forest Mining Precinct mines based on the arrangements approved under the Stage 1 Scoping Report; and</p> <p>(c) Stage 3 is to be funded by all Leard Forest Mining Precinct mines based on recommendations in the approved Stage 2 Leard Forest Mining Precinct Regional Biodiversity Strategy.</p> <p><i>Note: Based on predicted clearing of native vegetation provided in the EA documents for the three projects within the Leard Forest Mining Precinct, the proposed funding split would equate to total contributions of 36% from Boggabri (clearing of 1,385 ha), 54% from Maules Creek (clearing of 2,078ha) and 10% from Tarrawonga (clearing of 397 ha). This funding arrangement may change depending upon the determination outcomes of individual projects and can be further refined in the Stage 1 Scoping Stage.</i></p>	<ul style="list-style-type: none"> Regional BTM Biodiversity Offset Strategy August 2017 	Funding of Stage 1 and 2 reports were confirmed in previous audits. Stage 3 not triggered.	NT	N/A
Biodiversity Offset Strategy					
44.	<p>The Applicant must implement the biodiversity offset strategy described in the EA, summarised in Table 16 and shown conceptually in Appendix 7, to the satisfaction of the Planning Secretary.</p> <p>Table 16: Summary of the biodiversity offset strategy (Prior to Mod 9)</p>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 MCC Revised New South Wales Biodiversity Offset Strategy, August 2015 	<p>The Annual Reviews include details around:</p> <ul style="list-style-type: none"> offset security management infrastructure management seed management, revegetation management, weed management, feral animals management, 	C	N/A

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations
	Area	Offset Type	Minimum Size (hectares)				
	Northern Offset Area currently owned or under option by Proponent	<p>Existing native woodland / forest of 4,286 ha to be protected and enhanced.</p> <p>Additional native vegetation to be established with the restoration of at least 1,470 ha of derived native grassland including 1,396 ha of derived native grassland Box Gum Woodland EEC as listed under the TSC Act.</p> <p>Additional targeted restoration of up to 58 ha of low diversity derived native grassland, pasture improved and cultivated land to provide buffer to offset and connectivity between remnant vegetation.</p> <p><i>Note: the final area of restoration of low diversity derived native grassland, pasture improved and cultivated land is subject to completion of the revised offset strategy required in condition 45</i></p>	5,756		<ul style="list-style-type: none"> soil & erosion management, grazing management, bushfire management <p>The approved/existing MCC NSW Biodiversity Offset Strategy contains long-term security of land-based offset areas and the mine site rehabilitation for conservation purposes. Offset management is undertaken by WHC Group and is not managed by MCC.</p> <p>According to Mod 9, the Site must make suitable arrangements to secure in perpetuity of Long Gully, Triangle, Neranghi North and Coonoor offset areas by 30 March 2025, unless otherwise agreed by the Planning Secretary, which is not triggered within the audit period.</p> <p>Condition 45 in Mod 9 stated that all other biodiversity areas in Table 16 apart from Long Gully, Triangle, Neranghi North and Coonoor offset areas have been secured under conservation agreements.</p>		
	Eastern Offset Area currently owned or under option by Proponent	<p>Existing native woodland / forest of 190 ha to be protected and enhanced.</p> <p>Additional targeted restoration of up to 319 ha of adjacent low diversity derived native grassland, pasture improved and cultivated land to provide buffer to offset and connectivity between remnant vegetation.</p> <p><i>Note: the final area of restoration of low diversity derived native grassland, pasture improved and cultivated land is subject to completion of</i></p>	190				

Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations
Western Offset Area including 50% Joint Venture property currently owned or under option by Proponent	<p><i>the revised offset strategy required in condition 45</i></p>	1,036				
	<p>Existing native woodland / forest of 891 ha to be protected and enhanced.</p> <p>Additional native vegetation to be established with the restoration of at least 148 ha of derived native grassland including 90 ha of derived native grassland Box Gum Woodland EEC as listed under the TSC Act and existing 7ha of Belah Woodland on property 'Velyama' to be enhanced with restoration of at least 5ha of surrounding derived native grassland to Belah Woodland.</p> <p>Additional targeted restoration of up to 368 ha of adjacent low diversity derived native grassland, pasture improved and cultivated land to provide buffer to offset and connectivity between remnant vegetation.</p> <p><i>Note: the final area of restoration of low diversity derived native grassland, pasture improved and cultivated land is subject to completion of the revised offset strategy required in condition 45.</i></p>					
Eastern Offset Area identified in the zone of affectation	<p>Existing native woodland / forest of 336 ha to be protected and enhanced.</p> <p>Additional targeted restoration of 768 ha of adjacent low diversity derived native grassland, pasture improved and cultivated land to provide buffer to offset and connectivity between remnant vegetation.</p>	336				

Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations
Western Offset Area identified in the zone of affectation	<p><i>Note: the final area of restoration of low diversity derived native grassland, pasture improved and cultivated land is subject to completion of the revised offset strategy required in condition 45.</i></p> <p>Existing native woodland / forest of 343 ha to be protected and enhanced.</p> <p>Additional targeted restoration of 156 ha of adjacent low diversity derived native grassland, pasture improved and cultivated land to provide buffer to offset and connectivity between remnant vegetation.</p> <p><i>Note: the final area of restoration of low diversity derived native grassland, pasture improved and cultivated land is subject to completion of the revised offset strategy required in condition 45.</i></p>	334				
Additional offset areas required to be included by the Proponent	<p>Additional remnant native vegetation of moderate to good condition native forest / woodland and derived native grassland to provide habitat for impacted threatened species, targeting EEC or highly cleared vegetation communities impacted by the project.</p> <p><i>Note: Location and type of offset subject to final approval as part of revised Biodiversity Strategy to be prepared by Proponent under condition 45.</i></p>	1,000				
Rehabilitation Area	<p>Except for the area of the minimised final void, pre-mining native vegetation communities</p>	2,078				

Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations
	to be re-established (including 544 ha of Box Gum Woodland EEC) for a biodiversity conservation land use objective, with the area subject to finalisation of the rehabilitation management plan as required under this approval. <i>Note: the final mix and area of native vegetation communities is subject to the approved Biodiversity Management Plan</i>	(less the area of the minimised void approved under the closure plan required under this approval)				
<i>Table 16: Summary of the Biodiversity Offset Strategy (Mod 9)</i>						
	Offset Area	Offset Type	Nominal Size of the Offset Area (ha)			
	Kelso	Existing native woodland/forest of approximately 10,547.8 ha to be protected and enhanced (including approximately 4,114.4 ha of Box-Gum Woodland [woodland form] and approximately 17.6 ha of Belah Woodland). Restoration of woodland/forest within approximately 4,327 ha of derived native grassland and/or cleared land (including approximately 1,518 ha of Box-Gum Woodland CEEC [grassland form] and approximately 5 ha of Belah Woodland).	489			
	Velyama		703			
	Louenville		213			
	Teston South		336			
	Wollandilly		804			
	Thomfield		171			
	Onavale		558			
	Roseglass		1,465			
	Bimbooria		623			
	Wirradale and Wongala South		4,447			
	Mount Lindesay		2,337			
	Triangle		742			

Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations
	Neranghi North		567			
	Coonoor		574			
	Long Gully		353			
	Teston North		205			
	Tralee		294			
		Subtotal	14,881			
	Rehabilitation Area	Except for the area of the minimised final void, pre-mining native vegetation communities to be re-established (including 544 ha of Box-Gum Woodland CEEC) for a biodiversity conservation land use objective, with the area subject to finalisation of the Rehabilitation Management Plan as required under this approval. <i>Note: the final mix and area of native vegetation communities is subject to the Rehabilitation Management Plan.</i>	2,078 (less the area of the minimised void approved under the closure plan required under this approval)			
		Total	16,959			

Revised Biodiversity Offset Strategy

45.	<p>Prior to Mod 9:</p> <p>The Proponent shall prepare and implement a revised biodiversity offset strategy for the identified offset areas in Table 16 to the satisfaction of the Planning Secretary. The revised Strategy must:</p> <p>(a) not reduce the size or quality of the proposed offset areas;</p> <p>(b) be consistent (as far as is possible) with the recommendations and objectives of the Leard Forest Mining Precinct Regional Biodiversity Strategy;</p> <p>(c) be prepared in consultation with BCD BCS, North West LLS, CCC, DPIE Crown Lands and DoEE DAWE;</p>	<ul style="list-style-type: none"> MCC Revised New South Wales Biodiversity Offset Strategy, August 2015 	Outside audit period.	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(d) identify the additional low diversity derived native grassland, cultivated land and pasture improved land to be included in the offset to provide a buffer and connectivity between core remnant habitat;</p> <p>(e) identify the additional offset land within the zone of affectation in the Eastern and Western offset areas that has been secured by the Proponent and where properties have not been secured identify substitute areas that would provide an equivalent increase in biodiversity values;</p> <p>(f) avoid inclusion of any strategic agricultural land (as defined in the final New England North West Strategic Regional Land Use Plan) in the offset areas, unless it is demonstrated that the inclusion would not have any adverse impacts on agricultural production;</p> <p>(g) identify a minimum additional 1,000 ha of offset area targeting habitat for threatened species affected by the project which includes restoration of habitat to provide an improvement in biodiversity values; and</p> <p>(h) be submitted to the Planning Secretary for approval within 30 months of the date of this approval, or within 6 months of the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy (whichever is sooner) for endorsement by BCD BCS and subsequent approval by the Planning Secretary.</p>				
	<p>The above was replaced by the following in Mod 9:</p> <p>By 30 March 2025, unless otherwise agreed by the Planning Secretary, the Applicant must make suitable arrangements to secure in perpetuity the Long Gully, Triangle, Neranghi North and Coonoor offset areas identified in Table 16, to the satisfaction of the Planning Secretary.</p> <p><i>Note: All other biodiversity areas in Table 16 have been secured under conservation agreements.</i></p>	<ul style="list-style-type: none"> N/A 	Outside audit period.	NT	N/A
45A.	By the end of December 2034 unless otherwise agreed by the Planning Secretary, the Applicant must make suitable arrangements to secure in perpetuity the Rehabilitation Area identified in Table 16, to the satisfaction of the planning Secretary	<ul style="list-style-type: none"> N/A 	Outside audit period.	NT	N/A

Agricultural Production in Offset Areas

46.	<p>Offset areas are to be managed primarily for the purposes of compensating for biodiversity impacts of the project, and improving regional biodiversity outcomes. However, to the extent that limited agricultural production on the lots purchased for offsets is compatible with these objectives, the Biodiversity Management Plan and other conditions of this approval, the Applicant must:</p> <p>(a) include in the Biodiversity Management Plan (see condition 52 below) an agricultural suitability assessment of surplus land on the offset properties, in particular for proposed corridor enhancement zones; and</p>	<ul style="list-style-type: none"> Biodiversity Management Plan 2017 MCC-Biodiversity Management Plan Addendum 2022 DPIE Approval Letter dated 24/08/2022 	Confirmed during previous audit and not changed with the Addendum 2022.	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	(b) maintain the agricultural productivity of the surplus areas.				
Vegetated Corridor between Boggabri and Maules Creek Coal Projects					
47.	For the vegetated buffer corridor required to be retained and protected under condition 7 of schedule 2 of this approval, the Applicant must: (a) use its best endeavours to work cooperatively with the Applicant of the Boggabri Coal Project to enhance the functioning of the area as a biodiversity corridor; and (b) include in the Biodiversity Management Plan (see condition 52 below) the details as to how impacts on the corridor are to be minimised, to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> Biodiversity Management Plan 2017 MCC-Biodiversity Management Plan Addendum 2022 DPIE Approval Letter dated 24/08/2022 Site observations 	<p>The auditor observed the vegetated corridor between MCC and Boggabri mine to be compliant to the condition.</p> <p>The BMP outlines controls such as clearly marking the limits of clearing, feral animal and weed control and restricting vehicle and pedestrian traffic.</p>	C	N/A
Threatened Species					
48.	For the White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland Endangered Ecological Community the Applicant must: (a) ensure that the Biodiversity Offset Strategy and site Rehabilitation Strategy is focused on protection rehabilitation, re-establishment and long-term maintenance of viable stands of this community; (b) investigate in consultation with BCS and the North West LLS, all factors likely to enhance or impede the effective long term restoration of degraded remnants of this EEC in offset areas or regeneration of this EEC on disturbed areas (both offset areas and the site); (c) within 24 months of the date of this approval (and if possible in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to maximise the prospects for rehabilitation and regeneration of this EEC on the offset areas and the site, for approval by the Planning Secretary; and (d) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 52.	<ul style="list-style-type: none"> White-Box Yellow-Box Blakely's Red-Gum Woodland Endangered Ecological Community Implementation Plan January 2015 	The Biodiversity Offset Strategy and Rehabilitation Strategy were developed and approved prior to the audit period.	NT	N/A
49.	For all threatened species on site, the Applicant must ensure that the Biodiversity Offset Strategy and Rehabilitation Strategy are focused on protection, rehabilitation and long-term maintenance of viable stands of suitable habitat for these species. <i>Note: the threatened fauna species on site include: Regent Honeyeater, Fork Tailed Swift, White Throated Needle-tail, Rainbow Bee-eater, Satin Flycatcher, Speckled Warbler, Swift Parrot, Brown Treecreeper, Diamond</i>	<ul style="list-style-type: none"> MCC Revised New South Wales Biodiversity Offset Strategy, August 2015 MCC Mine Site Rehabilitation Plan, August 2015 	As above.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<i>Firetail, Grey-crowned Babbler, Hooded Robin, Little Lorikeet, Varied Sittella, White-browed Woodswallow, Black Chinned Honeyeater, Painted Honeyeater, Little Eagle, Spotted Harrier, Black Necked Stork, Square Tailed Kite, Turquoise Parrot, Barking Owl, Masked Owl, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat, Eastern Cave Bat, Eastern Bent-wing Bat, Little Pied Bat and Koala.</i>				
50.	<p>The Applicant must:</p> <p>(a) investigate, in consultation with BCS and the North West LLS, all factors likely to enhance or impede the effective long term provision of suitable habitat(s) for the following species: Regent Honeyeater, Speckled Warbler, Brown Treecreeper, Diamond Firetail, Grey-crowned Babbler, Hooded Robin, Little Lorikeet, Varied Sittella, Black Chinned Honeyeater, Painted Honeyeater, Little Eagle, Spotted Harrier, Turquoise Parrot, Barking Owl, Masked Owl, Eastern False Pipistrelle, Greater Long-eared Bat, Yellow-bellied Sheath Tail Bat and Little Pied Bat;</p> <p>(b) within 24 months of the date of this approval (and if possible, in conjunction with Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy), submit a report of this investigation and provide an implementation plan to ensure delivery of suitable areas of viable habitat for the species included in (a) above, for approval by the Planning Secretary; and</p> <p>(c) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 52.</p> <p><i>Note: the species listed in (a) are those identified in the Director-General's Assessment Report as likely to be significantly impacted by the project.</i></p>	<ul style="list-style-type: none"> MCC Revised New South Wales Biodiversity Offset Strategy, August 2015 MCC Mine Site Rehabilitation Plan, August 2015 	As above.	NT	N/A
Aquatic Habitat					
51.	<p>Prior to the design and construction of the permanent Namoi water pipeline and pump station, the Applicant must consult with DPI Fisheries regarding the general operation and design of the pump station and screens to minimise entrainment of fish. The Proponent must implement all reasonable and feasible recommendations from DPI Fisheries to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> Email DPI to MCC, 30/4/2019 	<p>No updates since last audit.</p> <p>A permanent water pump and pipeline has not been installed.</p> <p>A temporary pump (currently not in water) is in use, the set-up of which has been consulted with DPIE and DPI Fisheries. MCC has implemented recommendations for installation of caging and screens to minimise entrainment of fish.</p>	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
Biodiversity Management Plan					
52.	<p>The Applicant must prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared in consultation with BCS, Commonwealth DCCEEW, CCC, and the North West LLS, and be submitted to the Planning Secretary for approval prior to commencement of construction;</p> <p>(b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;</p> <p>(c) describe the short, medium, and long term measures that would be implemented to:</p> <ul style="list-style-type: none"> • manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and • implement the biodiversity offset strategy (if and when applicable), including detailed performance and completion criteria; <p>(d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);</p> <p>(e) include a detailed description of the measures that would be implemented including the procedures to be implemented for:</p> <ul style="list-style-type: none"> • enhancing the quality of existing vegetation and fauna habitat; • restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features; • maximising the salvage of resources within the approved disturbance area – including vegetative, top and sub-soils and cultural heritage resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area; • collecting and propagating seed; • minimising the impacts on fauna on site, including undertaking pre-clearance surveys; • improving the connectivity and corridor function of the offset areas to provide an east/west corridor to the Namoi River and demonstrating that this corridor is enhanced and maintained; • managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological); • managing salinity; • controlling weeds and feral pests; • controlling erosion; • managing grazing and agriculture on site, including detailed assessment of the suitability of grazing for conservation management outcomes; • controlling access; and • bushfire management; 	<ul style="list-style-type: none"> • Biodiversity Management Plan 2017 • MCC-Biodiversity Management Plan Addendum 2022 • DPIE Approval Letter dated 24/08/2022 	<p>The current approved Biodiversity Management Plan meets the requirements of this condition.</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(f) include a seasonally-based program to monitor and report on the effectiveness of these measures, and progress against the detailed performance and completion criteria;</p> <p>(g) identify the potential risks to the successful implementation of the biodiversity offset strategy, and include a description of the contingency measures that would be implemented to mitigate against these risks; and</p> <p>(h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.</p> <p><i>Note: The Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.</i></p>				
53	<p>The Applicant must revise the Biodiversity Management Plan within 30 months of the date of this approval or within 6 months after the completion of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy, whichever is sooner. The revised plan must:</p> <p>(a) be prepared in consultation with BCS, Commonwealth DCCEEW, Forestry NSW, DPHI Crown Lands, the CCC and the North West LLS;</p> <p>(b) demonstrate consistency with the findings of Leard Forest Mining Precinct Regional Biodiversity Strategy; and</p> <p>(c) include any implementation plans arising from the studies required under conditions 48 and 50 of this approval, to the satisfaction of the Planning Secretary</p>	<ul style="list-style-type: none"> Biodiversity Management Plan 2017 MCC-Biodiversity Management Plan Addendum 2022 DPIE Approval Letter dated 24/08/2022 	The current Biodiversity Management Plan and Addendum was approved by the DPIE.	C	N/A

Long Term Security Offset

54.	<p>Prior to Mod 9:</p> <p>The Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas:</p> <p>(a) for the offsets in Table 16 that are not subject to final approval as part of the revised Biodiversity Offset Strategy, the long-term security shall be provided by way of:</p> <ul style="list-style-type: none"> the Proponent entering into a conservation agreement or agreements pursuant to section 69B of the National Parks and Wildlife Act 1974, recording the obligations assumed by the Proponent under the conditions of this approval in relation to these offset areas, and registering the agreement(s) pursuant to section 69F of the National Parks and Wildlife Act 1974 ; or a tenure of higher conservation status such as a National Park, or Nature Reserve, under the National Parks and Wildlife Act 1974, <p>The conservation agreement(s) must be registered by December 2014 unless agreed otherwise by the Planning Secretary after</p>	<ul style="list-style-type: none"> Conservation Agreements 	Long term security of offsets is provided by Conservation Agreements.	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>consultation with BCS. The conservation agreements must remain in force in perpetuity;</p> <p>(b) within 12 months of the approval of Stage 2 of the Leard Forest Mining Precinct Regional Biodiversity Strategy, unless otherwise agreed by the Planning Secretary, for the offsets in Table 16 identified as subject to final approval as part of the revised Biodiversity Offset Strategy; and</p> <p>(c) by the end of December 2034, unless otherwise agreed by the Planning Secretary, for the Rehabilitation Area identified in Table 16, to the satisfaction of the Planning Secretary.</p> <p>ABOVE REPLACED BY CONDITION 45A in Mod-9</p>				
Conservation Bond					
55.	<p>Within 6 months of the approval of the revised Biodiversity Management Plan required under condition 52 above (whichever is sooner), the Applicant must review and update as necessary the ledge-a Conservation and Biodiversity Bond with the Department to ensure that the biodiversity offset strategy is implemented in accordance with the performance and completion criteria of the Biodiversity Management Plan. The sum of the bond must be determined by:</p> <p>(a) calculating the full cost of implementing the biodiversity offset strategy (other than land acquisition costs); and</p> <p>(b) employing a suitably qualified quantity surveyor to verify the calculated costs</p> <p>to the satisfaction of the Planning Secretary.</p> <p>If the biodiversity offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Planning Secretary, the Planning Secretary will release the bond.</p> <p>If the biodiversity offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Planning Secretary will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works.</p> <p>With the agreement of the Planning Secretary, this bond may be combined with rehabilitation security deposit administered by the Resources Regulator.</p> <p><i>Note: Alternative funding arrangements for long term management of the Biodiversity Offset Strategy, such as provision of capital and management funding as agreed by BCS as part of a Biobanking or Biodiversity Stewardship Agreement transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.</i></p>	<ul style="list-style-type: none"> 2021 IEA 	Confirmed by previous audit.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
Biodiversity Audit					
56.	<p>By the end of December 2017 and then every 5 years, unless the Planning Secretary agrees otherwise, the Applicant must commission suitably qualified, experienced and independent person/s, whose appointment has been approved by the Planning Secretary, to undertake an audit of the revegetation of the rehabilitation area, management and restoration within the Biodiversity Offset Strategy areas to the satisfaction of the Planning Secretary. This audit must:</p> <p>(a) include consultation with BCS, North West LLS, DPHI Crown Lands, Commonwealth DCCEEW, CCC and the Resources Regulator;</p> <p>(b) assess the performance of the revegetation in the rehabilitation area completed to date against the completion criteria in the Rehabilitation Management Plan;</p> <p>(c) assess the performance of management and restoration in the off-site Biodiversity Offset Strategy areas completed to date against the completion criteria in the Biodiversity Management Plan;</p> <p>(d) identify any measures that should be implemented to improve the performance of rehabilitation, management and restoration within the rehabilitation and biodiversity offset areas; and</p> <p>(e) if the completion criteria have not been met, or are not adequately trending towards being met, determine the likely ecological value of the rehabilitation and restoration once completed, and recommend additional measures to augment the Biodiversity Offset Strategy to ensure that it adequately offsets the project's impacts on biodiversity.</p> <p>If the audit recommends the implementation of additional measures to augment the Biodiversity Offset Strategy in accordance with (e) above, then within 6 months of the completion of the audit the Applicant must revise the Biodiversity Offset Strategy, in consultation with the Department, BCS and Commonwealth DCCEEW, and to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent • Independent Biodiversity Audit (dated September 2023) • Independent Biodiversity Audit (dated April 2018) 	<p>Independent Biodiversity Audit was conducted in August 2023 with report dated September 2023. The previous audit conducted in December 2017 (report dated April 2018). The Site received an extension request approval from the DPE until the 30 September 2023, therefore the audit timeframe is considered compliant.</p> <p>The auditor was endorsed by the Department of Planning and Environment. The audit included the listed items required in this condition. No additional measures are required to augment the Biodiversity Offset Strategy.</p>	C	N/A
HERITAGE					
Aboriginal Heritage Conservation Strategy					
57	The Applicant must prepare and implement an Aboriginal Heritage Conservation Strategy for the project and the Biodiversity Offset Strategy areas to the satisfaction of the Planning Secretary. This Strategy must enhance and conserve the Aboriginal cultural heritage values (both cultural	BTM Aboriginal Heritage Conservation Strategy, September 2017	Compliance was confirmed in previous audits.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>and archaeological) and provide for their long-term protection and management. The Strategy must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with BCS, the local Aboriginal community and other mines within the Leard Forest Mining Precinct, and submitted to the Planning Secretary for approval within 18 months from the date of project approval;</p> <p>(c) identify the Aboriginal cultural heritage values of the Biodiversity Offset Strategy areas;</p> <p>(d) identify areas of high Aboriginal cultural heritage significance within both the site and the Leard Forest Mining Precinct;</p> <p>(e) identify a range of options for enhancing and conserving Aboriginal cultural heritage values, with specific consideration of the potential for the long-term protection and management of significant sites within either the site, the Biodiversity Offset Strategy areas or other lands within the Leard Forest Mining Precinct identified as having high cultural heritage significance to the Aboriginal community; and</p> <p>(f) consider cumulative impacts and potential for developing joint initiatives with other mines within the Leard Forest Mining Precinct for enhancing and conserving Aboriginal cultural heritage values.</p> <p><i>Notes: Known Aboriginal sites are shown on the plans in Appendix 8.</i></p>				

Heritage Management Plan

58.	<p>The Applicant must prepare and implement a Heritage Management Plan for the project to the satisfaction of the Planning Secretary. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with the BCS, North West LLS and the local Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);</p> <p>(c) be submitted to the Planning Secretary for approval prior to any development that may impact heritage items, unless the Planning Secretary agrees otherwise;</p> <p>(d) include the following for the management of Aboriginal heritage:</p> <ul style="list-style-type: none"> • a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy; • a detailed archaeological salvage program for Aboriginal sites/objects within the approved disturbance area, including methodology and procedures/protocols for: <ul style="list-style-type: none"> ◦ sub-surface testing; staged salvage, based on anticipated mine planning; 	<ul style="list-style-type: none"> • DPIE Approval Letter of Aboriginal Archaeology & Cultural Heritage Management Plan dated 24/8/2022 • Aboriginal Archaeology and Cultural Heritage Management Plan, August 2022 • DPIE Approval Letter of Historic Heritage Management Plan dated 16/3/2022 • Historic Heritage Management Plan March 2022 	<p>The approved Archaeology & Cultural Heritage Management Plan and Historic Heritage Management Plan shows that this condition is satisfied.</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<ul style="list-style-type: none"> ◦ if relevant, historic heritage salvage at the Lawler’s Waterhole site; ◦ pre-disturbance monitoring; ◦ site assessment and reporting; ◦ research objectives to inform knowledge of Aboriginal occupation; ◦ protection, storage and management of salvaged Aboriginal objects; ◦ addressing relevant statutory requirements under the National Parks and Wildlife Act 1974; and ◦ long term protection of salvaged Aboriginal objects; • a description of the measures that would be implemented for: <ul style="list-style-type: none"> ◦ protecting, monitoring and managing Aboriginal sites on the site which are outside of the approved disturbance area; ◦ maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on the site and within the Biodiversity Offset Strategy areas; ◦ managing the discovery of any human remains or previously unidentified Aboriginal objects on site, including (in the case of human remains) stop work provisions and notification protocols; ◦ ongoing consultation of the local Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on-site and within any Aboriginal heritage conservation areas; ◦ ensuring any workers on site receive suitable heritage inductions prior to carrying out any activities which may disturb Aboriginal sites, and that suitable records are kept of these inductions; ◦ a strategy for the storage and management of any heritage items salvaged on site, both during the project and long term; <p>(e) include the following for the management of historic heritage: a detailed plan of management measures for maintaining or enhancing the heritage values of heritage items on project-related land which are outside of the approved disturbance area;</p> <ul style="list-style-type: none"> • a description of the measures that would be implemented for: <ul style="list-style-type: none"> ◦ managing the discovery of human remains or previously unidentified heritage items on site; and ◦ ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions. <p><i>Note: The Department acknowledges that the initial Heritage Management Plan may not include a detailed plan for the implementation of the Aboriginal Heritage Conservation Strategy. If this occurs, the Applicant will be required to update the plan as soon as practicable following the Planning Secretary’s approval of the Aboriginal Heritage Conservation Strategy.</i></p>				

TRANSPORT

Road Upgrade and Maintenance

Note: Under the Roads Act 1993, the Applicant may require separate approvals from RMS, NSW Forests and/or Council as the appropriate roads authorities prior to construction of, closure of or conducting mining operations within public roads.

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
59.	The Applicant must construct, operate and maintain the rail bridge over the Kamilaroi Highway for the shared section of the Boggabri rail spur line to the satisfaction of RMS, and must make all necessary contributions to the costs associated with construction, maintenance and decommissioning of this bridge to the satisfaction of the Planning Secretary. <i>Note: all costs should be shared on an equitable basis with the Applicant of the Boggabri Coal Project.</i>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 Interview with Environmental Superintendent 	Rail spur line was not constructed or upgraded during the audit period.	NT	N/A
60.	The Applicant must meet RMS's requirements for road intersection upgrades for all State roads used by the project, including upgrading the intersection of Manilla Road and the Kamilaroi Highway to provide a channelised right turn in accordance with Austroads guidelines. <i>Note: Any upgrades should be undertaken on an equitable basis with the Applicant of the Boggabri Coal Project.</i>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered	NT	N/A
61.	The Applicant must upgrade and seal the unsealed section of Manilla Road between its intersections with the Tarrawonga Coal mine access road and Barbers Lagoon Road, to the satisfaction of RMS	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered	NT	N/A
62.	The Applicant must ensure that there is no substantial access of heavy vehicles for construction activity to the site prior to the upgrade referred to in condition 61 above, to the satisfaction of the Planning Secretary. However, the Planning Secretary may approve heavy vehicle access to the site prior to or during this upgrade, subject to the Applicant demonstrating that dust impacts can be minimised in accordance with an approved Traffic Management Plan.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered	NT	N/A
63.	Deleted	N/A	N/A	N/A	N/A

Traffic Management Plan

64	The Applicant must prepare and implement a Traffic Management Plan for the project to the satisfaction of the Planning Secretary. This plan must: (a) be prepared in consultation with the RMS, Council and Gunnedah Council; (b) propose an appropriate program and schedule for works required under conditions 59 - 61 above; and (c) include: <ul style="list-style-type: none"> a description of measures for managing workforce fatigue, road safety and school bus interaction; a description of measures to minimise dust from unsealed roads that may be used for access to the site; a code of conduct for drivers of heavy and light vehicles; 	<ul style="list-style-type: none"> Traffic Management Plan, March 2023 	Compliance was confirmed in the previous audit. Reviews have been done to address Project Approval Modifications and DPE comments.	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<ul style="list-style-type: none"> nominated heavy vehicle access routes for construction and operational stages, including details on volumes and nature of heavy, over size and/or over mass vehicles; a proposed program for implementing the findings of the road safety audit identified in the EA; performance criteria, measures and indicators for shuttle bus utilisation and car-pooling in accordance with the commitments in the EA; and a monitoring program to audit vehicle movements against predictions in the EA. 				
Monitoring of Coal Transport					
65.	<p>The Applicant must:</p> <p>(a) keep records of the:</p> <ul style="list-style-type: none"> amount of coal transported from the site (on a monthly basis); and date and time of each train movement generated by the project; and <p>(b) make these records available on its website at the end of each calendar year.</p>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 	Reported in the annual review and available on WHC website	C	N/A
Rail Transport					
66.	<p>Within 12 months of the completion of the Gunnedah Traffic Study, the Applicant must:</p> <p>(a) liaise with Gunnedah Shire Council regarding the study recommendations, including mitigating impacts of coal transportation by rail on road safety and congestion in the Gunnedah LGA due to closures of rail level crossings; and</p> <p>(b) provide a report of the outcomes of this liaison and identify reasonable and feasible proposals recommended by the Applicant and/or the Gunnedah Shire Council towards implementing the Study's recommendations,</p> <p>to the satisfaction of the Planning Secretary.</p> <p><i>Note: Any contribution by the Applicant should be on an equitable basis with other coal project rail users.</i></p>	<ul style="list-style-type: none"> 2021 IEA 	Prior to audit period.	NT	N/A
VISUAL					
Operating Conditions					
67.	<p>The Applicant must:</p> <p>(a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project;</p> <p>(b) ensure no outdoor lights shine above the horizontal;</p>	<ul style="list-style-type: none"> Site observations Lighting Review by EMM (2024) Community Complaint Register (2021-2024 May) 	<p>Lighting review was prepared by EMM in February 2024 showed that:</p> <ul style="list-style-type: none"> the illuminance at all viewpoints were within the allowable criteria set 	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(c) wherever possible, ensure that mobile equipment is appropriately designed and/or retrofitted to prevent light being directed above the horizontal;</p> <p>(d) ensure that all external lighting associated with the project complies with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting or its latest version;</p> <p>(e) provide for the establishment of trees and shrubs and/or the construction of mounding or bunding:</p> <ul style="list-style-type: none"> • along the access road to the mine site; • along the Maules Creek rail spur line; • around the water storage dams; and • at other areas identified as necessary for the maintenance of satisfactory visual amenity; <p>(f) ensure that the visual appearance of all buildings, structures, facilities or works (including paint colours and specifications) is aimed at blending as far as possible with the surrounding landscape, to the satisfaction of the Planning Secretary.</p>		<p>out by AS 4282 and compliant to (d);</p> <ul style="list-style-type: none"> • all fixed outdoor lights were compliant to (a) and (b); • mobile equipment were fitted with task-appropriate light fittings and compliance with (c); <p>and therefore deemed to be compliant with this condition.</p> <p>The audit team verified the establishment of trees, shrubs, earth bunds adequate to provide visual screening.</p> <p>No lighting or visual impact complaints have been received during the audit period.</p>		

Additional Visual Impact Mitigation

68.	<p>Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations and infrastructure on-site during the project, the Applicant must implement additional visual impact mitigation measures (such as landscaping treatments or vegetation screens) to reduce the visibility of the mining operations and infrastructure from the residences on the privately-owned land.</p> <p>These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe.</p> <p>If the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.</p> <p>Notes:</p> <ul style="list-style-type: none"> • <i>The additional visual impact mitigation measures must be aimed at reducing the visibility of the mining operations on site from significantly affected residences, and do not require measures to reduce the visibility of the mining operations from other locations on the affected properties.</i> 	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	<p>No requests have been received during the audit period.</p>	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<ul style="list-style-type: none"> The additional visual impact mitigation measures do not necessarily have to include the implementation of measures on the affected property itself (i.e. the additional measures could involve the implementation of measures outside the affected property boundary that provide an effective reduction in visual impacts). Except in exceptional circumstances, the Planning Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 7.5 kilometres from the mining operations. 				

BUSHFIRE MANAGEMENT

69.	<p>The Applicant must:</p> <p>(a) ensure that the project is suitably equipped to respond to any fires on site; and</p> <p>(b) assist the Rural Fire Service, Forestry NSW Forests, emergency services and National Parks and Wildlife Services as much as possible if there is a fire in the surrounding area.</p>	<ul style="list-style-type: none"> Annual Reviews 2021, 2022, 2023 Email from DPIE dated 18 December 2023 Interview with Environmental Superintendent 	<p>There were no bushfire or ecological burns in the 2021 reporting period due to excessive fuel moisture and above average rainfall.</p> <p>Similar to 2021, 2022 reporting period experienced high rainfall and moisture. Only a brief window in June 2022 to allow two grassland ecological burns with 9.8 and 49.2 hectares burnt with moderate intensity.</p> <p>In 2023 reporting period, annual fuel load monitoring was undertaken between September and November. Three bushfires, three woodland ecological burns and one controlled burn occurred during the year. Environmental Superintendent reported no bushfire or burns in 2024 to date. Email from the Department on 18 December suggested that Pilliga Forest fire was impacting the air quality of the area and did not raise other concerns.</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			During years with bushfire risks, the Site maintained a 584km of fire trails to a zero fuel barrier standard. WHC maintains regular communications with both the Liverpool Range and Namoi-Gwydir Zone RFS teams around planning of other WHC BOA site ecological burn programs as well as providing WHC emergency contacts. WHC maintains a specialist firefighting contractor for an on call engagement during the fire season to respond in the event of a bushfire on WHC BOAs and non-mining lands.		

WASTE

70.	The Applicant must: (a) implement all reasonable and feasible measures to minimise the waste (including coal reject) generated by the project; (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and (c) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review.	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 Site observations 	Waste streams and quantities are reported in the Annual Review. Auditors observed during the site walk that the waste generated onsite was appropriately stored and handled.	C	N/A
70A.	The Applicant must ensure that waste tyres generated by the project are appropriately stored, handled and disposed of, and beneficial reuse/ recycling options implemented in accordance with any requirements of an EPL.	<ul style="list-style-type: none"> Appendix A2 of report 	Refer to Table A2 of this report	C	N/A

REHABILITATION**Rehabilitation Objectives**

71.	The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the project under the	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 	Final rehabilitation has not been reached. Progressive	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
	<p>Mining Act 1992. This rehabilitation must be generally consistent with the proposed Rehabilitation Strategy described in the EA and comply with the objectives in Table 17.</p> <p>Table 17: Rehabilitation objectives</p> <table border="1" data-bbox="249 449 1202 1709"> <thead> <tr> <th data-bbox="249 449 724 518">Feature</th> <th data-bbox="733 449 1202 518">Objective</th> </tr> </thead> <tbody> <tr> <td data-bbox="249 525 724 667">Mine site</td> <td data-bbox="733 525 1202 667">Safe, stable and non-polluting Constructed landforms drain to the natural environment.</td> </tr> <tr> <td data-bbox="249 674 724 919">Final void</td> <td data-bbox="733 674 1202 919">Minimise the size and depth of the final void as far as is reasonable and feasible Minimise the drainage catchment of the final void as far as is reasonable and feasible</td> </tr> <tr> <td data-bbox="249 926 724 1068">Surface infrastructure</td> <td data-bbox="733 926 1202 1068">To be decommissioned and removed, unless the Resources Regulator agrees otherwise</td> </tr> <tr> <td data-bbox="249 1075 724 1528">All land, other than the final void</td> <td data-bbox="733 1075 1202 1528">Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"> • local native plant species; and • a landform consistent with the surrounding environment, in accordance with the Revised Biodiversity Offset Strategy (see condition 45) and Biodiversity Management Plan (see condition 53). </td> </tr> <tr> <td data-bbox="249 1535 724 1709">Community</td> <td data-bbox="733 1535 1202 1709">Ensure public safety Minimise the adverse socio-economic effects associated with mine closure</td> </tr> </tbody> </table> <p><i>Note: Appropriate non-native sterile plants may be used for stabilisation and dust suppression purposes on a temporary basis, if required.</i></p>	Feature	Objective	Mine site	Safe, stable and non-polluting Constructed landforms drain to the natural environment.	Final void	Minimise the size and depth of the final void as far as is reasonable and feasible Minimise the drainage catchment of the final void as far as is reasonable and feasible	Surface infrastructure	To be decommissioned and removed, unless the Resources Regulator agrees otherwise	All land, other than the final void	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"> • local native plant species; and • a landform consistent with the surrounding environment, in accordance with the Revised Biodiversity Offset Strategy (see condition 45) and Biodiversity Management Plan (see condition 53). 	Community	Ensure public safety Minimise the adverse socio-economic effects associated with mine closure	<ul style="list-style-type: none"> • Rehabilitation Management Plan dated November 2023 • Maules Creek Mine Complex Forward Program 1 January 2024 to 31 December 2026 	<p>rehabilitation to date has been in line with the defined strategy</p>		
Feature	Objective																
Mine site	Safe, stable and non-polluting Constructed landforms drain to the natural environment.																
Final void	Minimise the size and depth of the final void as far as is reasonable and feasible Minimise the drainage catchment of the final void as far as is reasonable and feasible																
Surface infrastructure	To be decommissioned and removed, unless the Resources Regulator agrees otherwise																
All land, other than the final void	Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"> • local native plant species; and • a landform consistent with the surrounding environment, in accordance with the Revised Biodiversity Offset Strategy (see condition 45) and Biodiversity Management Plan (see condition 53). 																
Community	Ensure public safety Minimise the adverse socio-economic effects associated with mine closure																

Progressive Rehabilitation

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
72.	<p>The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim rehabilitation strategies must be employed when areas prone to dust generation cannot yet be permanently rehabilitated.</p> <p><i>Note: It is accepted that some parts of the site that are progressively rehabilitated may be subject to further disturbance at some later stage of the development.</i></p>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 Rehabilitation Management Plan dated November 2023 Maules Creek Mine Complex Forward Program 1 January 2024 to 31 December 2026 	Rehabilitation is undertaken on a progressive basis according to the Rehabilitation Management plan and performance reported in the Annual Reviews and the forward program.	C	N/A

Rehabilitation Management Plan

73.	<p>The Applicant must prepare and implement a Rehabilitation Management Plan in accordance with the conditions imposed on the mining lease(s) associated with the project under the Mining Act 1992. This plan must:</p> <p>(a) be prepared in consultation with the Department, MEG, Forestry NSW, DCCEEW Water, BCS, North West LLS and Council;</p> <p>(b) be submitted to the Resources Regulator within 6 months from the date of this approval;</p> <p>(c) be prepared in accordance with any relevant NSW Government mining rehabilitation guidelines;</p> <p>(d) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity management plan;</p> <p>(e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);</p> <p>(f) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, and address all aspects of rehabilitation including mine closure, final landform, and final land use;</p> <p>(g) include interim rehabilitation where necessary to minimise the area exposed for dust generation;</p> <p>(h) include a program to monitor, independently audit and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and</p> <p>(i) build to the maximum extent practicable on the other management plans required under this approval.</p> <p><i>Note: In particular the Biodiversity Management Plan and Rehabilitation Management Plan need to be substantially integrated for achieving biodiversity objectives for the rehabilitated mine-site.</i></p>	<ul style="list-style-type: none"> Rehabilitation Management Plan dated November 2023 DPHI approval of Rehabilitation Management Plan dated 29 April 2024 	The approved Rehabilitation Management Plan addresses the requirements a) to i) of this condition.	C	N/A
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Final Void Design and Closure

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
74.	<p>The Applicant must prepare and implement an updated Final Void and Mine Closure Plan (as a component of the overall Rehabilitation Management Plan required under condition 73 of schedule 3) to the satisfaction of the Resources Regulator, following consultation with the Planning Secretary. A draft plan must be prepared and submitted to the Resources Regulator by the end of December 2020, and a final plan must be prepared and submitted to the Resources Regulator by the end of December 2026. Each version of the plan must:</p> <p>(a) be subject to independent review and verification by suitably qualified, experienced and independent person/s (including a groundwater expert) whose appointment has been approved by the Planning Secretary;</p> <p>(b) identify and consider:</p> <ul style="list-style-type: none"> options for continued mining beyond current project life; interactions with the final landform of adjoining mines (including any direct or indirect interaction between final voids); opportunities for integrated mine planning with adjoining mines to minimise environmental impacts of the mines' final landforms; all reasonable and feasible landform options for the final void (including filling); predicted stability of the proposed landforms; and predicted hydrochemistry and hydrogeology (including long-term groundwater recovery and void groundwater quality); <p>(c) include a detailed proposed landform design; and</p> <p>(d) demonstrate that the proposed final landform:</p> <ul style="list-style-type: none"> satisfies the relevant objectives in Table 17; minimises the extent of any resulting pit lake; avoids salt scalding; maximises the capacity of emplaced spoil to drain to the natural environment; and <p>ensures that drained waters do not adversely affect the downstream environment.</p>	<ul style="list-style-type: none"> MCC – Draft Final Void and Mine Closure Plan, December 2020 2021 IEA report 	<p>Previous audit confirmed the Draft Final Void and Mine Closure Plan was submitted to DPIE in December 2020. Final plan is not due for submission until the end of 2026.</p>	NT	N/A

SOCIAL**Agricultural Property on Project Owned Land**

75.	<p>The Applicant must use its best endeavours to ensure that the agricultural productivity of land that is project related and owned by the Applicant (including remaining agricultural land on properties forming the biodiversity offset area) is maintained or enhanced.</p> <p><i>Note: This does not include land where disturbance is permitted under the conditions of this approval, or land that is conserved under a conservation agreement, a biodiversity stewardship site, or land dedicated to other biodiversity conservation measures.</i></p>	<ul style="list-style-type: none"> Licence Agreement to Occupy Land 	<p>The WHC Licence Agreements to Occupy Land contains conditions on the use of agricultural products so as not to affect productivity.</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
Agricultural Production on land acquired due to impacts on residential receivers					
76.	The Applicant must ensure that any properties primarily used for agricultural production that are acquired by the Applicant due to impacts on residential receivers continue to be operated and maintained for sustainable agricultural production, unless they have been incorporated into an approved biodiversity offset area. This condition ceases to have effect if the Applicant disposes of the property.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No properties have been acquired during the audit period.	NT	N/A
Construction Workforce Accommodation					
77.	<p>Prior to construction activities commencing, the Applicant shall prepare and implement a Construction Workforce Accommodation Plan, in consultation with Council, and to the satisfaction of the Planning Secretary. The plan must:</p> <p>(a) provide details of the construction workforce numbers throughout all stages of construction including local vs. non-local hiring; and</p> <p>(b) demonstrate that the construction workforce can be suitably housed in approved accommodation facilities.</p>	<ul style="list-style-type: none"> N/A 	Not triggered, outside of audit period.	NT	N/A
Social Impact Management Plan					
78.	<p>The Applicant must prepare and implement a Social Impact Management Plan for the project to the satisfaction of the Planning Secretary to manage the potential impacts of the project. This plan must:</p> <p>(a) be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be prepared in consultation with Council, Gunnedah Shire Council, the CCC, Aboriginal stakeholders and other relevant Government agencies and service providers, other mine operators in the Leard Forest Mining Precinct and submitted to the Planning Secretary for approval within 12 months of project approval;</p> <p>(c) take into consideration relevant actions related to social impacts identified in the Strategic Regional Land Use Plan for New England North West;</p> <p>(d) identify the social impacts resulting from the various stages of the project (including construction, operational and decommissioning stages) in both the local and regional context, including but not limited to:</p> <ul style="list-style-type: none"> soft infrastructure such as housing, medical, education, childcare and emergency services; hard infrastructure such as local and regional roads and rail; economic/business development; workforce demand/supply factors, such as training needs; and labour availability impacts on other sectors, such as agricultural enterprises; 	<ul style="list-style-type: none"> Social Impact Management Plan, February 2022 DPIE Letter of approval dated 15 March 2022 	The approved Social Impact Management Plan satisfies the requirements of this condition.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(e) identify proposed initiatives for promoting workforce opportunities for residing in the area/region as opposed to FIFO/DIDO;</p> <p>(f) include a management and mitigation program to minimise and/or mitigate social impacts which at a minimum incorporates the socio-economic mitigation initiatives identified in the EA, and</p> <p>(g) include a monitoring program, incorporating key performance indicators and a review and reporting protocol, including reporting in the annual review.</p>				

SCHEDULE 4 – ADDITIONAL PROCEDURES

NOTIFICATION OF LANDOWNERS/TENANTS

1.	<p>Within 3 months of the date of this approval, the Applicant must:</p> <p>(a) notify in writing the owners of:</p> <ul style="list-style-type: none"> the land listed in Table 1 of schedule 3 that they have the right to require the Applicant to acquire their land at any stage during the project; any residence on the land listed in Table 1 and 2 of schedule 3 that they have the right to request the Applicant to ask for additional noise and/or air quality mitigation measures to be installed at their residence at any stage during the project; and any privately-owned land within 2 kilometres of the approved open cut mining pit/s that they are entitled to ask for an inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; <p>(b) notify the tenants of any mine-owned land of their rights under this approval; and</p> <p>(c) send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the owners and/or existing tenants of any land (including mine-owned land) where the predictions in the EA identify that dust emissions generated by the project are likely to be greater than the relevant air quality criteria in schedule 3 at any time during the life of the project.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered in audit period.	NT	N/A
2.	<p>Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended dust and/or noise criteria, or for any of the land listed in Table 1 that is subsequently purchased by the Applicant, the Applicant must:</p> <p>(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time);</p> <p>(b) advise the prospective tenants of the rights they would have under this approval; and</p>	<ul style="list-style-type: none"> Licence Agreement to Occupy Land Interview with Environmental Superintendent 	The WHC Licence Agreement to Occupy Land advises tenants of their rights under the approval.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	(c) request the prospective tenants consult their medical practitioner to discuss the air quality monitoring data and predictions and health impacts arising from this information, to the satisfaction of the Planning Secretary.				
3.	<p>As soon as practicable after obtaining monitoring results showing:</p> <p>(a) an exceedance of the relevant criteria in schedule 3, the Applicant must notify the affected landowner in writing of the exceedance, and provide regular monitoring results to each of these parties until the project is complying with the relevant criteria again; and</p> <p>(b) an exceedance of the relevant air quality criteria schedule 3, the Applicant must send to the affected landowners and/or existing tenants of the land (including the tenants of any mine-owned land) a copy of:</p> <ul style="list-style-type: none"> the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and the monitoring data, in an appropriate format so that a medical practitioner can assist the resident in making an informed decision on the health risks associated with occupation of the property 	<ul style="list-style-type: none"> EPL Monitoring Data 2021 – 2024 (June) Interview with Environmental Superintendent Annual reviews 	Not triggered as no exceedances in audit period.	NT	N/A

INDEPENDENT REVIEW

Landowners

4.	<p>If an owner of privately-owned land considers the project to be exceeding the criteria in schedule 3, then he/she may ask the Planning Secretary in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Planning Secretary is satisfied that an independent review is warranted, then within 2 months of the Planning Secretary's decision, the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Planning Secretary, to:</p> <ul style="list-style-type: none"> consult with the landowner to determine his/her concerns; conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and if the project is not complying with these criteria then: <ul style="list-style-type: none"> determine if the more than one mine is responsible for the exceedance, and if so the relative share of each mine towards the impact on the land; identify the measures that could be implemented to ensure compliance with the relevant criteria; and <p>(b) give the Planning Secretary and landowner a copy of the independent review.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered in audit period.	NT	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
5.	<p>If the independent review determines that the project is complying with the relevant criteria in schedule 3, then the Applicant may discontinue the independent review with the approval of the Planning Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant criteria, and that the project is primarily responsible for this non-compliance, then the Applicant must:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until the project complies with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria, to the satisfaction of the Planning Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant acquisition criteria, and that the project is primarily responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant must acquire all or part of the landowner's land in accordance with the procedures in condition 8-9 below.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered in audit period.	NT	N/A
6.	<p>If the independent review determines that the relevant criteria are being exceeded, but that more than one mine is responsible for this exceedance, then together with the relevant mine/s the Applicant must:</p> <p>(a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent expert, and conduct further monitoring until there is compliance with the relevant criteria; or</p> <p>(b) secure a written agreement with the landowner and other relevant mine/s to allow exceedances of the relevant impact assessment criteria, to the satisfaction of the Planning Secretary.</p> <p>If the independent review determines that the project is not complying with the relevant acquisition criteria in schedule 3, but that more than one mine is responsible for this non-compliance, then upon receiving a written request from the landowner, the Applicant must acquire all or part of the landowner's land on as equitable a basis as possible with the relevant mine/s, in accordance with the procedures in conditions 8-9 below.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered in audit period.	NT	N/A
Biodiversity & Heritage					
7.	<p>If a person has good reason to believe the Applicant is not implementing the biodiversity and/or heritage conditions in schedule 3 satisfactorily, then he/she may ask the Planning Secretary in writing for an independent review of the matter.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Not triggered in audit period.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>If the Planning Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:</p> <ul style="list-style-type: none"> ◦ consult with the person and/or any relevant agencies; ◦ investigate the person's complaints/claims; ◦ review the environmental performance of the Applicant; ◦ determine whether the Applicants performance is satisfactory or not; and if necessary <ul style="list-style-type: none"> • recommend measures to improve the Applicants performance; and <p>(b) give the Secretary and complainant a copy of the independent review.</p>				
LAND ACQUISITION					
8.	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the project, having regard to the:</p> <ul style="list-style-type: none"> ◦ existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and ◦ presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional mitigation measures required under condition 2 of schedule 3; <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> ◦ relocating within the Tamworth, Narrabri, Gunnedah or Moree local government area, or to any other local government area determined by the Planning Secretary; and ◦ obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	Not triggered in audit period.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>Upon receiving such a request, the Planning Secretary must request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> ◦ consider submissions from both parties; ◦ determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; ◦ prepare a detailed report setting out the reasons for any determination; and ◦ provide a copy of the report to both parties. <p>Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in paragraphs (a)-(c) above, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.</p> <p>Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination.</p> <p>If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Secretary determines otherwise.</p>				
9.	The Applicant must pay all reasonable costs associated with the land acquisition process described in condition 8 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	<ul style="list-style-type: none"> ▪ Interview with Environmental Superintendent 	Not triggered in audit period.	NT	N/A

SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

1.	The Applicant must prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Planning Secretary. The strategy must:	<ul style="list-style-type: none"> • DPIE (DPHI) Approval Letter of Environmental Management Strategy dated 11/12/2023, 11/6/2024 	Environmental Management Strategy addresses all requirements of this	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(a) be submitted to the Planning Secretary for approval prior to the commencement of construction;</p> <p>(b) provide the strategic framework for environmental management of the project;</p> <p>(c) identify the statutory approvals that apply to the project;</p> <p>(d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;</p> <p>(e) describe the procedures that would be implemented to:</p> <ul style="list-style-type: none"> ◦ keep the local community and relevant agencies informed about the operation and environmental performance of the project; ◦ receive, handle, respond to, and record complaints; ◦ resolve any disputes that may arise during the course of the project; ◦ respond to any non-compliance; ◦ respond to emergencies; and <p>(f) include:</p> <ul style="list-style-type: none"> ◦ copies of any strategies, plans and programs approved under the conditions of this consent; and ◦ a clear plan depicting all the monitoring to be carried out in relation to the project. 		<p>condition and has been approved by DPIE (DPHI).</p>		

Adaptive Management

2.	<p>The Applicant must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Applicant must at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other courses of action; and</p> <p>(c) implement remediation measures as directed by the Planning Secretary, to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> • Interview with Environmental Superintendent • Correspondence between MCC and DPIE related to incidents 	<p>The auditor has reviewed correspondence and reports related to incidents that have occurred during the audit period and concludes that MCC has taken all reasonable and feasible steps to ensure exceedances cease and do not reoccur and have complied with the requirements of the Department.</p>	C	N/A
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Management Plan Requirements

3.	<p>The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p>	<ul style="list-style-type: none"> ■ MCC Management Plans 	<p>Management plans required by this Approval have been prepared in accordance with this condition.</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(b) a description of:</p> <ul style="list-style-type: none"> ◦ the relevant statutory requirements (including any relevant consent, licence or lease conditions); ◦ any relevant limits or performance measures/criteria; ◦ the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria (d) a program to monitor and report on the:</p> <ul style="list-style-type: none"> ◦ impacts and environmental performance of the project; ◦ effectiveness of any management measures (see c above); <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the project over time;</p> <p>(g) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> ◦ incidents; ◦ complaints; ◦ non-compliances with statutory requirements; and ◦ exceedances of the impact assessment criteria and/or performance criteria; and <p>(h) a protocol for periodic review of the plan.</p>				

Annual Review

4.	<p>By the end of March each year, the Applicant must review the environmental performance of the project for the previous calendar year to the satisfaction of the Planning 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>	<ul style="list-style-type: none"> • Annual review 2021, 2022 and 2023 	<p>The Annual Reviews include the details required by this condition.</p>	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and (f) describe what measures will be implemented over the next year to improve the environmental performance of the project.				
Revision of Strategies, Plans and Programs					
5.	<p>Within 3 months of the submission of an:</p> <p>(a) annual review under condition 4 above;</p> <p>(b) incident report under condition 8 below;</p> <p>(c) audit under condition 10 below; or</p> <p>(d) any modification to the conditions of this approval, the Applicant must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Planning Secretary.</p> <p>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</p>	<ul style="list-style-type: none"> Management Plan register 	<p>Management plans are reviewed, revised and submitted to DPHI as required by this condition.</p> <p>MCC maintains a comprehensive register detailing the nature of revisions and submission dates. Each plan contains a revisions register which also details the revisions made for each review.</p>	C	N/A
Management of Cumulative Impacts					
6.	In conjunction with the owners of the nearby mines in the Leard Forest Mining Precinct, the Applicant must use its best endeavours to minimise the cumulative impacts of the project on the surrounding area, to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> Minutes from BTM Environment monthly meeting 2021-2024 BTM CCC meeting minutes 	<p>Monthly environment meetings are held with the other mine sites which is attended by at least one representative of each mine. There is a standing agenda which includes cumulative impacts such as groundwater, water sharing, noise strategy, vegetation corridor management, joint strategies and land ownership.</p> <p>A joint CCC is convened once per year.</p>	C	N/A
Community Consultative Committee					
7.	The Applicant must establish and operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Planning Secretary. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative	<ul style="list-style-type: none"> Minutes of the Boggabri – Tarrawonga – Maules Creek Community Consultative Committee 2021-2024 	<p>Meeting minutes are available on the WHC website.</p>	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>Committees for Mining Projects (Department of Planning, 2007, or its latest version), and be operating within 6 months of the date of this approval.</p> <p>The CCC must include at least one member representing the Maules Creek community, one member from Aboriginal stakeholder groups, and seek to include some joint membership with CCCs for other operating coal mines within the Leard Forest Mining Precinct, unless otherwise agreed by the Planning Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Applicant complies with this approval; and In accordance with the Department's guideline, the CCC should be comprised on an independent chair and appropriate representation from the Applicant, Council, recognised environmental groups and the local community. 				

REPORTING

Incident Reporting

8.	The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 9.	<ul style="list-style-type: none"> Various incident notifications 	<p>MCC stated, notification of incidents has been made in writing via the Major Projects website during the audit period. ERM reviewed notification emails which state notifications made to the department and additional agencies.</p> <p>The auditor reviewed incident notifications for incidents reported on 3/10/2019, 23/1/2020, 14/2/2020 and 3/12/2020. Incident reports were submitted within 7 days as required.</p>	C	N/A
8A	The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.	<ul style="list-style-type: none"> Various incident notifications 	The auditor sighted correspondence confirming that written details of incidents within the audit period are provided within 7 days of the applicant becoming aware of a non-compliance.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
8B	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	<ul style="list-style-type: none"> Various incident notifications 	Notifications were observed to contain the information required by this condition.	C	N/A
8C	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A

Regular Reporting

9.	The Applicant must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	<ul style="list-style-type: none"> https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/ 	Reports of environmental performance and monitoring are provided on the company website.	C	N/A
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AUDITING

Independent Environmental Audit

10.	<p>By the end of June 2015 and every 3 years thereafter, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <p>a) Be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020 or as updated).</p> <p>(b) Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.</p> <p>(c) The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Independent Audit Post Approval Requirements (2020 or as updated), upon giving at least 4 weeks' notice (or timing) to the Proponent Applicant of the date upon which the audit must be commenced.</p> <p>(d) In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020 or as updated), the Proponent Applicant must:</p> <ul style="list-style-type: none"> review and respond to each Independent Audit Report; submit the response to the Planning Secretary; and make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary. unless otherwise agreed by the Secretary. 	<ul style="list-style-type: none"> MCC-Independent Environmental Audit-2021 and Response https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/ 	<p>The last audit was conducted in July 2021, which is three years from the current audit.</p> <p>This audit was agreed by DPHI as shown in Appendix B and C.</p> <p>2021 report and response are publicly available on the WHC website.</p>	C	N/A
11.	Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the	<ul style="list-style-type: none"> 2021 Independent Environmental Audit and Response to Audit Recommendations 	Due to COVID-19 pandemic, the Site visit for the previous audit was	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	Independent Audit Post Approvals Requirements (2020 or as updated) unless otherwise agreed by the Planning Secretary.		undertaken on 15-16 December 2021. It was submitted in in March 2022. The department was notified and considered it to generally satisfy the reporting requirements.		

ACCESS TO INFORMATION

12.	<p>The Applicant must:</p> <p>(a) within 3 months of the date of this approval, make the following information publicly available on its website:</p> <ul style="list-style-type: none"> ◦ the EA; ◦ all current statutory approvals for the project; ◦ approved strategies, plans and programs required under the conditions of this approval; ◦ a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the various plans and programs approved under the conditions of this approval; ◦ a complaints register, which is to be updated on a monthly basis; ◦ minutes of CCC meetings; ◦ the last five annual reviews; ◦ any independent environmental audit, and the Applicant's response to the recommendations in any audit; ◦ any other matter required by the Planning Secretary; and <p>(b) keep this information up to date, to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> • https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/ 	The required information is available on the company website.	C	N/A
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On-line Communication of Onsite Activities and Monitoring of Noise and Air Quality

13.	<p>The Applicant must, within 3 months of the date of this approval:</p> <p>(a) make the following information for the project publicly available on its website, on a daily basis and in a clearly understandable form:</p> <ul style="list-style-type: none"> ◦ daily weather forecasts for the coming week; ◦ proposed operational responses to these weather forecasts; ◦ real-time noise and air quality monitoring data (subject to any necessary caveats); and ◦ any operational responses that were taken in response to the noise and air quality monitoring data, and <p>(b) make provision on its website for the provision of on-line and/or email comments by members of the community regarding this information, to the satisfaction of the Planning Secretary.</p>	<ul style="list-style-type: none"> • Whitehaven Coal website • Non-Compliance Notification (No Date) • Post Approval Document submission confirmation (dated 23 May 2024) • Interview with Environmental Superintendent 	The Site received a query from the Department of Planning regarding dust report in May 2024. The Site found that air quality and noise monitoring data was not available on the website on a daily basis, specially during days when the environmental team is not onsite. The Site self reported to the Department on 23 May 2024 regarding this non-compliance. It was rectified immediately	NC	Non-compliance has been rectified. No further action required.
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			through updating the website with the required information, and implementing a new roster system to publish the data. A new automated system was then developed and launched to enable automated update of the website to ensure compliance.		

APPENDIX 1: SCHEDULE OF LAND

APPENDIX 2: PROJECT LAYOUT PLANS

Figure 1: Mine Site Location

Figure 2: Infrastructure Area

Figure 3: Maules Creek Coal Mine Rail Spur Line connecting into the shared spur line (in red) and Boggabri Coal Mine Rail Spur Line.

Figure 4: Transmission Lines and Switching Station

Figure 5: Final Landform

APPENDIX 3: GENERAL TERMS OF PLANNING AGREEMENT

APPENDIX 4: LAND OWNERSHIP

APPENDIX 4A: 35 dB(A) NOISE CONTOUR MARKED IN BLUE

APPENDIX 5: MAULES CREEK COAL PROJECT CONSOLIDATED STATEMENT OF COMMITMENTS

Mining Operations

1.	Maules Creek Coal will extract coal at a rate of up to 13 Mtpa for 21 years, generally in accordance with this EA.	Refer to CoA	Refer to CoA Schedule 2 Condition 6	C	N/A
2.	Maules Creek Coal will seek the appropriate licences and approvals as relevant to the Project and listed in Table 9.	Refer to CoA	MCC holds the required approvals.	C	N/A
3.	Maules Creek Coal must surrender its existing development consent DA 85/1819 following the grant of the Project Approval.	Refer to CoA	Refer CoA Schedule 2 Condition 10. Outside audit period	NT	N/A

Environmental Management

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
4.	The Applicant will develop a staged EMS in consultation with relevant regulators (and the Aboriginal community where relevant) to the approval of DP&I which must comprise: <ul style="list-style-type: none"> Environmental Management Strategy; Environmental Monitoring Program (incorporating air quality, noise, blasting, ecology, Aboriginal heritage, surface water and groundwater); Construction Management Plan; Air Quality Management Plan; Noise Management Plan; Flora and Fauna Management Plan (including Land Disturbance Protocol); Biodiversity Offsets Management Plan; Rehabilitation Management Plan; Aboriginal Archaeology and Cultural Heritage Management Plan; Water Management Plan (including groundwater and surface water); Traffic and Transport Management Plan; Bushfire Management Plan; and Hazardous Materials Management Plan. 	<ul style="list-style-type: none"> DPIE (DPHI) Approval Letter of Environmental Management Strategy dated 11/12/2023, 11/6/2024 	MCC has developed and implemented the required management plans	C	N/A
5.	Maules Creek Coal will continue to consult with the Namoi CMA in relation to the preparation and implementation of the environmental management plans for the Project.	<ul style="list-style-type: none"> Email to North West Local Land Services on 28 March 2024 Email chain between the site and North West Local Land Services from 23 June 2021 to 9 August 2021 	The Namoi CMA has been replaced by North West Local Land Services. Consultation has continued to occur with the regards to the revision of the approved management.	C	N/A

Air Quality

6.	Maules Creek Coal will utilise leading practice technologies and initiatives as required to seek to achieve the air quality outcomes described in this EA.	Refer to CoA	Refer to CoA	C	N/A
7.	Maules Creek Coal will undertake regular monitoring of greenhouse gas emissions and energy efficiency initiatives to ensure that Scope 1 greenhouse gas emissions per tonne of product coal are kept to the minimum practicable level.	Refer to CoA	Refer to CoA	C	N/A
8.	Maules Creek Coal will install a real time air quality monitoring network in consultation with OEH. Consultation will also occur with Boggabri and Tarrawonga Coal Mines in an attempt to develop an holistic network for the region.	Refer to CoA	Refer to CoA	C	N/A
9.	Maules Creek Coal will install a real time meteorological monitoring system with predictive air quality modelling software capabilities at locations selected in consultation with OEH. Consultation will also occur with Boggabri and Tarrawonga Coal Mines in an attempt to develop an holistic	Refer to CoA	Refer to CoA	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	network for the region. The monitoring component of this system will include a PM2.5 monitor at a location representative of the receivers located within the Maules Creek Community.				
Noise and Blasting					
10.	Maules Creek Coal will implement the necessary noise control and management measures as required to seek to ensure that the EA predicted noise levels at private receivers as listed in Table 23 are not exceeded.	Refer to CoA	Refer to CoA	C	N/A
11.	Maules Creek Coal will install a real time noise monitoring system at locations selected in consultation with OEH. Consultation will also occur with Boggabri and Tarrawonga Coal Mines in an attempt to develop an holistic network for the region.	Refer to CoA	Refer to CoA	C	N/A
Visual					
12.	Should a landholder within 7.5 km of the active mining area consider they are experiencing high visual impact as a result of the Project, Maules Creek Coal will carry out a specific visual assessment from the residence and develop any management and mitigation measures required in consultation with the landholder and DP&I.	Refer to CoA	Refer to CoA No requirement to develop any management or mitigation measures have been trigger by landholders under this condition.	NT	N/A
13.	Night time operations will be undertaken behind barriers, particularly in exposed areas to reduce direct night lighting impacts to neighbouring receivers.	Refer to CoA	Barriers are utilised where required.	C	N/A
14.	Infrastructure lighting will consist of horizontal lights with hoods and louvers in elevated and exposed areas utilising low brightness lights to the level necessary for operational and safety requirements to minimise adverse night lighting impacts.	Refer to CoA	Refer to CoA Schedule 3 Condition 67	C	N/A
Ecology					
15.	Maules Creek Coal will design and construct the CHPP, MIA and water storages within the Project Disturbance Boundary to minimise impacts upon CEEC within the constraints of cost effective engineering practicality.	Refer to CoA	Completed prior to audit period.	NT	N/A
16.	Maules Creek Coal will progressively rehabilitate mined areas with a focus on the Project EA reestablishment of existing forest and woodland communities.	Refer to CoA	Refer to CoA	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
17.	Maules Creek Coal will establish the Biodiversity Offset Strategy as described in this EA to initially maintain and ultimately improve the ecological values of the Bioregion.	Refer to CoA	Refer to CoA	C	N/A
Aboriginal Archaeology and Cultural Heritage					
18.	The salvage and the protection of all known Aboriginal objects within the Project Boundary will be managed in accordance with an Aboriginal Archaeology and Cultural Heritage Management Plan to be developed in consultation with the local Aboriginal community and OEH.	Refer to CoA	Refer to CoA	C	N/A
19.	Maules Creek Coal will consult with Boggabri Coal Mine and contribute to the establishment and ongoing funding of a keeping place for the purpose of housing salvaged Aboriginal artefacts from the local area.	Refer to CoA	Confirmed in previous audit period.	C	N/A
20.	Maules Creek Coal will provide the opportunity for one representative of the Aboriginal community to be a member of the Maules Creek CCC.	<ul style="list-style-type: none"> Maules Creek Coal Community Consultative Committee February 2024, October 2023 	CCC meeting minutes indicates that there has been an absence of Aboriginal Representative in the CCC due to the internet reception is unstable for targeted people. The CCC is making an effort to seek a representative.	C	N/A
21.	Maules Creek Coal will offer training packages to members of the Red Chief Local Aboriginal Lands Council in relation to site recording, artefact recording and basic analysis.	<ul style="list-style-type: none"> 2021 IEA 	Completed in previous audit periods.	C	N/A
Non Indigenous Heritage					
22.	Maules Creek Coal will compile an Oral History report for any landowners which are identified to be adversely impacted by the Project and who are acquired in accordance with conditions of Project Approval.	<ul style="list-style-type: none"> 2021 IEA 	Completed in the previous audit period.	C	N/A
23.	Maules Creek Coal will ensure that the Heritage items located on its landholdings will be adequately managed and preserved in accordance with the requirements under the Heritage Act.	Refer to CoA	Refer to CoA	C	N/A
Water Resources					
24.	Maules Creek Coal will continue to monitor groundwater ingress and impacts on surrounding privately owned bores. In the unlikely event that it is demonstrated that water levels in existing landholder bores decline as a consequence of the Project, leading to an adverse impact on water supply,	<ul style="list-style-type: none"> Water Management Plan Interview with Environmental Superintendent 	Refer CoA. No compensatory water has been requested.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	the supply will be substituted by Maules Creek Coal in consultation with the landholder either by deepening the bore, construction of a new bore or providing comparable water from an external source.				
25.	Maules Creek Coal will use reasonable endeavours to, in consultation with Boggabri Coal Mine and Tarrawonga Mine, develop a groundwater monitoring network to monitor the predicted groundwater impacts from mining.	<ul style="list-style-type: none"> Water Management Plan (Appendix C Groundwater Management Plan) 	Refer CoA. A cumulative impacts monitoring bore network has been developed in consultation with the Boggabri and Tarrawonga coal mines. The locations of the bores are based on recommendations from Maules Creek Coal Project Environmental Impact Statement 2011.	C	N/A
26.	Maules Creek Coal will conduct water quality monitoring of the seepage / runoff from the OEAs.	<ul style="list-style-type: none"> Water Management Plan 	Water quality monitoring is undertaken at a number of sediment dams as well as in the mine void.	C	N/A
27.	<p>Maules Creek Coal will use reasonable endeavours to obtain water access licence allocation to account for the capture and use of water from the various Water Sharing Plans that apply to the Project in accordance with the provisions of the WM Act and its Regulations.</p> <p>Auditor's note- below is an abstract of the Varied Enforceable Undertaking:</p> <p>4.1 For the purpose of section 336E of the WM Act, MCCPL undertakes to:</p> <ol style="list-style-type: none"> construct approved highwall dams 8, 9, 10 and 11 and all associated works by no later than 25 March 2022 or a later date agreed in writing by NRAR operate approved highwall dams 8, 9, 10 and 11 and all associated works for the purpose of transferring captured clean water runoff from undisturbed catchments into a tributary of Back Creek, in accordance with the water management plan under the SSD Consent operate the already constructed and approved Western Clean Water Diversion and all associated works for the purpose of transferring captured clean water runoff from undisturbed catchments into a tributary of Back Creek, in accordance with the water management plan under the SSD Consent decommission sediment dam number 7/MC10 and re-establish the historical natural drainage line at the location of these storages 	<ul style="list-style-type: none"> Varied Enforceable Undertaking dated 28 June 2022 Letter to NRAR dated 16 March 2022 Email with letter attached to NRAR dated 7 June 2023 Letter from DPE approving Water Management Plan dated 6 April 2023 Water Management Plan dated March 2023 Water Management Plan Addendum A dated 2020 Water Management Plan Addendum B dated 2022 Interview with Environmental Intendent Biodiversity management plan Addendum A dated June 202, and approval letter from DPE dated 24 August 2022 Highwall Dams monitoring data (April 2022 to April 2024) 	During the previous IEA audit period, the Natural Resource Access Regulator (NRAR) commenced proceedings against MCC for operating water take without an approved Water Access Licence. The Varied Enforceable Undertaking was dated 28 June 2022 which is within this audit period.	C	The non-compliance was dated prior to this audit period and all actions from the Enforceable Undertaking has been closed out. Non-compliance was recorded in the last IEA.

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>within the rail corridor by no later than 28 July 2023 or a later date agreed in writing by NRAR</p> <p>e. submit an updated water management plan for approval under the SSD Consent by 30 November 2021 or a later date agreed in writing by NRAR</p> <p>f. submit an updated biodiversity management plan for approval under the SSD Consent by 30 June 2022 or a later date agreed in writing by NRAR.</p> <p>5.1 MCCPL agrees to</p> <p>a. Provide NRAR with a written report detailing the completion of the construction of each approved Highwall Dam 8,9,10 and 11 and all associated works, within 14 days of the completion of each of those works;</p> <p>b. With respect to the works described in 4.1 (d):</p> <p>i. Provide NRAR with the written progress report on the status of these works by 30 December 2022</p> <p>ii. From 4 July 2022 until Sediment Dam 7/MC10 is decommissioned, carry out weekly monitoring of the water level in Sediment Dam 7/MC 10;</p> <p>iii. From 4 August 2022 until Sediment Dam 7/MC10 is decommissioned, provide NRAR with a monthly email report which records the weekly monitoring of the water level in Sediment Dam 7/MC10 for the previous month to evidence that water in the dams has not been extracted or utilised during the previous month; and provide NRAR with a written report detailing the completion of the decommissioning of Sediment Dam 7/MC10 and re-establishment of the historical natural drainage line at the location of these storages within the rail corridor, within 14 days of the completion of all the works;</p> <p>c. Make and keep electronic records of the volume of clean water runoff captured and released from Highwall Dams 8,9,10 and 11 and the Western Clean Water Diversion Dam;</p> <p>d. Measure the clean water runoff captured and released by the Highwall Dams and the Western Clean Water Diversion as follows:</p> <p>i. install and maintain dedicated water level sensors in each dam;</p> <p>ii. maintain related equipment for continuous monitoring of the water level within each dam (at least one measurement per hour); and</p> <p>iii. install and maintain a flow meter with data logger for each pipe that exits each dam;</p> <p>e. from 1 June 2022, report the details of the clean water runoff captured and released by the Highwall Dams and the Western Clean Water Diversion quarterly on the publicly accessible website for the Mine and to NRAR within 7 business days of a request by NRAR</p>		<p>been decommissioned due to the change in size of the catchment. The approval of the change is granted by the approval of the Water Management Plan Addendum B.</p> <p>c. The operation of Western Clean Water Diversion is documented in the approved Water Management plan Addendum A.</p> <p>d. The Site notified NRAR on the 7 June 2023 that the work has been completed according to this condition.</p> <p>e. The Water Management Plan Addendum A was submitted on 30 November 2021 which was then published on the Site website.</p> <p>f. The Biodiversity management plan Addendum A dated June 2022 was approved by the DPE on 24 August 2022 according to this condition.</p> <p>c-d. The Site published the Highwall Dams monitoring data as required by this condition from April 2022 to April 2024</p>		

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	(from time to time), The details must include a table recording each rain event on a daily time step and the: <ol style="list-style-type: none"> rainfall depth; volume of clean water that entered each dam; volume of clean water that was pumped out of each dam; volume of clean water that spilled out of each dam; and volume of clean water that was discharged to the receiving environment by the Highwall Dams and Western Clean Water Diversion. 				

Geochemical

28	PAF coal rejects materials and the roof and floor of these PAF coal seams will be co-disposed with overburden in pit or within encapsulated cells within the Northern OEA.	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 	<p>MCC state they continue to manage and check for potential PAF material and dispose of this material as per the requirements of the MOP.</p> <p>Any mineral waste material within the operation that is determined to be potentially acid forming (PAF) are placed (buried) in the OEA or within mined-out sections of the open cut and covered with non-acid generating material at a location to minimise further oxidation. Additional management measures are detailed in the approved MOP.</p>	C	N/A
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Traffic

29.	Reasonable endeavours will be made to ensure that Project related traffic does not utilise the following public roads unless they are travelling to a specific destination along that route (such as residence, monitoring location, near neighbour etc.): Harparary Road from Leard Forest Road to the Kamilaroi Highway; Leard Forest Road between Northern Loop Road and Harparary Road; Therribri Road between the Mine Access Road and Harparary Road and the entire length of Browns Lane.	<ul style="list-style-type: none"> Traffic Management Plan dated March 2023 	Section 3.4 of the TMP outlines that access is restricted on the roads outlined in commitment 29 and includes mitigation measures such as signage and annual traffic audits	C	N/A
30.	Maules Creek Coal will use reasonable endeavours to work with other Gunnedah Basin coal projects and the relevant roads authorities in	<ul style="list-style-type: none"> Traffic Management Plan dated March 2023 	Section 3.5 of the TMP outlines various mitigation and control measures to	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	managing safety issues on the road network related to mining within the Narrabri and Gunnedah LGAs.		manage safety issues on the roads impacted by MCC.		
31.	Maules Creek Coal will use reasonable endeavours to work with other Gunnedah Basin coal miners and the ARTC to encourage management strategies to ensure that the rail network can continue to handle the forecast additional rail movements.	N/A	Managed through Hunter Valley Access Undertaking.	C	N/A
32.	Prior to the construction of the rail spur overpass within the easement of the Kamilaroi Highway, Maules Creek Coal will consult with all relevant regulatory authorities and will develop a Construction Management Plan for the works (including traffic control and management) in consultation with the RTA.	N/A	Not triggered	NT	N/A
Community					
33.	Maules Creek Coal will implement the management strategies as described within Section 7.20.9 of this EA, in order to monitor and address the possible impacts of the Project upon the socioeconomic environment.	<ul style="list-style-type: none"> Social Impact Management Plan 	The SIMP outlines commitments and details for each of the items in the EA Section 7.20.9.	C	N/A
34.	Maules Creek Coal offers to enter into an appropriate VPA on terms it will seek to agree with NSC and GSC.	<ul style="list-style-type: none"> 2021 IEA 	MCC has a VPA with Narrabri Shire Council.	C	N/A
35.	Maules Creek Coal will maintain the agricultural productivity of its landholdings that are not utilised for mining or biodiversity offsets.	Refer to CoA	Refer to CoA	C	N/A
Reporting					
36.	Maules Creek Coal will prepare an Annual Review (which summarises monitoring results and reviews performance) and distribute it to the relevant regulatory authorities and the Maules Creek CCC.	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 	Refer to CoA Schedule 5 Condition 4	C	N/A

APPENDIX 6: PLANNING ASSESSMENT COMMISSION – GROUNDWATER RECOMMENDATIONS FOR GROUNDWATER AND HYDRO-CHEMICAL MONITORING

1.	The proposed 17 additional monitoring bores be equipped with water level or pore pressure monitoring transducers installed at vertical separations such that the future impacts of strata depressurisation can be adequately measured and mapped.	<ul style="list-style-type: none"> Water Management Plan Appendix C Groundwater Management Plan 	The approved Water Management Plan stated that the requirements under Appendix 6 has been completed.	C	N/A
2.	Core tests to be conducted to assess the distribution and variability of hydraulic conductivities of (unfractured) interburden at sufficient number of bore locations to quantify porous groundwater flow and storage contributions associated with interburden.				

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
3.	XRD-XRF analyses to be undertaken on core samples obtained at a sufficient number of bore locations to establish mineralogy of interburden likely to be exposed to pit re-saturation.				
4.	Hydrochemical modelling to be undertaken in order to determine the long term void water quality. This study should include batch reaction (full saturation) trials on waste interburden (spoils) to confirm hydrochemical modelling outcomes.				

APPENDIX 7: BIODIVERSITY OFFSET STRATEGY

Figure 1: Proposed biodiversity offset strategy properties

Figure 2: Vegetation Communities on Northern Offset Properties

Figure 3: Vegetation communities Eastern and Western Offset Areas

Figure 4: Identified Offset Areas within Eastern and Western Offset Properties

Table 1: Summary of Vegetation Communities by Proposed Offset Properties

APPENDIX 8: ABORIGINAL HERITAGE SITES

APPENDIX 9 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Document details	
DOCUMENT TITLE	Table A2 - EPL
DOCUMENT SUBTITLE	Compliance with Environment Protection Licence (EPL) 20221
PROJECT NUMBER	0738674
Date	03-06-24
Version	01
Author	Andrew Lewis, Leanne Lee
Client name	Whitehaven Coal

Audit period = 23 July 2021 to 9 July 2024

Note:

- (~~Strikethrough~~) Removed according to Licence variation Date 06 December 2023
- 04-Aug-2023 Pollution reduction program conditions U1, U2 and U3 have been added to the Licence.
- 06-Dec-2023 Conditions U1, U2, U3 and the subhead "Pollution Studies and Reduction Programs" have been removed.

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
A1 What the licence authorises and regulates																	
A1.1	This licence authorises the carrying out of the scheduled development work listed below at the premises listed in A2: Construction of mine related infrastructure.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A												
A1.2	<p>This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.</p> <p>Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>> 5000000 T annual handing capacity</td> </tr> <tr> <td>Crushing, grinding and separating</td> <td>Crushing, grinding, and separating</td> <td>> 2000000 T annual processing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>> 5000000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 5000000 T annual handing capacity	Crushing, grinding and separating	Crushing, grinding, and separating	> 2000000 T annual processing capacity	Mining for coal	Mining for coal	> 5000000 T annual production capacity	<ul style="list-style-type: none"> Annual Reviews 2021, 2022, 2023 	<p>The Annual Reviews indicated ROM volumes of:</p> <ul style="list-style-type: none"> 2021 - 12,379,894 tonnes 2022 - 10,204,445 tonnes 2023 - 11,653,467 tonnes 2024 - projected 11,700,000 tonnes <p>With saleable product being indicated at:</p> <ul style="list-style-type: none"> 2021 - 9,368,961 tonnes 2022 - 8,764,822 tonnes 2023 - 7,217,970 tonnes 2024 - projected 8,900,000 tonnes 	C	N/A
Scheduled Activity	Fee Based Activity	Scale															
Coal works	Coal works	> 5000000 T annual handing capacity															
Crushing, grinding and separating	Crushing, grinding, and separating	> 2000000 T annual processing capacity															
Mining for coal	Mining for coal	> 5000000 T annual production capacity															
A2 Premises or plant to which this licence applies																	
A2.1	<p>The licence applies to the following premises:</p> <p>Premises Details</p> <p>MAULES CREEK COAL MINE</p> <p>THERRIBRI ROAD</p> <p>BOGGABRI</p> <p>NSW 2382</p> <p>THE LAND BOUND WITHIN THE "MAULES CREEK PROJECT BOUNDARY" IDENTIFIED IN THE MAP ATTACHED TO THE NOTICE OF MODIFICATION FOR PROJECT APPROVAL (APPLICATION NUMBER 10_0138) DATED 10 MARCH 2014 (DOC14/325335).</p> <p>Note: The Lot and DP details of the shared rail spur have been excluded from the licence as they are included on environment protection licence no. 12407.</p>	<ul style="list-style-type: none"> Note 	Noted	Note	N/A												
A3 Other Activities																	
5.	<p>This licence applies to all other activities carried on at the premises, including:</p> <ul style="list-style-type: none"> Ancillary Activity Chemical Storage Concrete works Crushing, grinding and separating of rock for construction activities Railway systems activities Sewage treatment system 	<ul style="list-style-type: none"> Note 	Noted	Note	N/A												

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
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A4 Information supplied to the EPA

A4.1	Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence. In this condition the reference to "the licence application" includes a reference to: a) the applications for any licences (including former pollution control approvals) which this licence replaces under the <i>Protection of the Environment Operations (Savings and Transitional) Regulation 1998</i> ; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
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P1 Location of monitoring/discharge points and areas

P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.</p> <p style="text-align: center;">Air</p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>18</td> <td>Ambient air monitoring</td> <td></td> <td>Location labelled EPL18(TEOM1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>19</td> <td>Ambient air monitoring</td> <td></td> <td>Location labelled EPL19(HVAS1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>20</td> <td>Ambient air monitoring</td> <td></td> <td>Location labelled EPL20(DDG1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>21</td> <td>Ambient air monitoring</td> <td></td> <td>Location labelled EPL21(DDG2) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence</td> </tr> </tbody> </table>	EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	18	Ambient air monitoring		Location labelled EPL18(TEOM1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	19	Ambient air monitoring		Location labelled EPL19(HVAS1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	20	Ambient air monitoring		Location labelled EPL20(DDG1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	21	Ambient air monitoring		Location labelled EPL21(DDG2) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence	<ul style="list-style-type: none"> EPL Monitoring data 2021 – 2024 (June) Annual Returns 2021-2024 	<p>Monitoring has been undertaken at all sites for the duration of the audit period.</p> <p>Monitoring point 37 was added by variation of the EPL issued on 02-Mar-2022. ERM notes that monitoring for this location was not reported in monthly EPA monitoring reports until August of 2022. The monitoring point had been incorrectly listed in EPL as a HVOL and the data was in the Annual Return, then updated in EPL in Aug 2022.</p>	C	N/A
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																						
18	Ambient air monitoring		Location labelled EPL18(TEOM1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.																						
19	Ambient air monitoring		Location labelled EPL19(HVAS1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.																						
20	Ambient air monitoring		Location labelled EPL20(DDG1) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.																						
21	Ambient air monitoring		Location labelled EPL21(DDG2) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence																						

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations								
				variation application form received by the EPA on 11 October 2017.											
22	Ambient air monitoring			Location labelled EPL22(DDG3) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.											
23	Ambient air monitoring			Location labelled EPL23(DDG4) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.											
37	Ambient air monitoring			Location labelled TEOM3 on satellite imagery labelled "Maules Creek Coal Mine EPL Monitoring Locations" (DOC22/125280) submitted with the Licence variation application form received by the EPA on 17 December 2021											
P1.2	The following utilisation areas referred to in the table below are identified in this licence for the purposes of the monitoring and/or the setting of limits for any application of solids or liquids to the utilisation area.			▪ Note	Noted	Note	N/A								
P1.3	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p> <p style="text-align: center;">Water and Land</p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>3</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Dam labelled EPL3(SD3) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.</td> </tr> </tbody> </table>			EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	3	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Dam labelled EPL3(SD3) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.	<ul style="list-style-type: none"> EPL Monitoring data 2021 – 2024 (June). Annual Returns 2021-2024 	Monitoring has been undertaken at all sites for the duration of the audit period for the frequencies required by this licence. Noting that no monitoring was undertaken if special frequencies were not triggered (i.e. no discharge). Additionally, for groundwater monitoring, samples were not collected on occasions that the bores were determined to be dry.	C	N/A
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description												
3	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Dam labelled EPL3(SD3) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.												

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations
7	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Dam labelled EPL7(SD7) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.			
9 <i>Note: point 9 removed from EPL in December 2023 variation.</i>	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring	Dam labelled EPL9(SD9) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.			
12	Surface Water Quality Monitoring			Mining void (variable location) from the main mining void on the premises.			
15	Groundwater Quality Monitoring			Location labelled EPL15(BCM01) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.			
16	Groundwater Quality Monitoring			Location labelled EPL16(BCM03) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.			
17	Groundwater Quality Monitoring			Location labelled EPL17(REG10A) on aerial photo titled "Maules Creek Coal			

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations
				Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.			
24	Groundwater Quality Monitoring			Location labelled RB05A on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.			
36	Wet Weather Discharge Discharge water quality monitoring	Wet Weather Discharge Discharge water quality monitoring		Dam labelled EPL3(SD12) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.			
38	Ambient Surface Water Monitoring			Upstream ambient surface water monitoring point marked as "Flow Meter Upstream" on map titled MCC Site Map dated 29 July 2022 and filed at DOCC22/667119-1.			
39	Ambient Surface Water Monitoring			Downstream ambient surface water monitoring location at point marked "Flow Meter - Downstream" on the map titled MCC Site Map dated 29 July 2022 and saved at DOC22/667119-1			
40	Surface water monitoring prior to discharge via pipeline			Clean Water Dam labelled "HWD8" on			

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations
				the map titled MCC Site Map dated 4 July 2022 and filed at DOC22/581915-7			
41	Surface water monitoring prior to discharge via pipeline			Clean water dam labelled as "HWD9" on map titled MCC Site Map dated 4 July 2022 and filed at DOC22/581915-7.			
42	Surface water monitoring prior to discharge via pipeline			Clean water dam labelled as "HWD10" on map titled MCC Site Map dated 4 July 2022 and filed at DOC22/581915-7			
43	Surface water monitoring prior to discharge via pipeline			Clean water dam labelled as HWD11 on map titled MCC Site Map dated 4 July 2022 and filed at DOC22/581915-7			
44	Surface water monitoring prior to discharge via pipeline			Clean water dam labelled as "WCWD" on the map titled MCC Site Map dated 4 July 2022 and filed at DOC22/581915-7.			
45		Surface water discharge from pipeline servicing points 40 to 43		Pipeline discharge point labelled as "ECWDP" on the map titled MCC Site Map dated 4 July 2022 and filed at DOC22/581915-7			
46		Surface water discharge from pipeline servicing points 44		Surface water discharge location labelled as "WCWDP" on the map titled MCC Site Map dated			

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations																		
			4 July 2022 and filed at DOC22/581915-7																						
P1.4	<p>The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.</p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of Monitoring Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>25</td> <td>Noise monitoring</td> <td>Location labelled EPL NM1 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>27</td> <td>Noise monitoring</td> <td>Location labelled EPL NM3 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>28</td> <td>Noise monitoring</td> <td>Location labelled EPL NM4 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>29</td> <td>Noise monitoring</td> <td>Location labelled EPL NM5 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>30</td> <td>Noise monitoring</td> <td>Location labelled EPL NM6 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.</td> </tr> </tbody> </table>			EPA identification no.	Type of Monitoring Point	Location Description	25	Noise monitoring	Location labelled EPL NM1 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	27	Noise monitoring	Location labelled EPL NM3 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	28	Noise monitoring	Location labelled EPL NM4 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	29	Noise monitoring	Location labelled EPL NM5 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	30	Noise monitoring	Location labelled EPL NM6 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.	<ul style="list-style-type: none"> EPL Monitoring data 2021 – 2024 (June) MCC_ENV_REG BLAST REGISTER 2021 WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) Annual Returns 2021-2024 	Monitoring has been undertaken at all sites for the duration of the audit period.	C	N/A
EPA identification no.	Type of Monitoring Point	Location Description																							
25	Noise monitoring	Location labelled EPL NM1 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.																							
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Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations
31	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM1 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.				
32	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM2 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.				
33	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM3 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.				
34	Air blast overpressure & ground vibration peak particle velocity monitoring	Location labelled BM4 on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.				
35	Meteorological Station	Location labelled EPLW1(AWS) on aerial photo titled "Maules Creek Coal Mine Environmental Monitoring Locations" (DOC17/506745) submitted with the licence variation application form received by the EPA on 11 October 2017.				

L1 Pollution of Waters

L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	<ul style="list-style-type: none"> Annual Returns 2021-2024 Annual Review 2021-2024 Incident Notifications Interview with Environmental Superintendent 	No non-compliances against this section 120 of the <i>Protection of the Environment Operations Act 1997</i> were noted during the audit period for pollution of waters.	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																																
L2 Concentration Limits																																																					
L2.1	For each monitoring/discharge point or utilisation area specified in the table\ below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																																																
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																																																
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table\.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																																																
L2.4	<p>Water and/or Land Concentration Limits</p> <p>POINT 3, 36 (Note: points 7 and 9 removed in December 2023 EPL variation)</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Unit of measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Oil and grease</td> <td>Milligrams per litre</td> <td></td> <td></td> <td></td> <td>10</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5 – 8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>Milligrams per litre</td> <td>20</td> <td>35</td> <td></td> <td>50</td> </tr> </tbody> </table> <p>POINT 45, 46</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Unit of measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>Oil and grease</td> <td>Milligrams per litre</td> <td></td> <td></td> <td></td> <td>10</td> </tr> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5 – 8.5</td> </tr> <tr> <td>Total suspended solids</td> <td>Milligrams per litre</td> <td></td> <td></td> <td></td> <td>50</td> </tr> </tbody> </table>	Pollutant	Unit of measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Oil and grease	Milligrams per litre				10	pH	pH				6.5 – 8.5	Total suspended solids	Milligrams per litre	20	35		50	Pollutant	Unit of measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	Oil and grease	Milligrams per litre				10	pH	pH				6.5 – 8.5	Total suspended solids	Milligrams per litre				50	<ul style="list-style-type: none"> EPL Monitoring Data 2021 – 2024 (June) Annual Returns 2021-2024 	<p>MCC experienced 15 exceedances for TSS during the audit period and the auditor confirmed through review of the Monitoring Data that all were classed as wet weather events as classified under Condition L2.7.</p> <p>All water discharges for the audit period were determined to be compliant and within the criteria of condition L2.4.</p>	C	
Pollutant	Unit of measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																																																
Oil and grease	Milligrams per litre				10																																																
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pH	pH				6.5 – 8.5																																																
Total suspended solids	Milligrams per litre				50																																																
L2.5	The monitoring required by condition M2.3 for points 40 to 43 is to be used for the purposes of assessing compliance with the limits applying at point 45 in the tables above.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																																																
L2.6	The monitoring required by condition M2.3 for point 44 is to be used for the purposes of assessing compliance with the limits applying at point 46 in the tables above.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																																																

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
L2.7	<p>The Total Suspended Solids concentration limits specified for Points 2, 3, 5, 7, and 9 may be exceeded for water discharged provided that:</p> <p>(a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and</p> <p>(b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.</p> <p>Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.</p>	<ul style="list-style-type: none"> EPL Monitoring Data 2021 – 2024 (June) Annual Returns 2021-2024 	As per Condition L2.4	C	N/A
L2.8	<p>The Total Suspended Solids concentration limits specified for Points 45 and 46 may be exceeded for water discharged provided that:</p> <p>(a) the discharge occurs after rainfall measured at the premises that exceeds 38.4 millimetres over any consecutive 5 day period immediately prior to the discharge occurring; and</p> <p>(b) all practical measures have been implemented to dewater all sediment dams within 5 days of rainfall such that they have sufficient capacity to store run off from a 38.4 millimetre, 5 day rainfall event.</p> <p>Note: 38.4 mm equates to the 5 day 90%ile rainfall depth for Gunnedah sourced from Table 6.3a Managing Urban Stormwater: Soils and Construction Volume 1: 4th edition, March 2004.</p>	<ul style="list-style-type: none"> EPL Monitoring Data 2021 – 2024 (June) Annual Returns 2021-2024 	As per Condition L2.4	C	N/A

L3 WASTE

L3.1	<p>The licensee may dispose of up to 400 end-of-life mining heavy plant tyres on the premises in each annual return year period up until 2 May 2023. Should the report provided in accordance with condition E1.1:</p> <p>a) be submitted to the EPA's satisfaction at intervals of 2 years; and</p> <p>b) find that recycling options are not feasible;</p> <p>then the on-site disposal of end-of-life heavy mining plant tyres may continue for the subsequent 2 annual reporting periods.</p> <p>Note: Only waste tyres generated at the premises may be disposed of in accordance with this condition.</p>	<ul style="list-style-type: none"> Tyre Disposal Register EPL Year 23-24 End-of-life (EOL) Heavy Plant Mining Tyre Review, April 2023 	MCC reported mining heavy plant tyre disposal data as required by the condition during the audit period.	C	N/A
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L4 Noise Limits

L4.1	Noise generated at the premises must not exceed the noise limits in the table below.				<ul style="list-style-type: none"> EPL Monitoring data 2021 – 2024 (June) Annual Returns 2021-2024 Interview with Environmental Superintendent 	No exceedances of noise limits were noted via a review of EPL Monitoring data during the audit period. MCC use CoalTrack program, Noise Notes and Teleaudio noise	C	N/A					
	<table border="1"> <thead> <tr> <th>Locality and Location</th> <th>Day-LAeq(15 minute)</th> <th>Evening - LAeq(15 minute)</th> <th>Night - LAeq (15 minute)</th> <th>Night - LA1 (1 minute)</th> </tr> </thead> <tbody> <tr> <td>All privately owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Locality and Location	Day-LAeq(15 minute)	Evening - LAeq(15 minute)					Night - LAeq (15 minute)	Night - LA1 (1 minute)	All privately owned residences	35	35
Locality and Location	Day-LAeq(15 minute)	Evening - LAeq(15 minute)	Night - LAeq (15 minute)	Night - LA1 (1 minute)									
All privately owned residences	35	35	35	45									

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																				
			recordings to assess noise recordings. Environmental Superintendent also advised that there have not been any exceedances in the audit period.																						
L4.2	The noise limits identified in the above table do not apply at privately owned residences that are: a) identified as residences subject to acquisition or noise mitigation on request within the Project Approval 10_0138; or b) subject to a private agreement, relating to the noise levels, between the licensee and the land owner.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																				
L4.3	Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2. POINT 25,27,28,29,30 <table border="1"> <thead> <tr> <th>Time period</th> <th>Measurement parameter</th> <th>Measurement frequency</th> <th>Noise level dB(A)</th> </tr> </thead> <tbody> <tr> <td>Day</td> <td>LAeq (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Evening</td> <td>LAeq (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Night</td> <td>LAeq (15 minute)</td> <td>Monthly</td> <td>35</td> </tr> <tr> <td>Night</td> <td>Night-LA1 (1 minute)</td> <td>Monthly</td> <td>45</td> </tr> </tbody> </table> <p>Note: Attended noise monitoring locations identified in the table above are taken to be representative of privately owned residences and are to be used for the purposes of determining compliance with noise limits identified in this licence, unless otherwise required in writing by the EPA.</p>	Time period	Measurement parameter	Measurement frequency	Noise level dB(A)	Day	LAeq (15 minute)	Monthly	35	Evening	LAeq (15 minute)	Monthly	35	Night	LAeq (15 minute)	Monthly	35	Night	Night-LA1 (1 minute)	Monthly	45	<ul style="list-style-type: none"> EPL Monitoring data 2021 – 2024 (June) Annual Returns 2021-2024 Interview with Environmental Superintendent 	No exceedances of noise limits were noted via a review of EPL Monitoring data during the audit period. Environmental Superintendent also advised that there have not been any exceedances in the audit period.	C	N/A
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																						
Day	LAeq (15 minute)	Monthly	35																						
Evening	LAeq (15 minute)	Monthly	35																						
Night	LAeq (15 minute)	Monthly	35																						
Night	Night-LA1 (1 minute)	Monthly	45																						
L4.4	For the purpose of the table in condition L3.1 and L3.3: a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays; b) Evening is defined as the period from 6pm to 10pm; c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A																				
L4.5	The noise limits set out in condition L3.1 and L3.3 apply under all meteorological conditions except for the following:	<ul style="list-style-type: none"> Environmental Noise Monitoring, Global 	Environmental noise monitoring reports list meteorological data	C	N/A																				

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>a) Wind speeds greater than 3 metres/second at 10 metres above ground level.</p> <p>For the purposes of this condition:</p> <p>a) Data recorded by the meteorological station identified as EPA Identification Point(s) 35 must be used to determine meteorological conditions; and</p> <p>b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.</p>	<p>Acoustics, 30-04-2021</p> <ul style="list-style-type: none"> Environmental Noise Monitoring, EMM, 04-10-2022 Environmental Noise Monitoring, EMM, 26-09-2023 Environmental Noise Monitoring, EMM, 26-06-2024 	collection criteria from the MCC meteorological station.		
L4.6	For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW Industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.	<ul style="list-style-type: none"> Environmental Noise Monitoring, Global Acoustics, 30-04-2021 Environmental Noise Monitoring, EMM, 04-10-2022 Environmental Noise Monitoring, EMM, 26-09-2023 Environmental Noise Monitoring, EMM, 26-06-2024 	Environmental noise monitoring reports state they apply the Noise Policy for Industry 2017.	C	N/A
L4.7	<p>If required in writing by the EPA to determine compliance at an individual private residence referred to in condition L3.1:</p> <p>a) to determine compliance with the Leq(15 minute) noise limits in condition L3.1, the noise measurement equipment must be located:</p> <ol style="list-style-type: none"> approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable within approximately 50 metres of the boundary of a National Park or a Nature Reserve; or at an alternative location approved in writing by the EPA. <p>b) to determine compliance with the LA1(1 minute) noise limits in condition L3.1, the noise measurement equipment must be located within 1 metre of a dwelling façade.</p> <p>c) to determine compliance with the noise limits in condition L3.1, the noise measurement equipment must be located:</p> <ol style="list-style-type: none"> at the most affected point at a location where there is no dwelling at the location; or <p>at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No written request for additional noise monitoring has been received during the audit period.	C	N/A

L5 Blasting

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
L5.1	The airblast overpressure level from blasting operations in or on the premises must not exceed 120dB (Lin Peak) at any time at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.	<ul style="list-style-type: none"> Annual Returns 2021-2024 MCC_ENV_REG BLAST REGISTER 2021 WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	There were no exceedances of the applicable ground vibration and air blast overpressure limits during the audit period.	C	
L5.2	The airblast overpressure level from blasting operations in or on the premises must not exceed 115dB (Lin Peak) for more than five per cent of the total number of blasts over each reporting period at any time and at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.	<ul style="list-style-type: none"> Annual Returns 2021-2024 MCC_ENV_REG BLAST REGISTER 2021 WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	There were no exceedances of the applicable ground vibration and air blast overpressure limits during the audit period.	C	
L5.3	The ground vibration peak particle velocity from the blasting operations carried out in or on the premises must not exceed 10mm/sec at any time at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.	<ul style="list-style-type: none"> Annual Returns 2021-2024 MCC_ENV_REG BLAST REGISTER 2021 WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	No exceedances of the ground vibration peak particle velocity have been recorded during the audit period.	C	
L5.4	The ground vibration peak particle velocity from the blasting operations carried out in or on the premises must not exceed 5mm/sec for more than five per cent of the total number of blasts over each reporting period at monitoring points 31, 32, 33, or 34 as defined in Condition P1.4 of this licence.	<ul style="list-style-type: none"> Annual Returns 2021-2024 MCC_ENV_REG BLAST REGISTER 2021 WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	As above	C	
L5.5	Blasting operations on the premises must only be carried out between the hours 9am to 5pm, Monday to Saturday, inclusive.	<ul style="list-style-type: none"> MCC_ENV_REG BLAST REGISTER 2021 WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	All blasting is undertaken between 9am and 5pm and no blasting occurs on Sundays.	C	
L5.6	The hours of operation for blasting operations specified in condition L4.5 may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No variation of blasting hours have been required or consented to in the audit period.	NT	N/A
L5.7	Blasting at the premises is limited to 1 blast on each day on which blasting is permitted. Note: Additional blasts are permitted where it is demonstrated to be necessary for safety reasons and the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired. Note: This condition does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately owned land. Note: For the purpose of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.	<ul style="list-style-type: none"> Annual Returns 2021-2024 MCC_ENV_REG BLAST REGISTER 2021 WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	Blasting records reviewed show no exceedances of limits for this condition.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations								
L5.8	<p>Condition L4.7 does not apply to blasts that generate ground vibration of 0.5 mm/s or less at any residence on privately- owned land, or to blasts required to ensure the safety of the mine or its workers.</p> <p>Note: For the purposes of this condition, a blast refers to a single blast event, which may involve a number of individual blasts fired in quick succession in a discrete area of the mine.</p>	<ul style="list-style-type: none"> Note 	Noted	Note	N/A								
L6 Other Limit Conditions													
L6.1	<p>Noise from activities associated with the construction and/ or upgrade of the Maules Creek rail spur line must not exceed the noise limits in the table below.</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Construction Noise Criteria Day LAeq (15 minute)</th> </tr> </thead> <tbody> <tr> <td>256</td> <td>50</td> </tr> <tr> <td>259</td> <td>45</td> </tr> <tr> <td>All privately owned residences</td> <td>40</td> </tr> </tbody> </table> <p>Note: The noise limits identified in the above table do not apply at privately owned residences that are subject to a private agreement, relating to the noise levels, between the licensee and the land owner.</p> <p>Note: Locations 256 and 259 are defined in Figure 2, Appendix 4 of Project Approval 10_0138</p>	Location	Construction Noise Criteria Day LAeq (15 minute)	256	50	259	45	All privately owned residences	40	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Outside audit period.	NT	N/A
Location	Construction Noise Criteria Day LAeq (15 minute)												
256	50												
259	45												
All privately owned residences	40												
L6.2	<p>Activities associated with the construction and/ or upgrade of the Maules Creek rail spur line may only be carried on between:</p> <p>a) 7:00am to 6:00pm Monday to Friday;</p> <p>b) 8:00am to 1:00pm Saturdays; and,</p> <p>c) At no time on Sundays or public holidays.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	As above	NT	N/A								
L6.3	<p>The above hours of operation specified in condition L5.2 may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	As above	NT	N/A								
O1 Activities must be carried out in a competent manner													
O1.1	<p>Licensed activities must be carried out in a competent manner. This includes:</p> <p>a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and</p> <p>b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.</p>	<ul style="list-style-type: none"> Site observations WHC 360 – computer program for work orders, actions PULSE program tracks plant maintenance records, notifications. 	It is understood through discussions with the Environmental Superintendent that the environmental team undertakes monthly environmental inspections of the workshop.	C	N/A								

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
		<ul style="list-style-type: none"> • SOOCHI – scheduling software • Interview with Maintenance personnel 	<p>MCC reported that any material, substance and waste storage / management issues are raised in INX as an incident and corrective actions undertaken.</p> <p>In addition, MCC reported that toolbox talks are held with the environmental team to ensure environmental inspections involve the environmental team.</p>		
O2 Maintenance of plant and equipment					
O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner.</p>	<ul style="list-style-type: none"> • Site observations • PULSE program tracks plant maintenance records, notifications. • SOOCHI – scheduling software • Interview with Maintenance personnel 	Refer to CoA – Sch.2-15	C	N/A
O3 Dust					
O3.1	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	<ul style="list-style-type: none"> • Site observations • Training plans on WHC sharepoint – lists requirements • Pegasus program track staff training records and needs for sign in to work. • Interview with Environmental Superintendent 	Refer to CoA. Sch.3-33	C	N/A
O4 Waste management					
O4.1	<p>The licensee is authorised to dispose of heavy plant tyre waste generated on the premises, in the waste rock/overburden emplacements.</p> <p>The licensee must:</p> <p>a) ensure that heavy plant waste tyres are re-used on the premises as much as practical;</p> <p>b) ensure that any surplus heavy plant waste tyres can be emplaced by being spread out within the waste rock/overburden emplacements and buried as deep as practical, but, covered by at least 20 metres of inert material beneath any final rehabilitated surface;</p>	<ul style="list-style-type: none"> • Site observations • MCC - Tyre Disposal Register • Tyre Disposal Register EPL Year 23-24 • MCC - Tyre Disposal Map • Interview with Environmental Superintendent 	It was observed that tyre disposal was being undertaken in line with the requirements stated in a) to h).	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>c) place heavy plant waste tyres at least 15 metres away from coarse reject material or tailings emplacement areas;</p> <p>d) not emplace any heavy plant waste tyres directly on the pit floor, or in a location that is likely to impede or contaminate saturated aquifers;</p> <p>e) not emplace any heavy plant waste tyres in a position that compromises the stability of the final rehabilitated landform;</p> <p>f) not place any heavy plant waste tyres within 15 metres of heated or potentially acid forming materials;</p> <p>g) not place any heavy plant waste tyres in an area likely to leach to any watercourse; and</p> <p>h) record the co-ordinates (easting, northing and elevation) of each disposal location.</p>				
O4.2	<p>Stockpiles of any heavy plant waste tyres stored at the premises awaiting disposal must:</p> <p>a) be less than 3 metres in height;</p> <p>b) not cover an area of more than 200 square metres; and</p> <p>c) not be located within 10 metres of any other flammable or combustible materials.</p>	<ul style="list-style-type: none"> • Site Observations • Waste Tyre tracking data 	Heavy plant tyres were noted to be stockpiled while awaiting burial in accordance with this condition.	C	N/A

O5 Other Operating Conditions

Blast fumes

O5.1	<p>Offensive blast fume must not be emitted from the premises.</p> <p>Definition: Offensive blast fume means post-blast gases (whether visible or invisible, odorous or odourless) from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:</p> <ol style="list-style-type: none"> are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted. 	<ul style="list-style-type: none"> • Blast Management Plan, 2018 • Annual Returns 2021-2024 • MCC_ENV_REG BLAST REGISTER 2021 • WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	<p>The Blast Management Plan contains a Blast Fume Monitoring Procedure which details the requirements for rating and monitoring blast fume. Fume ratings are recorded in the Blast Register.</p> <p>The EPA received multiple reports from the public alleging dark coloured fume generated by blasts from October to November 2021. EPA issued a Prevention Notice on 23 November 2021.</p> <p>A blast was then fired at 15:33 on 9 March 2022 which emitted blast fume and dispersed towards the project boundary while dissipating. The site enacted the PIRMP as a precautionary measure and notified</p>	ERM notes that the reported blast fume events are currently subject to legal proceedings.	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
			as required. Fume was evidenced to have dissipated on site Environmental Superintendent advised that the Site was adjusting the components used in the explosives which led to different in blasting conditions. The issue was then rectified by using alternative products.		
O5.2	<p>Pollution Incident Response Management Plan</p> <p>The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions, fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment.</p>	<ul style="list-style-type: none"> • Pollution Incident Response Management Plan June 2024 	This Pollution Incident Response Management Plan (PIRMP) is available on the company website and is tested annually. Last tested 28-10-2023. Tested for blast fume.	C	N/A
O5.3	The licensee must keep the PIRMP on the premises at all times.	<ul style="list-style-type: none"> • Site Observations • Pollution Incident Response Management Plan June 2024 	The PIRMP is available on site on intranet and hardcopy in emergency response teams duty cards (OCE).	C	N/A
M1 Monitoring Records					
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	<ul style="list-style-type: none"> • EPL Monitoring Data 2014-2024 (June) 	All monitoring results are recorded and retained as per this licence condition.	C	N/A
M1.2	<p>All records required to be kept by this licence must be:</p> <p>a) in a legible form, or in a form that can readily be reduced to a legible form;</p> <p>b) kept for at least 4 years after the monitoring or event to which they relate took place; and</p> <p>c) produced in a legible form to any authorised officer of the EPA who asks to see them.</p>	<ul style="list-style-type: none"> • EPL Monitoring Data 2014 – 2024 (June) • Environ Cloud based serviced database 	MCC maintains all data from 2014 which available on the network drive and on the company website.	C	N/A
M1.3	<p>The following records must be kept in respect of any samples required to be collected for the purposes of this licence:</p> <p>a) the date(s) on which the sample was taken;</p> <p>b) the time(s) at which the sample was collected;</p> <p>c) the point at which the sample was taken; and d) the name of the person who collected the sample.</p>	<ul style="list-style-type: none"> • Noise, Dust and Water Monitoring Reports for the period • Environ Cloud based serviced database 	MCC observed to maintain monitoring records that contain the required information.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																								
M2 Requirement to monitor concentration of pollutants discharged																													
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns.	<ul style="list-style-type: none"> As above 	Monitoring is undertaken in accordance with the licence.	C	N/A																								
M2.2	<p>Air Monitoring Requirements</p> <p>POINT 18, 37</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table> <p>POINT 19</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table> <p>POINT 20,21,22,23</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Particulates - Deposited Matter</td> <td>grams per square metre per month</td> <td>Monthly</td> <td>AM-19</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Every 6 days	AM-18	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19	<p>EPL Monitoring data 2021-2024</p> <p>Annual Returns 2021-20214</p>	<p>MCC reported a non-compliance against this condition for TEOM3 non-compliance event between 7/10/23 - 9/11/23.</p> <p>MCC reported, due to the exceptional weather event TEOM3 was damaged by water ingress and was not recording accurately.</p> <p>The access to the TEOM during that period was cut off due to flooding, and MCC were unable to undertake the required maintenance, this resulted in the monitor being down between 7/10/23-9/11/23. This resulted in a monitoring frequency of 89.31% of a minimum 90% frequency rate.</p> <p>This is considered a technical non-compliance as due to the declared state of emergency maintenance work was not able to be completed.</p>	NC	Historic NC. No further action required.
Pollutant	Units of measure	Frequency	Sampling Method																										
PM10	micrograms per cubic metre	Continuous	AM-22																										
Pollutant	Units of measure	Frequency	Sampling Method																										
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Pollutant	Units of measure	Frequency	Sampling Method																										
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19																										
M2.3	<p>Water and/ or Land Monitoring Requirements</p> <p>POINT 3,7,9,36</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Nitrate</td> <td>milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Nitrogen (total)</td> <td>milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample	Nitrate	milligrams per litre	Special Frequency 1	Grab sample	Nitrogen (total)	milligrams per litre	Special Frequency 1	Grab sample	Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample	pH	pH	Special Frequency 1	Grab sample	<ul style="list-style-type: none"> EPL Monitoring data 2021 - 2024 Annual Returns 2021-2024 	Monitoring requirements of condition M2.3 have been observed through review of monitoring data to have been undertaken as required.	C	N/A
Pollutant	Units of measure	Frequency	Sampling Method																										
Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample																										
Nitrate	milligrams per litre	Special Frequency 1	Grab sample																										
Nitrogen (total)	milligrams per litre	Special Frequency 1	Grab sample																										
Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample																										
pH	pH	Special Frequency 1	Grab sample																										

Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations
	Phosphorus (total)	milligrams per litre	Special Frequency 1	Grab sample				
	Reactive Phosphorus	milligrams per litre	Special Frequency 1	Grab sample				
	Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample				
POINT 12								
	Pollutant	Units of measure	Frequency	Sampling Method				
	Conductivity	microsiemens per centimetre	Every 2 months	Representative sample				
	Oil and Grease	milligrams per litre	Every 2 months	Representative sample				
	pH	pH	Every 2 months	Representative sample				
	Total suspended solids	milligrams per litre	Every 2 months	Representative sample				
POINT 15,16,17,24								
	Pollutant	Units of measure	Frequency	Sampling Method				
	Conductivity	microsiemens per centimetre	Quarterly	Representative sample				
	pH	pH	Quarterly	Representative sample				
	Total dissolved solids	milligrams per litre	Quarterly	Representative sample				
POINT 38, 39								
	Pollutant	Units of measure	Frequency	Sampling Method				
	Conductivity	microsiemens per centimetre	Special Frequency 3	Grab sample				
	Nitrate	milligrams per litre	Special Frequency 3	Grab sample				
	Nitrogen (total)	milligrams per litre	Special Frequency 3	Grab sample				
	Oil and Grease	milligrams per litre	Special Frequency 3	Grab sample				
	pH	pH	Special Frequency 3	Grab sample				
	Phosphorus (total)	milligrams per litre	Special Frequency 3	Grab sample				

Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations
	Reactive Phosphorus	milligrams per litre	Special Frequency 3	Grab sample				
	Total suspended solids	milligrams per litre	Special Frequency 3	Grab sample				
	POINT 40,41,42,43,44							
	Pollutant	Units of measure	Frequency	Sampling Method				
	Conductivity	microsiemens per centimetre	Special Frequency 2	Representative sample				
	Oil and Grease	milligrams per litre	Special Frequency 2	Representative sample				
	pH	pH	Special Frequency 2	Representative sample				
	Total suspended solids	milligrams per litre	Special Frequency 2	Representative sample				
M2.4	For the purposes of the table(s) above Special Frequency 1 means the collection of samples as soon as practicable after a discharge from points 3,7,9 and/or 36 commences and in any case not more than 12 hours after a discharge commences. Note: The frequency of monitoring and the parameters to be monitored may be varied by the EPA.				<ul style="list-style-type: none"> CBased Environmental Reports, 2021-2023 EPL Monitoring data 2021 - 2024 	Sampling noted to be undertaken within 12 hours of discharge commencing.	C	N/A
M2.5	For the purposes of the table(s) above, Special Frequency 2 means the collection of samples: a) prior to discharge from either point 45 and/or 46; or b) where more than 38.4mm of rainfall has been received in any consecutive 5-day period immediately prior to discharge occurring, then as soon as practicable after a discharge commences from, and in an case, not more than 12 hours after a discharge commences from either point 45 and/or 46.				<ul style="list-style-type: none"> Note 	Noted	Note	N/A
M2.6	For the purposes of the table(s) above, Special Frequency 3 means the collection of samples as soon as practicable and in any case, not more than 12 hours after discharge commences from any location on the premises. Note: The frequency of monitoring and the parameters to be monitored may be varied by the EPA.				<ul style="list-style-type: none"> Note 	Noted	Note	N/A

M3 Testing methods – concentration limits

M3.1	Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with: a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or				<ul style="list-style-type: none"> CBased Environmental Reports, 2021-2023 EPL Monitoring data 2021 - 2024 	Monitoring has been conducted in accordance with the requirements of this condition.	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																								
	<p>b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or</p> <p>c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place</p> <p>Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".</p>																																												
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	<ul style="list-style-type: none"> • CBased Environmental Reports, 2021-2023 • EPL Monitoring data 2021 – 2024 	Monitoring is conducted by a method approved by the EPA.	C	N/A																																								
M4 Weather monitoring																																													
M4.1	At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.	<ul style="list-style-type: none"> • Teledata • Annual Returns 2021-2024 	Monitoring is conducted as required and as per parameters in table.	C	N/A																																								
	<p>POINT 35</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Sampling method</th> <th>Units of measure</th> <th>Averaging period</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Rainfall</td> <td>AM-4</td> <td>millimetres</td> <td>1 hour</td> <td>Continuous</td> </tr> <tr> <td>Wind Speed at 10 metres</td> <td>AM-2 & AM-4</td> <td>metres per second</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Wind Direction at 10 metres</td> <td>AM-2 & AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 2 metres</td> <td>AM-4</td> <td>degrees Celsius</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 10 metres</td> <td>AM-4</td> <td>degrees Celsius</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Total Solar Radiation</td> <td>AM-4</td> <td>Watts per square metre</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Siting</td> <td>AM-1</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Parameter	Sampling method	Units of measure	Averaging period	Frequency	Rainfall	AM-4	millimetres	1 hour	Continuous	Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous	Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous	Temperature at 2 metres	AM-4	degrees Celsius	15 minutes	Continuous	Temperature at 10 metres	AM-4	degrees Celsius	15 minutes	Continuous	Total Solar Radiation	AM-4	Watts per square metre	15 minutes	Continuous	Siting	AM-1	-	-	-				
Parameter	Sampling method	Units of measure	Averaging period	Frequency																																									
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Siting	AM-1	-	-	-																																									
M4.2	The meteorological weather station must be maintained so as to be capable of continuously monitoring the parameters specified in this section.	<ul style="list-style-type: none"> • Teledata • Annual Returns 2021-2024 • Interview with Environmental Superintendent 	The meteorological station is maintained to be capable of continuous monitoring.	C	N/A																																								

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
M5 Recording of Pollution Complaints					
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	<ul style="list-style-type: none"> Community Complaints Register 2021-2024 	A summary of all complaints received either directly to MCC or to regulators are recorded on the company website.	C	N/A
M5.2	The record must include details of the following: <ol style="list-style-type: none"> the date and time of the complaint; the method by which the complaint was made; any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; the nature of the complaint; the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the licensee, the reasons why no action was taken. 	<ul style="list-style-type: none"> Community Complaints Register 2021 - 2024 	The public Community Complaints Register includes all details with the exception of details of the personal details or a note to that effect (personal information is maintained by MCC internally).	C	N/A
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	<ul style="list-style-type: none"> Community Complaints 2014 - 2021 	Complaints records are available back to 2014.	C	N/A
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Records are available upon request. MCC stated the EPA has not requested a copy during the audit period.	NT	N/A
M6 Telephone Complaints Line					
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	<ul style="list-style-type: none"> Website complaints phone number 	A complaints line is provided on the MCC website.	C	N/A
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Notification undertaken through community bulletin, newspaper, and website	C	N/A
M6.3	The preceding two conditions do not apply until 60 days after the date of the issue of this licence.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
M7 Blasting					

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
M7.1	<p>To determine compliance with conditions L4.1 to L4.4 inclusive:</p> <p>a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 31, 32, 33 and 34 for the parameters specified in Column 1 of the table below and</p> <p>b) The licensee must use the units of measure, sampling method and sample at the frequency specified opposite in the other columns.</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Units of Measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Airblast overpressure</td> <td>Decibels (Linear Peak)</td> <td>All blasts</td> <td>Australian Standard AS 2187.2-2006</td> </tr> <tr> <td>Ground vibration peak particle velocity</td> <td>millimetres/second</td> <td>All blasts</td> <td>Australian Standard AS 2187.2-2006</td> </tr> </tbody> </table>	Parameter	Units of Measure	Frequency	Sampling Method	Airblast overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006	Ground vibration peak particle velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006	<ul style="list-style-type: none"> WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) 	Blast monitoring is recorded in the Blast Register and recorded as required by this condition.	C	N/A
Parameter	Units of Measure	Frequency	Sampling Method														
Airblast overpressure	Decibels (Linear Peak)	All blasts	Australian Standard AS 2187.2-2006														
Ground vibration peak particle velocity	millimetres/second	All blasts	Australian Standard AS 2187.2-2006														

M8 Other monitoring and recording conditions

Noise Monitoring

M8.1	<p>To assess compliance with the noise limits specified in condition L3.3, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below during a period of time representative of typical operating conditions and not undertaken during a shutdown period.</p> <p>POINTS 25, 27, 28, 29, 30</p> <table border="1"> <thead> <tr> <th>Assessment period</th> <th>Minimum frequency in a Reporting Period</th> <th>Minimum duration within an assessment period</th> </tr> </thead> <tbody> <tr> <td>Night</td> <td>Monthly</td> <td>15 minutes</td> </tr> </tbody> </table>	Assessment period	Minimum frequency in a Reporting Period	Minimum duration within an assessment period	Night	Monthly	15 minutes	<ul style="list-style-type: none"> EMM & Global Acoustic Monitoring Reports EPL Monitoring Data 2021 - 2024 	Attended noise monitoring is undertaken by EMM in accordance with this condition.	C	N/A
Assessment period	Minimum frequency in a Reporting Period	Minimum duration within an assessment period									
Night	Monthly	15 minutes									

R1

Annual return documents

R.1.1	<p>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:</p> <ol style="list-style-type: none"> a Statement of Compliance, a Monitoring and Complaints Summary, a Statement of Compliance - Licence Conditions, a Statement of Compliance - Load based Fee, a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and a Statement of Compliance - Environmental Management Systems and Practices. <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>	<ul style="list-style-type: none"> Annual return 2021-2024 POEO Register 	Annual returns have been submitted as required.	C	N/A
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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	<ul style="list-style-type: none"> Annual return 02021-2024 	Annual returns have been prepared as required.	C	N/A
R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	License has not been transferred	NT	N/A
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	License has not been revoked or surrendered.	NT	N/A
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	<ul style="list-style-type: none"> Annual Returns 2021-2024 POEO Register 	Annual returns are submitted by EPACConnect and within the specified timeframe.	C	N/A
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	<ul style="list-style-type: none"> Annual Returns 2021-2024 	Auditors observed Annual Returns are retained by MCC for at least 4 years.	C	N/A
R1.7	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	<ul style="list-style-type: none"> Annual Returns 2021-2024 	Annual Returns were observed to have been certified by MCC directors.	C	N/A
R2					
Notification of environmental harm					
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	<ul style="list-style-type: none"> EPA notification emails 	MCC stated, notification of incidents has been made via the Environment	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.		Line during the audit period. ERM reviewed notification emails which state notifications made to the department and additional agencies.		
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	<ul style="list-style-type: none"> EPA notification emails 	The auditor sighted correspondence confirming that written details of incidents within the audit period are provided within 7 days of the incident occurring.	C	N/A

R3**Written report**

R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: <ol style="list-style-type: none"> where this licence applies to premises, an event has occurred at the premises; or where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Environmental Superintendent stated none requested in period.	NT	N/A
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Environmental Superintendent stated none requested in period.	NT	N/A
R3.3	The request may require a report which includes any or all of the following information: <ol style="list-style-type: none"> the cause, time and duration of the event; the type, volume and concentration of every pollutant discharged as a result of the event; the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; action taken by the licensee in relation to the event, including any follow-up contact with any complainants; details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and any other relevant matters. 	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Environmental Superintendent stated none requested in period.	NT	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Environmental Superintendent stated none requested in period.	NT	N/A
R4					
Other reporting conditions					
R4.1	A noise compliance assessment report must be submitted to the EPA within thirty (30) calendar days of the completion of the monthly noise monitoring. The assessment must be prepared by a suitably qualified and experienced person and include: <ol style="list-style-type: none"> an assessment of compliance with noise limits detailed in the limit conditions of this licence; and an outline of any management actions taken within the monitoring period to address any exceedances of the noise limits detailed in condition L3.3 of this licence. 	<ul style="list-style-type: none"> Environmental Noise Monitoring, Global Acoustics, 30-04-2021 Environmental Noise Monitoring, EMM, 04-10-2022 Environmental Noise Monitoring, EMM, 26-09-2023 Environmental Noise Monitoring, EMM, 26-06-2024 	The auditor sighted the noise monitoring report submission for the audit period which comprises an assessment of compliance with noise limits in the EPL and outlines any actions taken in relation to the measured noise exceedance.	C	N/A
R4.2	The Licensee must report any exceedance of the licence noise limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	<ul style="list-style-type: none"> Environmental Noise Monitoring, Global Acoustics, 30-04-2021 Environmental Noise Monitoring, EMM, 04-10-2022 Environmental Noise Monitoring, EMM, 26-09-2023 Environmental Noise Monitoring, EMM, 26-06-2024 	No noise exceedances were noted during the audit period.	C	N/A
R4.3	The Licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	<ul style="list-style-type: none"> WHC-REG-OC-MCC-Blast Register – 2022, 2023 and 2024 (June) Annual Returns 2021-2024 	No exceedances of blasting limits have been recorded.	NT	N/A
R4.4	Annual Heavy Plant Tyre Disposal Report The Licensee must provide the EPA with an Annual Heavy Plant Tyre Disposal Report. The Report must be submitted with the licence Annual Return each year and must include a plan of the disposed heavy plant waste tyres on the premises for the period that includes: <ol style="list-style-type: none"> each tyre serial number; supplier of each tyre; purchase date of each tyre; disposal date of each tyre; 	<ul style="list-style-type: none"> Tyre Disposal Register EPL Year 23-24 	MCC have submitted the Annual Heavy Plant Tyre disposal report (covering a) to h)) along with the Annual Returns as required during the audit period.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>e) co-ordinates (easting and northings) of the location where each tyre was disposed of by burial in accordance with condition O4.1;</p> <p>f) the Real Level (RL) in metres AHD of each tyre emplacement location; and</p> <p>g) the number of tyres buried in/within each emplacement location; and</p> <p>h) the cumulative total number and tonnage of tyres disposed of at the premises each year.</p>				
G1					
Copy of licence kept at the premises or plant					
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	<ul style="list-style-type: none"> Site observations 	A copy of the licence is kept on the premises and is available on the company website.	C	N/A
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Environmental Superintendent stated not requested in period.	NT	N/A
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	<ul style="list-style-type: none"> Site observations 	A copy of the licence is kept on the premises and is available on the company website.	C	N/A
E1 Waste Tyre Review					
E1.1	<p>The licensee must undertake a review of available recycling options for end of life heavy plant tyres at least once every 2 years and provide a report to the EPA that contains, but is not limited to, the following:</p> <p>a) analysis of the current capacity of recycling facilities that can accept end of life mining heavy plant tyres for processing in NSW and other neighbouring states;</p> <p>b) evidence of enquiries made by the licensee in the previous 24 months to actively seek recycling options for end of life heavy mining plant tyres generated at the premises;</p> <p>c) analysis of any pre-treatment options that can be performed at the premises to reduce the costs associated with the transporting and recycling of end of life mining heavy plant tyres;</p> <p>d) analysis of the specific costs to the licensee associated with the transport and delivery/acceptance of site generated end of life mining heavy plant tyres at the nearest capable recycling facilities;</p> <p>e) the current costs associated with the continued on-site burial of end of life mining heavy plant tyres; and</p> <p>f) a full cost benefit analysis of continued on-site burial of end of life mining tyres compared to their transport from the site and their recycling/processing.</p>	<ul style="list-style-type: none"> End-of-life (EOL) Heavy Plant Mining Tyre Review, April 2023 	<p>MCC undertook the Heavy Plant Mining Tyre review and issued the report in April 2023. The review is a combined assessment for Tarrawonga Coal mine, Werris Creek Coal mine and Maules Creek Coal mine.</p> <p>The review covered the requirements of a) to f).</p>	C	N/A

Document details	
DOCUMENT TITLE	Table A3 – Coal Lease 375
DOCUMENT SUBTITLE	Compliance with Coal Lease 375
PROJECT NUMBER	0738674
Date	03-09-24
Version	01
Author	Andrew Lewis, Leanne Lee
Client name	Whitehaven Coal

Note:

- Assessment period against original conditions is 23 July 2021 to 1 July 2022.

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
Notice to Landholders					
1.	<p>(a) Within a period of three months from the date of grant/renewal of this lease or within such further time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>(b) If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this lease has been granted/renewed; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Outside audit period. ML not renewed within audit period.	NT	N/A
Environmental Harm					
2.	<p>(a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activities under this lease.</p> <p>(b) For the purposes of this condition: environment means components of the earth, including:</p> <ul style="list-style-type: none"> land, air and water, and any layer of the atmosphere, and any organic or inorganic matter and any living organism, and human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)- (C). <p>Harm to the environment includes any direct or indirect alteration of the environment that has the effect of degrading the environment and, without limiting the generality of the above, includes any act or omission that results in pollution, contributes to the extinction or degradation of any threatened species, populations or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.</p>	<ul style="list-style-type: none"> This audit report 	Refer to CoA and EPL compliance tables.	ERM notes that the reported blast fume events are currently subject to legal proceedings.	N/A
Mining Operations Plan					
3.	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General.</p> <p>(b) The MOP must:</p> <ol style="list-style-type: none"> identify areas that will be disturbed by mining operations; detail the staging of specific mining operations; 	<ul style="list-style-type: none"> Mining Operation Plan, August 2020 Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 NSWRR MOP Approval, dated 23-07-2021 	No Penalty Notices issued to MCC by the Resource Regulator issue in audit period. The MOP was found to generally meet the stated requirements during period it was in force.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>iii. identify how the mine will be managed to allow mine closure;</p> <p>iv. identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;</p> <p>v. reflect the conditions of approval under:</p> <ul style="list-style-type: none"> • the Environmental Planning and Assessment Act 1979 • the Protection of the Environment Operations Act 1997 • and any other approvals relevant to the development including the conditions of this lease; and • have regard to any relevant guidelines adopted by the Director-General. <p>(c) The leaseholder may apply to the Director-General to amend an approved MOP at any time.</p> <p>(d) It is not a breach of this condition if:</p> <ol style="list-style-type: none"> i. the operations constituting the breach were necessary to comply with a lawful order or direction given under the Mining Act 1992, the Environmental Planning and Assessment Act 1979, Protection of the Environment Operations Act 1997, Mine Health and Safety Act 2004 I Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and ii. the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. <p>(e) A MOP ceases to have effect 7 years after date of approval or other such period as identified by the Director-General.</p>				

Environmental Management Report

4.	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <ol style="list-style-type: none"> i. report against compliance with the MOP; ii. report on progress in respect of rehabilitation completion criteria; iii. report on the extent of compliance with regulatory requirements; and iv. have regard to any relevant guidelines adopted by the Director-General; 	Annual Review 2021-2023	The annual reviews (Environmental Management Reports) report compliance of the MOP and regulatory requirements and rehabilitation progress for each year.	C	N/A
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Environmental Incident Report

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
5.	<p>(a) The lease holder must report any environmental incidents. The report must:</p> <ul style="list-style-type: none"> i. be prepared according to any relevant Departmental guidelines; ii. be submitted within 24 hours of the environmental incident occurring: <p>(b) For the purposes of this condition, environmental incident includes:</p> <ul style="list-style-type: none"> i. any incident causing or threatening material harm to the environment ii. any breach of Conditions 1 to 9 and 11 to 24; iii. any breach of environment protection legislation; or, iv. a serious complaint from landholders or the public. <p>(c) For the purposes of this condition, harm to the environment is material if:</p> <ul style="list-style-type: none"> i. it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or ii. it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment. 	<ul style="list-style-type: none"> • Various Incident Reports 	Incidents have been reported to the Resource Regulator as required by this condition during the audit period.	C	N/A
Additional Environmental Reports					
6.	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.	<ul style="list-style-type: none"> • Note 	Noted	Note	N/A
Rehabilitation					
7.	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	<ul style="list-style-type: none"> • Mining Operation Plan, August 2020 • Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 • NSWRR MOP Approval, dated 23-07-2021 	No areas of the lease have been rehabilitated to final completion.	NT	N/A
Subsidence Management					
8. (a)	The lease holder shall prepare a Subsidence Management Plan prior to commencing any underground mining operations which will potentially lead to subsidence of the land surface.	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
8. (b)	Underground mining operations which will potentially lead to subsidence include secondary extraction panels such as longwalls or miniwalls, associated first workings (gateroads, installation roads and associated main headings, etc), and pillar extractions, and are otherwise defined by the Applications for Subsidence Management Approvals guidelines (EDG17)	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A
8. (c)	The lease holder must not commence or undertake underground mining operations that will potentially lead to subsidence other than in accordance with a Subsidence Management Plan approved by the Director-General, an approval under the Goa/ Mine Health & Safety Act 2002, or the document New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09).	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A
8. (d)	Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A
8. (e)	Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 3 and will be subject to the Environmental Management Report process as set out under Condition 4. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document New Approval Process for Management of Coal Mining Subsidence - Policy.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A

Working Requirement

9.	<p>The lease holder must:</p> <p>(a) ensure that at least 167 competent people are efficiently employed in relation to the mining process or mining operations on the lease area OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$2,922,500 per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	The site employees more than 167 employees.	C	N/A
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Blasting

Ground Vibration

10. (a)	The lease holder must ensure that the ground vibration peak particle velocity generated by any blasting within the lease area does not exceed 10 mm/second and does not exceed 5 mm/second in more than 5% of	<ul style="list-style-type: none"> Blast management strategy for Boggabri – Tarrawonga – 	No exceedances of the applicable ground vibration limits were recorded during the audit period.	C	N/A
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No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	the total number of blasts over a period of 12 months at any dwelling or occupied premises as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.	Maules Creek Complex April 2024 • BLAST REGISTER 2021-2024			
Blast Overpressure					
10. (b)	The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 dB (linear) and does not exceed 115 dB (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.	• MCC_ENV_REG BLAST REGISTER 2021-2024	The blast register show that only 2 records exceed the overpressure of 115dB during the audit period: <ul style="list-style-type: none"> 22/02/2023: BM4 116.9 dB 24/07/2023 BM2 117.4 dB, BM3 116.3 dB Only two blasts were recorded above the limit for the period, which was within the 5% allowable exceedance criteria. There were 109 blasts in 2022 and 112 blasts in 2023. Therefore, this is within the allowable exceedance.	C	N/A
Safety					
11.	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.	• Interview with Environmental Superintendent	No injuries have been reported during the audit period.	C	N/A
Prevention of soil erosion and pollution					
12.	Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	• Mining Operation Plan, August 2020 • Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 • NSWRR MOP Approval, dated 23-07-2021	The MOP outlines that all exploration activities, proposed in the period, will be within already delineated mining boundary and not require work in undisturbed areas.	C	N/A
Transmission lines, Communication lines and Pipelines					
13.	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility	• Interview with Environmental Superintendent	MCC operations have not interfered or impaired any of the relevant utilities during the audit period.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.				
Roads and Tracks					
14. (a)	The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the roads authority in making good any damage to roads or tracks caused by operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	MCC stated no payments in relation to damage or roads or tracks have been required within the audit period.	NT	N/A
14. (b)	During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track.	<ul style="list-style-type: none"> Traffic Management Plan March 2023 Interview with Environmental Superintendent 	MCC stated access tracks are not used during wet weather and the TMP outlines access restrictions.	C	N/A
14. (c)	Existing access tracks should be used for all operations where reasonably practicable. New access tracks must be kept to a minimum and be positioned in order to minimise damage to the land, watercourses or vegetation.	<ul style="list-style-type: none"> Traffic Management Plan March 2023 	The TMP outlines all the approved routes for use by the MCC and outlines the restricted access routes for MCC.	C	N/A
14. (d)	Temporary access tracks must be rehabilitated and revegetated to the satisfaction of the Director-General as soon as reasonably practicable after they are no longer required under this lease.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	MCC stated, the site has not constructed any temporary access tracks during the audit period.	NT	N/A
Trees and Vegetation					
15. (a)	The lease holder must not fell trees, strip bark or cut timber on any land subject of this lease without the consent of the landholder who is entitled to the use of the timber.	<ul style="list-style-type: none"> Forest Permit Authority and Use Arrangement for Access, Environmental Monitoring and Blasting. Level 2 signed 23-06-2021 Letter of Variation and annexure Maules Creek Coal Forest Permit, dated 08-03-2024 	MCC has an agreement in place with Forestry Commission since 2016 which was last updated by Letter of Variation, dated 08-03-2024.	C	N/A
	The lease holder must contact Forests NSW and obtain any required permit, licence or approval before taking timber from any Crown land within the lease area. <i>Note: Any clearing not authorised under the Act must comply with the requirements of the Native Vegetation Act 2003. Any clearing or taking of timber on Crown land is subject to the requirements of the Forestry Act 1916.</i>	<ul style="list-style-type: none"> Forest Permit Authority and Use Arrangement for Access, Environmental Monitoring and Blasting. Level 2 signed 23-06-2021 Letter of Variation and annexure Maules 	As above.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	Subject to any conditions stipulated.	Creek Coal Forest Permit, dated 08-03-2024			
Resource Recovery					
17.	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, notice in writing to the lease holder may be given requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	MCC stated no notice has been received.	NT	N/A
Indemnity					
18.	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	<ul style="list-style-type: none"> Coal Lease 375 	Executed Coal Lease states that the site accepts the renewal of the lease and agree to be bound by the conditions specified and in effect agree to indemnify the Crown against this Condition.	C	N/A
Security					
19.	A security in the sum of \$120,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under this lease.	<ul style="list-style-type: none"> IEA 2021 	Compliance confirmed in previous audit periods.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
Suspension of Mining Operations					
23.	The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.	<ul style="list-style-type: none"> Interview with Environmental Superintendent. 	Environmental Superintendent stated mining operations have not been suspended during the audit period.	C	N/A
Cooperation Agreement					
24.	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> access arrangements operational interaction procedures dispute resolution information exchange well location timing of drilling potential resource extraction conflicts and rehabilitation issues. <p><i>Note: <u>Exploration Reports (Geological and Geophysical)</u></i> <i>The lease holder must lodge reports to the satisfaction of the Director-General in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</i> <i>Reports must be prepared in accordance with <u>Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales</u> (Department of Industry and Investment, 2010).</i></p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent. 	MCC advised that discussions on a draft agreement with Santos were ongoing between the parties during the audit period.	C	N/A

Document details	
DOCUMENT TITLE	Table A4 – Mining Lease 1701
DOCUMENT SUBTITLE	Compliance with Mining Lease 1701
PROJECT NUMBER	0738674
Date	14-08-2024
Version	01
Author	Andrew Lewis, Leanne Lee
Client name	Whitehaven Coal

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
Notice to Landholders					
1. (a)	Within a period of three months from the date of grant/renewal of this lease, the lease holder must serve on each landholder of the land a notice in writing indicating that this lease has been granted/renewed and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Outside audit period	NT	N/A
1. (b)	If there are ten or more landholders affected, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), condition 1(a) is not required.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Outside audit period	NT	N/A
Rehabilitation					
2.	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	<ul style="list-style-type: none"> Mining Operation Plan, August 2020 Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 NSWRR MOP Approval, dated 23-07-2021 	No areas of the lease have been rehabilitated to final completion.	NT	N/A
Mining Operations Plan and Annual Rehabilitation Report					
3. (a)	The lease holder must comply with an Approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and protecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.	<ul style="list-style-type: none"> Mining Operation Plan, August 2020 Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 NSWRR MOP Approval, dated 23-07-2021 	No Penalty Notices were issued to MCC by the Resource Regulator in the audit period. The MOP was found to generally meet the stated requirements during period it was in force.	C	N/A
3. (b)	The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which: <ul style="list-style-type: none"> i. identifies area that will be disturbed; ii. details the staging of specific mining operations, mining purposes and prospecting; iii. identifies how the mine will be managed and rehabilitated to achieve the post mining land use; 	<ul style="list-style-type: none"> Mining Operation Plan, August 2020 Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 NSWRR MOP Approval, dated 23-07-2021 	The MOP, during the audit period that it was valid, met the requirements of this condition.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	iv. identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimize harm to the environment; and v. reflects the conditions of approval under: <ul style="list-style-type: none"> • The <i>Environmental Planning and Assessment Act 1979</i>; • The <i>Protection of the Environment Operations Act 1997</i>; and • Any other approvals relevant to the development including the conditions of this mining lease. 				
3. (c)	The MOP must be prepared in accordance with the <i>ESG3: Mining Operations Plan (MOP) Guidelines September 2013</i> published on the department website at www.resources.nsw.gov.au/environment	<ul style="list-style-type: none"> • Mining Operation Plan, August 2020 • Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 • NSWRR MOP Approval, dated 23-07-2021 	The MOP and Amendments were prepared to satisfy the requirements of the mining tenement conditions for the MCC, which was a Level 1 Mine in accordance with the NSW Department of Industry, Skills and Regional Development (DISRD) – Division of Resources and Energy (DRE) 2013 MOP guidelines (i.e. <i>ESG3: Mine Operation Plan (MOP) Guidelines, September 2013</i>). These guidelines are referred to herein as the MOP Guidelines.	C	N/A
3. (d)	The lease holder may apply to the Minister to amend an approved MOP at any time.	<ul style="list-style-type: none"> • Mining Operation Plan, August 2020 • Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 • NSWRR MOP Approval, dated 23-07-2021 	MCC has sought amendments to the MOP during the audit period via application to the Minister.	C	N/A
3. (e)	It is not a breach of this condition if: <ol style="list-style-type: none"> i. the operations which, but for this condition 3(e) would be breach of condition 3(a), were necessary to comply with a lawful order or direction given under the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Protection of the Environment Operations Act 1997</i>, the <i>Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002</i> and <i>Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006</i> or the <i>Work Health and Safety Act 2011</i>; and ii. the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. 	<ul style="list-style-type: none"> • Note 	Noted	Note	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
3. (f)	<p>The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The Report must:</p> <ul style="list-style-type: none"> i. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; ii. be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and iii. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment. <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>	<ul style="list-style-type: none"> • Annual Reviews 2021-2023 	<p>Progress of rehabilitation is reported in the Annual Reviews in line with i., ii., and iii.</p>	C	N/A

Compliance Report

4. (a)	<p>The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p>	<ul style="list-style-type: none"> • Annual Review 2021-2023 	<p>Compliance of the project is reported in the Annual Reviews is required.</p>	C	N/A
4. (b)	<p>The Compliance Report must include:</p> <ul style="list-style-type: none"> i. the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with; ii. particulars of any non-compliance with any such conditions or provisions, iii. the reasons for any such non-compliance; iv. any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance. 	<ul style="list-style-type: none"> • Annual Review 2021-2024 	<p>The Annual Reviews report on compliance in line with the stated requirement for this mining lease.</p>	C	N/A
4. (c)	<p>The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p>	<ul style="list-style-type: none"> • Annual Review 2021-2024 	<p>Annual Reviews are submitted annually in line with this condition.</p>	C	N/A
4. (d)	<p>In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <ul style="list-style-type: none"> i. must accompany any application to renew this mining lease under the Act; ii. must accompany any application to transfer this mining lease under the Act; and iii. must accompany any application to cancel, or to partially cancel, this mining lease under the Act. 	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	<p>MCC stated they have not renewed, transferred or applied to cancel the lease within the audit period.</p>	NT	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
4. (e)	Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A
4. (f)	A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	MCC stated they have not sought to cancel or not renew the licence during the audit period.	Note	N/A

Environmental Incident Report

5. (a)	<p>The lease holder must notify the Department of all:</p> <ol style="list-style-type: none"> breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach. <p><i>Note: Refer to www.resources.nsw.gov.au/environment for notification contact details.</i></p>	<ul style="list-style-type: none"> Various Incident Reports 	Incidents have been reported to the Resource Regulator as required by this condition during the audit period.	C	N/A
5. (b)	<p>The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <ol style="list-style-type: none"> the details of the mining lease; contact details for the lease holder; a map identifying the location of the incident and where material harm to the environment has or is likely to occur; a description of the nature of the incident or breach, likely causes and consequences; a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a). a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease. <p><i>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident</i></p>	<ul style="list-style-type: none"> Various Incident Reports 	Incidents have been reported to the Resource Regulator within 7 days as required by this condition during the audit period.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<i>Report. Refer to www.resources.nsw.gov.au/environment for further details.</i>				
5. (c)	In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the <i>Protection of the Environment Operations Act 1997</i> arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.	<ul style="list-style-type: none"> Note 	Noted	Note	N/A

Extraction Plan

6. (a)	<p>In this condition:</p> <p>i. approved Extraction Plan means a plan, being:</p> <p>A. an extraction plan or subsidence management plan approved in accordance with the conditions of a relevant development consent and provided to the Secretary; or</p> <p>B. a subsidence management plan relating to the mining operations subject to this lease:</p> <p style="padding-left: 20px;">I. submitted to the Secretary on or before 31 December 2014; and</p> <p style="padding-left: 20px;">II. approved by the Secretary.</p> <p>ii. relevant development consent means a development consent or project approval issued under the Environmental Planning & Assessment Act 1979 relating to the mining operations subject to this lease.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A
6. (b)	The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A
6. (c)	The lease holder must ensure that the approved Extraction Plan provides for the effective management of risks associated with any subsidence resulting from mining operations carried out under this lease.	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A
6. (d)	The lease holder must notify the Secretary within 48 hours of any:	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	No underground mining has occurred at the site.	NT	N/A
	<p>i. incident caused by subsidence which has a potential to expose any person to health and safety risks;</p> <p>ii. significant deviation from the predicted nature, magnitude, distribution, timing and duration of subsidence effects, and of the potential impacts and consequences of those deviations on built features and the health and safety of any person; or</p>				

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	iii. significant failure or malfunction of a monitoring device or risk control measure set out in the approved Extraction Plan addressing: <ul style="list-style-type: none"> A. built features; B. public safety; or C. subsidence monitoring. 				
Resource Recovery					
7.	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	MCC stated they optimise recovery and maximising mineral recovery is in the best interests of MCC to maximise potential revenue.	C	N/A
Group Security					
8.	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$33,390,000.</p> <p>The leases covered by the group security include:</p> <p>Coal Lease 375 (Act 1973)</p> <p>This group security is extended to apply to this lease.</p>	<ul style="list-style-type: none"> • IEA 2021 	Compliance confirmed in prior audit period.	C	N/A
Cooperation Agreement					
9.	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	MCC advised that discussions on a draft agreement with Santos were ongoing between the parties during the audit period.	C	N/A

SPECIAL CONDITIONS

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
<p><i>Note: The standard conditions apply to all mining leases. The Division of Resources & Energy (DRE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.</i></p>					
<p>Prescribed Dam</p>					
10. (a)	<p>Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the Maules Creek Notification Area (Maules Creek Raw Water Dam 2 and Maules Creek Water Dam 2) without the prior written approval of the Minister and subject to any conditions stipulated.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	<p>No mining has taken place within this area during the audit period.</p>	<p>C</p>	<p>N/A</p>
10. (b)	<p>Where the lease holder desires to mine within the notification area he or she must:</p> <ol style="list-style-type: none"> at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and provide such information as the Minister may direct. 	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	<p>As above.</p>	<p>NT</p>	<p>N/A</p>
10. (c)	<p>The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <p>This sub-paragraph is complied with if:</p> <ol style="list-style-type: none"> the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b). the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined. the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal. the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and where the Dams Safety Committee has made recommendations the approval is in terms that are: <ul style="list-style-type: none"> in accordance with those recommendations; or where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph. 	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	<p>As above.</p>	<p>NT</p>	<p>N/A</p>

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	vi. Where the Minister does not accept the recommendations of the Dams Safety Committee or where the Dams Safety Committee has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam: <ul style="list-style-type: none"> ▪ as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or ▪ in the event of failure to reach such agreement - as determined by the Premier. 				
10. (d)	The Minister, on notice from the Dams Safety Committee, may at any time or times: <ul style="list-style-type: none"> i. cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given. ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed. 	<ul style="list-style-type: none"> • Interview with Environmental Superintendent 	As above.	NT	N/A
Exploration Reporting					
	<p><i>Note: Exploration Reports (Geological and Geophysical)</i></p> <p><i>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</i></p> <p><i>Reports must be prepared in accordance with Exploration Reporting. A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</i></p>	<ul style="list-style-type: none"> • Group Annual Exploration Reports, 2021-2023 	Exploration reports submitted as per the requirements of this condition within audit period.	C	N/A

Document details	
DOCUMENT TITLE	Table A5 – Mining Lease 1719
DOCUMENT SUBTITLE	Compliance with Mining Lease 1719
PROJECT NUMBER	0738674
Date	14-08-2024
Version	01
Author	Andrew Lewis, Leanne Lee
Client name	Whitehaven Coal

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
Notice to Landholders					
1.	<p>a) Within a period of three months from the date of grant/renewal of this mining lease, the lease holder must serve on each landholder a notice in writing indicating that this mining lease has been granted/renewed and whether the lease includes the surface. A plan identifying each landholder and individual land parcel subject to the lease area, and a description of the lease area must accompany the notice.</p> <p>b) If there are ten or more landholders, the lease holder may serve the notice by publication in a newspaper circulating in the region where the lease area is situated. The notice must indicate that this mining lease has been granted/renewed; state whether the lease includes the surface and must contain a plan and description of the lease area. If a notice is made under condition 1(b), compliance with condition 1(a) is not required.</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	Outside audit period	NT	N/A
Rehabilitation					
2.	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	<ul style="list-style-type: none"> Mining Operation Plan, August 2020 Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 NSWRR MOP Approval, dated 23-07-2021 	No areas of the lease have been rehabilitated to final completion.	NT	N/A
Mining Operations Plan and Annual Rehabilitation Report					
3.	<p>a) The lease holder must comply with an Approved Mining Operations Plan (MOP) in carrying out any significant surface disturbing activities, including mining operations, mining purposes and protecting. The lease holder must apply to the Minister for approval of a MOP. An approved MOP must be in place prior to commencing any significant surface disturbing activities, including mining operations, mining purposes and prospecting.</p> <p>b) The MOP must identify the post mining land use and set out a detailed rehabilitation strategy which:</p> <ol style="list-style-type: none"> identifies area that will be disturbed; details the staging of specific mining operations, mining purposes and prospecting; identifies how the mine will be managed and rehabilitated to achieve the post mining land use; 	<ul style="list-style-type: none"> Mining Operation Plan, August 2020 Mining Operation Plan Amendment C FINAL, letter, dated 05-07-2021 NSWRR MOP Approval, dated 23-07-2021 	No Penalty Notices issued to MCC by the Resource Regulator issue in audit period. The MOP was found to generally meet the stated requirements during period it was in force. Progress of rehabilitation is reported in the Annual Reviews.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>iv. identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimize harm to the environment; and</p> <p>v. reflects the conditions of approval under:</p> <ul style="list-style-type: none"> • The <i>Environmental Planning and Assessment Act 1979</i>; • The <i>Protection of the Environment Operations Act 1997</i>; and • Any other approvals relevant to the development including the conditions of this mining lease. <p>c) The MOP must be prepared in accordance with the <i>ESG3: Mining Operations Plan (MOP) Guidelines September 2013</i> published on the department website at www.resources.nsw.gov.au/environment</p> <p>d) The lease holder may apply to the Minister to amend an approved MOP at any time.</p> <p>e) If it is not a breach of this condition if:</p> <ol style="list-style-type: none"> i. the operations which, but for this condition 3(e) would be breach of condition 3(a), were necessary to comply with a lawful order or direction given under the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Protection of the Environment Operations Act 1997</i>, the <i>Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011</i>; and ii. the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out. <p>f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The Report must:</p> <ol style="list-style-type: none"> i. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; ii. be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and iii. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at www.resources.nsw.gov.au/environment. <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>				

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
Compliance Report					
4.	<p>a) The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.</p> <p>b) The Compliance Report must include:</p> <ol style="list-style-type: none"> i. the extent to which the conditions of this mining lease or any provisions of the Act or the regulations applicable to activities under this mining lease, have or have not been complied with; ii. particulars of any non-compliance with any such conditions or provisions, iii. the reasons for any such non-compliance; iv. any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance. <p>c) The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.</p> <p>d) In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <ol style="list-style-type: none"> i. must accompany any application to renew this mining lease under the Act; ii. must accompany any application to transfer this mining lease under the Act; and iii. must accompany any application to cancel, or to partially cancel, this mining lease under the Act. <p>e) Despite the submission of any Compliance Report under (c) or (d) above, the titleholder must lodge a Compliance Report with the Department at any date or dates otherwise required by the Minister.</p> <p>f) A Compliance Report must be submitted one month prior to the expiry of this mining lease, where the licence holder is not seeking to renew or cancel this mining lease.</p>	<ul style="list-style-type: none"> • Annual Reviews 2021-2023 	Compliance of the project is reported in the Annual Reviews and includes the required information.	C	N/A
Environmental Incident Report					
5.	<p>a) The lease holder must notify the Department of all:</p> <ol style="list-style-type: none"> i. breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and 	<ul style="list-style-type: none"> • Various Incident Reports 	Incidents have been reported to the Resource Regulator as required by this condition during the audit period.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>ii. breaches of environmental protection legislation causing or threatening material harm to the environment (as defined in the Protection of the Environment Operations Act 1997), arising in connection with significant surface disturbing activities, including mining operations, mining purposes and prospecting operations, under this mining lease. The notification must be given immediately after the lease holder becomes aware of the breach.</p> <p><i>Note. Refer to www.resources.nsw.gov.au/environment for notification contact details.</i></p> <p>b) The lease holder must submit an Environmental Incident Report to the Department within seven (7) days of all breaches referred to in condition 5(a)(i) and (ii). The Environmental Incident Report must include:</p> <ul style="list-style-type: none"> i. the details of the mining lease; ii. contact details for the lease holder; iii. a map identifying the location of the incident and where material harm to the environment has or is likely to occur; iv. a description of the nature of the incident or breach, likely causes and consequences; v. (v) a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in 5(a). vi. (vi) a summary of all previous incidents or breaches which have occurred in the previous 12 months relating to significant surface disturbing activities, including mining operations, mining purposes and prospecting operations under this mining lease. <p><i>Note. The lease holder should have regard to any relevant Director General's guidelines in the preparation of an Environmental Incident Report. Refer to www.resources.nsw.gov.au/environment for further details.</i></p> <p>c) In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the <i>Protection of the Environment Operations Act 1997</i> arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>				
Extraction Plan					
6.	NOT USED	N/A	N/A	N/A	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
Resource Recovery					
7.	NOT USED	N/A	N/A	N/A	N/A
Group Security					
8.	<p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security has been assessed by the Minister at \$33,390,000.</p> <p>The leases covered by the group security include: Coal Lease 375 (Act 1973), Mining Lease 1701 (Act 1992)</p> <p>This group security is extended to apply to this lease.</p>	<ul style="list-style-type: none"> IEA 2021 	Compliance confirmed in prior audit period.	C	N/A
Cooperation Agreement					
9.	<p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> access arrangements operational interaction procedures dispute resolution information exchange well location timing of drilling potential resource extraction conflicts; and rehabilitation issues. 	<ul style="list-style-type: none"> Interview with Environmental Superintendent 	MCC advised that discussions on a draft agreement with Santos were ongoing between the parties during the audit period.	C	N/A
Exploration Reporting					
	<p><i>Note: Exploration Reports (Geological and Geophysical)</i></p> <p><i>The lease holder must lodge reports to the satisfaction of the Minister in accordance with section 163C of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</i></p> <p><i>Reports must be prepared in accordance with Exploration Reporting. A guide for reporting on exploration and prospecting in New South Wales (Department of Trade and Investment; Regional Infrastructure and Services 2010).</i></p>	<ul style="list-style-type: none"> Group Annual Exploration Reports, 2021-2023 	Exploration reports submitted as per the requirements of this condition within audit period.	C	N/A

Document details	
DOCUMENT TITLE	Table A6 – Consolidated Standard Conditions
DOCUMENT SUBTITLE	Compliance with Mining Lease 375, 1701, 1719
PROJECT NUMBER	0738674
Date	03-09-24
Version	01
Author	Andrew Lewis, Leanne Lee
Client name	Whitehaven Coal

Note: Compliance table period from 2 July 2022 to 9 July 2024

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
SCHEDULE B – Standard Conditions					
Division 1 - Protection of the environment and rehabilitation					
4	<p>Must prevent or minimise harm to environment</p> <p>(1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.</p> <p>(2) In this clause— harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.</p>	<ul style="list-style-type: none"> This audit 	Refer to the findings of this audit.	C	N/A
5	<p>Rehabilitation to occur as soon as reasonably practicable after disturbance</p> <p>The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.</p>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 Rehabilitation Management Plan, dated November 2023 Forward Program dated 6 February 2024 Site observation 	The rehabilitation at the mine is an ongoing process, which based on ERM's observations and a review of relevant Annual Reviews from the audit period appears to be being undertaken generally in accordance with EA rehabilitation strategy; the EA, and the Rehabilitation Management Plan and Forward Program.	C	N/A
6	<p>Rehabilitation must achieve final land use</p> <p>(1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.</p> <p>(2) The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).</p> <p>(3) The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).</p> <p>Note—</p> <p>Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.</p> <p>(4) In this clause— final land use for the mining area means the final landform and land uses to be achieved for the mining area—</p> <p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 Rehabilitation Management Plan, dated November 2023 Forward Program dated 6 February 2024 	<p>(1) MCC is undertaking rehabilitation in line with the Rehabilitation Plan to achieve final land use.</p> <p>(2) PA 10_0138</p> <p>(3) Rehabilitation Management Plan contains the risk assessment as required.</p> <p>(4) Note</p>	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>(b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.</p> <p>planning approval means—</p> <p>(a) a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i>, or</p> <p>(b) an approval under that Act, Division 5.1.</p>				
Division 2 - Risk assessment					
7	<p>Rehabilitation risk assessment</p> <p>(1) The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that—</p> <p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—</p> <ol style="list-style-type: none"> i. the rehabilitation objectives, ii. the rehabilitation completion criteria, iii. for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and <p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p> <p>(2) The holder of the mining lease must implement the measures identified.</p> <p>(3) The holder of a mining lease must conduct a rehabilitation risk assessment—</p> <ol style="list-style-type: none"> (a) for a large mine—before preparing a rehabilitation management plan, and (b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and (c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and (d) whenever given a written direction to do so by the Secretary. 	<ul style="list-style-type: none"> • Annual review 2021, 2022 and 2023 • Rehabilitation Management Plan, dated November 2023 • Forward Program dated 6 February 2024 	<ol style="list-style-type: none"> (1) The Rehabilitation Management Plan (RMP), which includes the requirements for (1 a and b). (2) MCC stated it is implementing measures to eliminate, minimise or mitigate the risks, which was observed by the auditors during the site visit. This will be reported in future Annual Rehabilitation Reports. (3) Risk Assessment carried out prior to preparation of RMP as per (a) and will update as required as per (c) and (d). 3(c) and (d) have not been triggered during the audit period. 	C	N/A
Division 3 - Rehabilitation documents					
8	<p>Application of Division</p> <p>This Division does not apply to a mining lease unless—</p>	<ul style="list-style-type: none"> • Security deposit calculations 	Security deposits required under the mining leases are greater than	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>(a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or</p> <p>(b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.</p>		<p>minimum deposits prescribed under the Act, section 261BF. Therefore, the Division (for Rehabilitation documents) applies.</p>		
9	<p>General requirements for documents</p> <p>A document required to be prepared under this Division must—</p> <p>(a) be in a form approved by the Secretary, and</p> <p>Note— The approved forms are available on the Department’s website.</p> <p>(b) include any matter required to be included by the form, and</p> <p>(c) if required to be given to the Secretary—be given in a way approved by the Secretary.</p>	<ul style="list-style-type: none"> Rehabilitation Management Plan, dated November 2023 Forward Program dated 6 February 2024 Email to Resources Regulator submitting RMP on 13 November 2023 Email from Resources Regulator confirm receiving Forward Program on 6 February 2024, 12 April 2023, 22 July 2022 	<p>Documents were observed to be in required format and submitted as required.</p> <p>MCC advised that 2023 forward plan was submitted manually to the regulator as the portal was inaccessible at the time of submission. Once the portal was operational again the report was then uploaded through the portal.</p>	C	N/A
10	<p>Rehabilitation management plans for large mines</p> <p>(1) The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following—</p> <p>(a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,</p> <p>(b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,</p> <p>(c) a summary of rehabilitation risk assessments conducted by the holder,</p> <p>(d) the risk control measures identified in the rehabilitation risk assessments,</p> <p>(e) the rehabilitation outcome documents for the mining lease,</p> <p>(f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.</p> <p>(2) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.</p> <p>(3) A rehabilitation management plan is not required to be given to the Secretary for approval.</p> <p>(4) The holder of the mining lease—</p>	<ul style="list-style-type: none"> Annual review 2021, 2022 and 2023 Rehabilitation Management Plan, dated November 2023 Forward Program dated 6 February 2024 Rehabilitation Outcome Documents 	<ol style="list-style-type: none"> Rehabilitation Management Plan covers the current listed requirements for (a) to (f). Refer to Condition 12 below Noted MCC is implementing the matters set out in the Rehabilitation Management Plan and Forward Program as per (a) and (b) which progress is reported on in the Annual Rehabilitation Reports. 	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>(a) must implement the matters set out in the rehabilitation management plan, and</p> <p>(b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.</p>				
11	<p>Amendment of rehabilitation management plans</p> <p>The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—</p> <p>(a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,</p> <p>(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,</p> <p>(c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,</p> <p>(d) whenever given a written direction to do so by the Secretary—in accordance with the direction.</p>	<ul style="list-style-type: none"> Rehabilitation Management Plan 28-12-2022 Interviews with environmental personnel 	<p>(a) The RMP, dated November 2023 stated that Rehabilitation Objectives were approved by the Resources Regulator on 13 October 2023.</p> <p>(b) NT as no amendment made under Condition 14.</p> <p>(c) NT as no changes to risk control measures within audit period.</p> <p>(d) NT as not been directed to do so by Secretary.</p>	C	N/A
12	<p>Rehabilitation outcome documents</p> <p>(1) The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval—</p> <p>(a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.</p> <p>(2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.</p>	<ul style="list-style-type: none"> Rehabilitation Management Plan, dated November 2023 Forward Program dated 6 February 2024 Email receipt from ROBJ dated 29 June 2023 Interview with Environmental Superintendent 	<p>(1a) Rehabilitation objectives statement was submitted on 29 June 2023 to the ROBJ Portal which sets out rehabilitation objectives. The RMP stated that Rehabilitation Objectives were approved by the Resources Regulator on 13 October 2023.</p> <p>(1b) The RMP stated that the Rehabilitation completion criteria statement was still in draft at the time of the RMP review.</p> <p>(1c) The final landform and rehabilitation plan is included in RMP which has been approved by the Department.</p> <p>(2) Final land use is consistent with conditions of development consent with spatial data submitted.</p>	C	N/A
13	<p>Forward program and annual rehabilitation report</p>	<ul style="list-style-type: none"> Forward Program dated 6 February 2024 	<p>(1) Forward Program includes: (a) 3-year schedule for mining activities,</p>	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>(1) The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following—</p> <p>(a) a schedule of mining activities for the mining area for the next 3 years,</p> <p>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</p> <p>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</p> <p>(2) The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following—</p> <p>i. the objectives set out in the rehabilitation objectives statement,</p> <p>ii. the criteria set out in the rehabilitation completion criteria statement,</p> <p>iii. for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.</p> <p>(3) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.</p> <p>(4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.</p> <p>(5) In this clause—</p> <p>annual reporting period means each period of 12 months commencing on—</p> <p>(a) the date on which the mining lease is granted, or</p> <p>(b) if the Secretary approves another date in relation to the mining lease—the other date.</p>	<ul style="list-style-type: none"> Annual Rehabilitation Report 2022, 2023 	<p>(b) a summary of spatial progression for phases in the 3-year period, and</p> <p>(c) the requirement for rehabilitation to occur as soon as reasonably practicable.</p> <p>(2) Annual Rehabilitation Report covering the period of 1 January 2022 to 31 December 2022, 1 January 2023 to 31 December 2023 was prepared and covers requirements of (a) to (c). Note, report is generated automatically following submission of data to online portal.</p> <p>(3) Rehabilitation Outcome Document not yet approved by the Secretary so MCC is currently relying upon proposed version in the Rehabilitation Management Plan</p> <p>(4) Forward Program and Annual Rehabilitation Report submitted to Secretary via online portal. MCC advised that 2023 forward plan was submitted manually to the regulator as the portal was inaccessible at the time of submission. Once the portal was operational again the report was then uploaded through the portal.</p> <p>(5) Noted.</p>		
14	Amendment of rehabilitation outcome documents and forward program	<ul style="list-style-type: none"> Rehabilitation Management Plan, dated November 2023 	(1a, 2) Rehabilitation outcome document not yet approved.	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>(1) This clause applies to—</p> <p>(a) a rehabilitation outcome document if it has been approved by the Secretary, and</p> <p>(b) a forward program if it has been given to the Secretary.</p> <p>(2) The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless—</p> <p>(a) the Secretary gives the holder a written direction to do so, or</p> <p>(b) the Secretary, on written application by the holder, gives a written approval of the amendment.</p> <p>(3) The holder of the mining lease must amend the document in accordance with the Secretary’s direction or approval.</p> <p>(4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.</p>	<ul style="list-style-type: none"> Email from Resources Regulator confirm receiving Forward Program on 6 February 2024, 12 April 2023, 22 July 2022 Forward Program dated 6 February 2024 	<p>(1b, 2) Forward program - Environmental Superintendent advised that an amendment of the forward program was requested but declined by the Secretary. Therefore, no amendments have been made until the next forward program was submitted.</p> <p>(3 - 4) Noted</p>		
15	<p>Times at which documents must be prepared and given</p> <p>(1) The holder of a mining lease must do the following before the end of the initial period—</p> <p>(a) prepare a rehabilitation management plan, and</p> <p>(b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and</p> <p>(c) prepare a forward program and give it to the Secretary.</p> <p>(2) The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before—</p> <p>(a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or</p> <p>(b) a later date approved by the Secretary.</p> <p>(3) A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.</p> <p>(4) The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before—</p>	<ul style="list-style-type: none"> Rehabilitation Management Plan, dated November 2023 Forward Program dated 6 February 2024 Email receipt from ROBJ dated 29 June 2023 Email to Resources Regulator submitting RMP on 13 November 2023 Email from Resources Regulator confirm receiving Forward Program on 6 February 2024, 12 April 2023, 22 July 2022 Annual Rehabilitation Report 2022, 2023 	<p>(1a) Rehabilitation Management Plan has been prepared as required.</p> <p>(1b) Rehabilitation outcome documents have been prepared and submitted to Secretary for approval. At this stage this comprises a rehabilitation objectives statement only. Once that is approved MCC will need to submit the rehabilitation completion criteria statement.</p> <p>(1c) Forward Program has been prepared and submitted to Secretary yearly.</p> <p>(2) Environmental Superintendent advised that the submission date of the forward program and annual rehabilitation report has been amended in the system as per request by the Site and approved by the Secretary through the system. Annual rehabilitation report is submitted annually by the 31st March and the Forward program is submitted for every calendar year.</p>	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>(a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or (b) a later date approved by the Secretary.</p> <p>(5) A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3).</p> <p>(6) The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause.</p> <p>(7) The holder of the mining lease must comply with the direction.</p> <p>(8) In this clause—</p> <p>initial period means the period commencing when the mining lease is granted and ending—</p> <p>(a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or (b) if this Division applies to the mining lease because of an increase in the required security deposit—</p> <p>i. when the surface of the mining area is disturbed by activities under the mining lease, or ii. at a later date approved by the Secretary.</p>		<p>(3, 5) Status of performance against rehabilitation objectives and rehabilitation completion criteria is included in the Annual Rehabilitation Report.</p> <p>(4, 6, 7, 8) Noted</p>		
16	<p>Certain documents to be publicly available</p> <p>(1) This clause applies to the following documents—</p> <p>(a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report.</p> <p>(2) The holder of a mining lease must make a document to which this clause applies publicly available by—</p> <p>(a) publishing it on its website in a prominent position, or (b) if the holder does not have a website— providing a copy of it to a person—</p> <p>i. on the written request of a person, and ii. without charge, and iii. within 14 days after the request is received.</p> <p>(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—</p>	<p>https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/</p>	<p>(1) Noted</p> <p>(2) Forward Program, Site Rehabilitation Plan and annual rehabilitation reports are publicly available on the WHC website.</p> <p>(3, 4) Noted</p>	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>(a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or</p> <p>(b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,</p> <p>(4) Personal information within the meaning of the <i>Privacy and Personal Information Protection Act 1998</i> is not required to be included in a document made available to a person under this clause.</p>				
Division 4 - Records, reporting and notification					
17	<p>Records demonstrating compliance</p> <p>The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part.</p> <p>Note—</p> <p>(a) The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.</p>	<ul style="list-style-type: none"> • Annual Reviews • Annual Returns • CMO Compliance Management Software • Interview with environmental superintendent 	<p>Internal CMO compliance management software is used for creating and maintaining records of actions to demonstrate compliance.</p> <p>Compliance status of Project Approval and EPL is reported through Annual Reviews and Annual Returns.</p> <p>The auditor reviewed the CMO compliance management action records that demonstrate compliance during the audit.</p>	C	N/A
18	<p>Report on non-compliance</p> <p>(1) The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with—</p> <p>(a) a condition of the mining lease, or</p> <p>Note—</p> <p>The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition.</p> <p>(b) a requirement of the Act or this Regulation relating to activities under the mining lease.</p> <p>(2) The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.</p> <p>(3) The holder of the mining lease must ensure the report—</p> <p>(a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and</p> <p>(b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance</p>	<ul style="list-style-type: none"> • Interviews with environmental personnel. 	<p>Site personnel stated no non-compliances during the audit period that this ML with Standard Conditions was in force.</p>	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>occurred, and</p> <p>(c) describes the causes or likely causes of the non-compliance, and</p> <p>(d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.</p>				
19	<p>Nominated contact person</p> <p>(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.</p> <p>Note— The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</p> <p>(2) The holder of the mining lease must give written notice to the Secretary of—</p> <p>(a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and</p> <p>(b) any change in nomination or in the nominated person’s contact details—within 28 days after the change occurs.</p> <p>(3) The holder of the mining lease must ensure that the contact details for the nominated person include the person’s phone number and postal and email addresses.</p>	Nomination of Contact Person email to NSW Resources Regulator 9 March 2023	Contact person is - Emma Bulkeley, nomination reference NCP00010289	C	N/A
Division 5 - Applications relating to development consent					
20	<p>Additional requirements—application for or to modify development consent</p> <p>(1) The holder of a mining lease must give written notice to the Secretary within 10 days after—</p> <p>(a) making an application for development consent that relates to the mining area, or</p> <p>(b) making an application for modification of a development consent—</p> <p>i. under the <i>Environmental Planning and Assessment Act 1979</i>, section 4.55(2), and</p>	N/A	The Site is a State Significant Development and therefore this clause does not apply.	NT	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>ii. that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.</p> <p>(2) This clause does not apply if the development is State significant development.</p>				
General Conditions					
1	<p>Notice to Landholders</p> <p>(a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in writing:</p> <p>i. that this mining lease has been granted or renewed; and</p> <p>ii. whether the lease includes the surface.</p> <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>	<ul style="list-style-type: none"> Interview with Environmental Advisor. 	<p>Environmental Advisor stated that all land within these MCC Mining Leases is owned by Whitehaven Coal.</p>	C	N/A
2	<p>Group Security</p> <p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at \$ \$49,375,000.</p> <p>The leases covered by the group security include this ML 1579 and: ML 1693, ML 1685 & ML 1749</p>	<ul style="list-style-type: none"> Deed of Security Deposit Bond – ML 1579, 1693, 1685 and 1749. NSW Resources Regulator Notification of Assessment for security deposit, 23-10-2020. Resources Regulator Notification of Assessment for security deposit, 23-6-2023. 	<p>Deed of Security Deposit Bond viewed for amount stipulated in Mining Leases of \$49,375,000.</p> <p>It was noted during the audit that the NSW Resources Regulator recently (23-6-2023) notified MCC of an increase in the assessed deposit requirements to \$59,550,000, an increase of \$10,175,000 over the amount previously held by the Department of regional NSW. Due date for this hadn't been reached during the audit period.</p>	C	N/A
3	<p>Cooperation Agreement</p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the <i>Mining Act 1992</i> and</p>	<ul style="list-style-type: none"> Interview with Environmental Superintendent. NSW Department of Mining, Exploration and GeoScience MinView mapping WHC Santos Overlapping Tenements Cooperations 	<p>A review of MinView confirmed that AUSTRALIAN COALBED METHANE PTY LIMITED; SANTOS QNT PTY.LTD. titles overlaps part of MCC.</p>	C	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>petroleum titles issued under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> • access arrangements • operational interaction procedures • dispute resolution • information exchange • well location • timing of drilling • potential resource extraction conflicts; and • rehabilitation issues. 	Agreement Meeting Minutes ⁴ August 2023	MCC advised that discussions on a draft agreement with Santos are ongoing between the parties.		
4. (only ML 1701 and CL 375)	<p>Assessable Prospecting Operations</p> <p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <ol style="list-style-type: none"> i. it is carried out in accordance with any necessary development consent; or ii. if development consent is not required, the prior written approval of the Minister has been obtained. <p>(b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>(c) An approval granted by the Minister under this condition may be granted subject to terms.</p> <p>(d) The lease holder must comply with the approval granted to the holder under this condition.</p>	<ul style="list-style-type: none"> • Email chain titled "RE: CL 375 (1973) Maules Creek APO Approval APO0001700", dated 16 May 2024 • Email titled "ML 1719 (1992) Maules Creek APO Approval APO0001701" dated 16 May 2024 	The Site applied for the exploration program within CL375 and ML1719 on 16 May 2024. The applications under both mining licences were approved by the Resources Regulator on the day. The Regulator considered the proposed activity to be unlikely to have significant impact on the environment and therefore an Environmental Impact Statement was not required.	C	N/A
Special Conditions					
5. (only ML 1701)	<p>Dams Safety – Mining Leases</p> <p>(a) The lease holder must not mine within any part of the lease area which is within the notification area of the Maules Creek Notification Area (Maules Creek Raw Water Dam 2 and Maules Creek Water Dam 2) without the prior written approval of the Minister and subject to any conditions the Minister may stipulate.</p> <p>(b) Where the lease holder desires to mine within the notification area, the lease holder must:</p> <ol style="list-style-type: none"> i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan 	<ul style="list-style-type: none"> • Interview with Environmental Superintendent. 	No mining has occurred in the Maules Creek Notification Area	NT	N/A

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	<p>of the mining system to be implemented must accompany the notice; and</p> <p>ii. provide such information as the Minister may direct.</p> <p>(c) The Minister must not, except in the circumstances set out in sub-paragraph (ii), grant approval unless sub-paragraph (i) of this paragraph has been complied with.</p> <p>i. This sub-paragraph is complied with if:</p> <p>a) Dams Safety NSW as constituted by section 6 of the <i>Dams Safety Act 2015</i> and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</p> <p>b) the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</p> <p>c) the Secretary has complied with any reasonable request made by Dams Safety NSW or the owner of the dam for further information in connection with the mining proposal.</p> <p>d) Dams Safety NSW has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</p> <p>e) where Dams Safety NSW has made recommendations the approval is in terms that are:</p> <ul style="list-style-type: none"> - in accordance with those recommendations; or - where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph. <p>ii. Where the Minister does not accept the recommendations of Dams Safety NSW or where Dams Safety NSW has failed to make any recommendations and has not informed the Minister in writing that it does not propose to make any recommendations, the approval shall be in terms that are, in relation to matters dealing with the safety of the dam:</p> <ul style="list-style-type: none"> - as determined by agreement between the Minister and the Minister administering the <i>Dams Safety Act 2015</i>; or - in the event of failure to reach such agreement - as determined by the Premier. <p>(d) The Minister, on notice from Dams Safety NSW, may at any time or times:</p> <p>i. cancel any approval given where a notice pursuant to section 19 of the <i>Dams Safety Act 2015</i> is given.</p> <p>ii. Act 2015 is given.</p>				

No.	Assessment Requirement	Reference/Evidence	Comments	Compliance Status	Recommendations
	iii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.				
Exploration Reporting					
(only ML 1701 and CL 375)	<p>Note: Exploration Reports (Geological and Geophysical)</p> <p>The lease holder must lodge reports in accordance with the requirements in section 163C of the Mining Act 1992 and clauses 59, 60 and 61 of the Mining Regulation 2016 as well as any further requirements issued by the Secretary under clause 62 of the Mining Regulation.</p> <p>Guidelines for the structure, content and data format requirements for reports are set out in the Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales.</p>	<ul style="list-style-type: none"> Group Annual Exploration Reports, 2021-2023 	Exploration reports submitted as per the requirements of this condition within audit period.	C	N/A



APPENDIX B

DEPARTMENTAL CORRESPONDANCE

NSW Planning ref: MP10_0138-PA-104

Emma Bulkeley
Environmental Superintendent
Maules Creek Coal Pty Ltd
Kamilaroi Country
PO Box 600
Gunnedah NSW 2380
24/04/2024

Sent via the Major Projects Portal only

Subject: Maules Creek Coal – Independent Environmental Audit 2024 auditor endorsement request

Dear Ms Bulkeley

Reference is made to your post approval matter, MP10_0138-PA-104, request for the Planning Secretary's approval of suitably qualified, experienced, and independent persons to conduct an Independent Audit of the Maules Creek Coal Mine, submitted as required by Schedule 5, Condition 10 of MP10_0138 as modified (the consent) to NSW Department of Planning, Housing, and Infrastructure (NSW Planning) on 17 April 2024.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed persons are suitably qualified, experienced, and independent.

In accordance with Schedule 5, Condition 10 of the consent and the NSW Planning, *Independent Audit Post Approval Requirements (2020)*, as nominee of the Planning Secretary, I endorse the following independent audit team:

- Mr Andrew Lewis (Lead Auditor)
- Ms Leanne Lee (Support Auditor)
- Oliver Moore (Partner in Charge)
- Heather McKay (Project Manager)

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

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

NSW Planning reserves the right to request an alternate auditor or audit team for future audits.

During the NSW Planning review of ERM's proposal for the 2024 Independent Audit, the following was noted in Section 1:

'ERM completed Independent Environmental Audits of the Site in 2021. We would not duplicate this effort during this proposed audit. We would however refer to this report and its contents during our description of compliance with the relevant CoC, as well as report on the closure of actions from previous audits.'

NSW Planning notes that each audit report must read as a standalone document. A simple reference to a previous audit report will not be considered sufficient evidence to demonstrate compliance with any condition of consent.

Finally, ERM's proposal also contains a reference to the use of 'Other technical specialists' or 'Subject Matter Experts (SME's)' to assist audit validation and findings. Should ERM need to use any such specialists, signed declarations of independence must be submitted to NSW Planning prior to these specialists or SME's contributing to the audit.

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

Yours sincerely

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

Heidi Watters
Team Leader
Compliance

As nominee of the Planning Secretary



APPENDIX C

CORRESPONDANCE

From: [Andrew Lewis](#)
To: [Joel Curran](#); compliance@planning.nsw.gov.au
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#)
Subject: WHC Maules Creek IEA 2024 ToR for DPHI Consultation
Date: Friday, 21 June 2024 12:12:00 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[WHC Maules Creek IEA 2024 ToR.docx](#)

Hi Joel,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138.

One of the requirements of the audit is that it is to be undertaken in consultation with the Department of Planning, Health and Infrastructure. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

Also, if there are other relevant agencies that you would like us to consult with, please notify us of which agencies.

I can be contacted at the details outlined below to discuss further.

Kind regards,

ERM



Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

erm.com

[ERM named Leader in ESG and Sustainability Consulting](#)



From: [Andrew Lewis](#)
To: [Lindsay Fulloon](#)
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#)
Subject: WHC Maules Creek IEA 2024 ToR for EPA Consultation
Date: Friday, 21 June 2024 12:14:00 PM
Attachments: [WHC Maules Creek IEA 2024 ToR.docx](#)
[image001.png](#)
[image002.jpg](#)

Hi Lindsay,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138.

One of the requirements of the audit is that it is to be undertaken in consultation with the Environment Protection Authority (EPA). To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect. The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

I can be contacted at the details outlined below to discuss further.

Kind regards,



Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

erm.com

[ERM named Leader in ESG and Sustainability Consulting](#)



From: [Andrew Lewis](#)
To: "andrewjohns@infogunnedah.com.au"
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#)
Subject: WHC Maules Creek IEA 2024 ToR for GSC Consultation
Date: Friday, 21 June 2024 12:25:00 PM
Attachments: [WHC Maules Creek IEA 2024 ToR.docx](#)
[image001.png](#)
[image002.jpg](#)

Hi Andrew,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138.

One of the requirements of the audit is that it is to be undertaken in consultation with the Gunnedah Shire Council. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

I can be contacted at the details outlined below to discuss further.

Kind regards,



Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

erm.com

[ERM named Leader in ESG and Sustainability Consulting](#)



From: [Andrew Lewis](#)
To: maulescreekcoalccc@gmail.com; mg.silver@bigpond.com
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#)
Subject: WHC Maules Creek IEA 2024 ToR for MC CCC Consultation
Date: Friday, 21 June 2024 12:20:00 PM
Attachments: [WHC Maules Creek IEA 2024 ToR.docx](#)
[image001.png](#)
[image002.jpg](#)

Hi Michael,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138.

One of the requirements of the audit is that it is to be undertaken in consultation with the Maules Creek Coal Community Consultative Committee. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

I can be contacted at the details outlined below to discuss further.

Kind regards,



Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

erm.com

[ERM named Leader in ESG and Sustainability Consulting](#)



From: [Andrew Lewis](#)
To: [Donna Ausling](#)
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#)
Subject: WHC Maules Creek IEA 2024 ToR for NSC Consultation
Date: Friday, 21 June 2024 12:23:00 PM
Attachments: [WHC Maules Creek IEA 2024 ToR.docx](#)
[image001.png](#)
[image002.jpg](#)

Hi Donna,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138.

One of the requirements of the audit is that it is to be undertaken in consultation with the Narrabri Shire Council. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

I can be contacted at the details outlined below to discuss further.

Kind regards,



Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

[erm.com](#)

[ERM named Leader in ESG and Sustainability Consulting](#)



From: [Andrew Lewis](#)
To: mark.buchan@regional.nsw.gov.au
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#)
Subject: WHC Maules Creek IEA 2024 ToR for NSWRR Consultation
Date: Friday, 21 June 2024 12:17:00 PM
Attachments: [WHC Maules Creek IEA 2024 ToR.docx](#)
[image001.png](#)
[image002.jpg](#)

Hi Mark,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138.

One of the requirements of the audit is that it is to be undertaken in consultation with the NSW Resources Regulator, Department of Regional NSW. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

I can be contacted at the details outlined below to discuss further.

Kind regards,

ERM



Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

erm.com

[ERM named Leader in ESG and Sustainability Consulting](#)



2 July 2024

Mr Andrew Lewis
ERM Brisbane
By Email: andrew.lewis@erm.com

Re: Maules Creek Mine – Independent Environmental Audit

Dear Mr Lewis,

Thank you for your email and letter dated 21 June 2024 requesting consultation on the independent audit to be undertaken of the Maules Creek Mine Complex which is covered by mining leases CL375 (1973), ML1701 (1992) and ML1719 (1992).

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

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

The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice. It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.

Sincerely

Jenny Ehmsen
Principal Compliance Auditor
NSW Resources Regulator

From: [Hudson - Wade](#)
To: [Andrew Lewis](#)
Subject: FW: WHC Maules Creek IEA 2024 ToR for GSC Consultation
Date: Thursday, 18 July 2024 3:28:27 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image001.png](#)
[image002.jpg](#)
[WHC Maules Creek IEA 2024 ToR.docx](#)

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

EXTERNAL MESSAGE

Hi Andrew,

On review of the attached documents Council do not raise any concerns around the parameters of the audit.

If you require anything further please contact or email me.

Kind Regards

Wade Hudson Manager Development Assessment

Gunnedah Shire Council

T +61 2 6740 2100 **F** 02 6740 2129 **E** wadehudson@infogunnedah.com.au

PO Box 63 (63 Elgin Street), GUNNEDAH NSW 2380

www.gunnedah.nsw.gov.au or www.facebook.com/gunnedahshire

I acknowledge the Kamilaroi Aboriginal Nation as the traditional custodians of the land on which I live, work and play. I pay my respect to Elders past and present.

From: Andrew Lewis <andrew.lewis@erm.com>

Date: 21 June 2024 at 12:29:52 PM AEST

To: Johns - Andrew <andrewjohns@gunnedah.nsw.gov.au>

Cc: Emma Bulkeley <EBulkeley@whitehavencoal.com.au>, Kent Taylor <KentTaylor@whitehavencoal.com.au>, Heather McKay <Heather.McKay@erm.com>, Leanne Lee <Leanne.Lee@erm.com>

Subject: WHC Maules Creek IEA 2024 ToR for GSC Consultation

Hi Andrew,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138. One of the requirements of the audit is that it is to be undertaken in consultation with the Gunnedah Shire Council. To that end, this email invites you to raise any questions or concerns regarding this project from an environmental management aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 9 July 2024, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 1 July 2024.

I can be contacted at the details outlined below to discuss further.

Kind regards,

Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

erm.com

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Libby Laird

1. Is the Groundwater Monitoring as it currently stands sufficient to monitor impacts to the Maules Creek alluvium in the Horsearm Creek, Middle Creek area to the north of the project?
2. Should the proponent be making use of existing baseline data and existing groundwater monitoring infrastructure in the Horsearm Creek, Middle Creek area available from the UNSW?
3. Should the proponent be reporting existing groundwater data from the UNSW data set against the modelled outcomes at CCC meetings?
4. Should the existence of the UNSW data trigger a update to the Water Management Strategy and Water Management Plan now?
5. Should this data be included in the forthcoming Mine Continuation Project EIS and should the UNSW infrastructure be upgraded (with the agreement of the UNSW) to monitor the project in future years?
6. How was it that this data was not included in previous water models?
7. I am concerned that documents (biodiversity management plan - years in the making- combined docs = 820 pages) and very important and periodic audits e.g. this current ERM IA, plus numerous modifications that are for CCC consultation are always occurring outside CCCs. They are not explained and require returning between meeting. How many times has this occurred since the last IA?
8. All community spending. Review of how much has been spent and on who/what/where?
9. Biodiversity Management Plan.
10. Night time noise and day time noise.
11. Removal of key offsets eg Warriadohl and Cattle Plain.

Elizabeth O'Hara

Re- Maules Creek coal project approval no.10_0138 Independent environmental audit schedule and terms of reference - Request for extension of time to adequately address questions and concerns.

Thank you for your time yesterday afternoon regarding providing feedback to ERM consultants who are undertaking the independent Environmental Audit of the mine's compliance and conditions required under schedule 5, condition 10.

I am concerned that this matter was not flagged at the last CCC meeting and, given notification was received only on 24 June 2024 and the next CCC meeting is not until 28 August 2024, there exists no opportunity for CCC discussion and input. This lack of appropriate notification and opportunity for discussion is part of a pattern of behaviour of Maules Creek mine which effectively curtails community involvement (e.g. see the current 'consultation' to address the changes to the Biodiversity Offset Strategy approved in PA10_0138 MOD9 and EPBC 2010/5566 variation; notification was received on 24 June 2024, with responses requested to you by 15 July and the documents accessible only by logging onto the website and only until 3 July).

In the past, when time constraints have precluded CCC consultation, responses have been made directly to the relevant consultant/Department and we hope this opportunity will once again be extended.

In their email, ERM invited the CCC “to raise any questions or concerns regarding this project from an environmental management aspect” and to provide “any concerns, areas of focus etc” by 1 July 2024.

The elements of the Terms of Reference I particularly wish to address as the community representative for Wando CCC, are:

- review of compliance against the documentation identified in the CoA (as it relates to the current activities) which will include:
- document review of compliance against the CoA, statement of commitments, and any other relevant consents/approvals;
- site inspection to assess compliance against field implementation of active CoA;
- review of supporting plans developed as part of the CoA and assessment of their adequacy towards effective environmental performance;
- review of monitoring results and trends with comparison of monitoring results against regulatory limits and monitoring CoA limits (where applicable);
- confirmation if any additional monitoring required for identified trends;
- community complaints with review completed for any trends and identifying the source of an established trend;
- review of any regulatory actions including any letters, penalty notices and prosecutions

As I mentioned in our conversation, there are currently at least 12 prosecutions underway against Maules Creek mine, including by the EPA and Safe Work New South Wales. These cases are in various stages of progress, and all of them have heard extensive evidence relevant to the independent environmental auditors; evidence has been heard in various courts, concerning the adequacy of planning conditions in relation to blasting, noise and safety which are explicitly the subject of the independent environmental audit. The evidence heard in courts is such that would be outside of the normal scope of enquiry for auditors, as it has been produced as a result of criminal proceedings and is evidence produced under oath; the information that has been heard by courts about the unfitness for purpose of the Maules Creek planning conditions is directly relevant. We would be happy to prepare a briefing paper on these matters as very little time is afforded to their consideration at CCC meetings.

I note that a site tour is planned by the auditors on 9th July. Would this tour be in the company of the proponent? Could we be given an outline of the itinerary for the tour? Is there a possibility for a community representative to accompany the auditors?

We are intending to provide a comprehensive report of our concerns and so are asking that the maximum time extension possible be afforded to us and, in the absence of a CCC meeting, our communication be directly to ERM consultants.

From: [Joel Curran](#)
To: [Andrew Lewis](#)
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#)
Subject: RE: WHC Maules Creek IEA 2024 ToR for DPHI Consultation
Date: Monday, 24 June 2024 11:13:29 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.jpg](#)

EXTERNAL MESSAGE

Hi Andrew

I don't have any additional comments on the scope of the audit, however, the audit period for the 2021 audit was 13 July 2018 to 22 July 2021. The audit period for the 2024 audit should be 23 July 2021 to the date of the site inspection for the 2024 audit (no later than 22 July 2024).

Regards

Joel Curran
Senior Compliance Officer

Development Assessment and Sustainability | Department of Planning, Housing, and Infrastructure
T 02 4904 2702 | M 0412 323 331 | E joel.curran@planning.nsw.gov.au
PO Box 1226 | Newcastle NSW 2300
Please direct all email correspondence to compliance@planning.nsw.gov.au
www.dphi.nsw.gov.au



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

From: andrew.lewis@erm.com <andrew.lewis@erm.com>
Sent: Friday, June 21, 2024 12:12 PM
To: Joel Curran <Joel.Curran@planning.nsw.gov.au>; DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Cc: Emma Bulkeley <EBulkeley@whitehavencoal.com.au>; Kent Taylor <KentTaylor@whitehavencoal.com.au>; Heather McKay <Heather.McKay@erm.com>; Leanne Lee <Leanne.Lee@erm.com>
Subject: WHC Maules Creek IEA 2024 ToR for DPHI Consultation

Hi Joel,

ERM (Andrew Lewis - Lead Auditor) and (Leanne Lee - Support Auditor) are currently preparing for the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Whitehaven Coal Limited (Maules Creek Coal) Project Application No 10_0138.

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aspect.

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Also, if there are other relevant agencies that you would like us to consult with, please notify us of which agencies.

I can be contacted at the details outlined below to discuss further.

Kind regards,



Andrew Lewis
Managing Consultant

Brisbane
+61 448166325

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ERM named Leader in ESG and Sustainability Consulting



This e-mail and any attachments may contain proprietary, confidential and/or privileged information. No confidentiality or privilege is waived or lost by any transmission errors. This communication is intended solely for the intended recipient, and if you are not the intended recipient, please notify the sender immediately, delete it from your system and do not copy, distribute, disclose, or otherwise act upon any part of this email communication or its attachments. To find out how the ERM Group manages personal data please review our [Privacy Policy](#)

From: [Mark Buchan](#)
To: [Andrew Lewis](#)
Cc: [Emma Bulkeley](#); [Kent Taylor](#); [Heather McKay](#); [Leanne Lee](#); [Jenny Ehmsen](#)
Subject: RE: WHC Maules Creek IEA 2024 ToR for NSWRR Consultation
Date: Friday, 21 June 2024 2:54:26 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)

EXTERNAL MESSAGE

Hi Andrew,

Thanks for sending the request seeking additional information for the **Independent Environmental Audit (IEA)**. I have no major concerns to raise at this stage.

I have forwarded this email onto Jenny Ehmsen our Principal Compliance Auditor for any further advice required.

Regards

Mark Buchan

Senior Inspector Environment

NSW Resources Regulator | Department of Regional NSW

T 02 6360 9526 | **M** 0427 327 718 | **E** mark.buchan@regional.nsw.gov.au

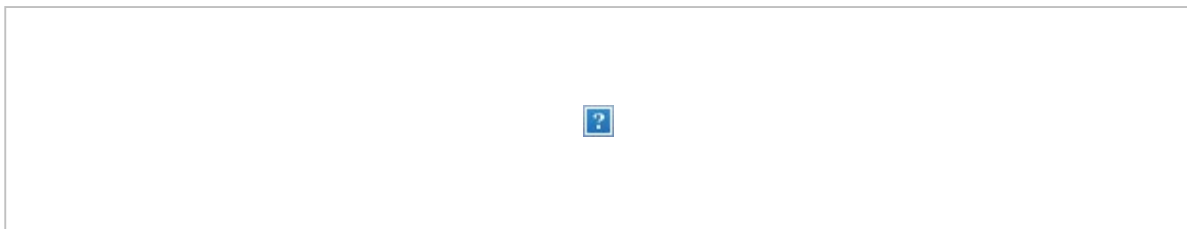
105 Prince Street (Locked Bag 21) Orange NSW 2800

www.resourcesregulator.nsw.gov.au



The Department of Regional New South Wales acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work..

Please Note: All applications made under the *Mining Act 1992*, and any related correspondence or inquiries must be submitted via email to nswresourcesregulator@service-now.com If you require any assistance lodging applications or have a general inquiry please call 1300 814 609 (Option 2 then 5).



From: andrew.lewis@erm.com <andrew.lewis@erm.com>

Sent: Friday, 21 June 2024 12:18 PM

To: Mark Buchan <mark.buchan@regional.nsw.gov.au>

Cc: Emma Bulkeley <EBulkeley@whitehavencoal.com.au>; Kent Taylor <KentTaylor@whitehavencoal.com.au>; Heather McKay <Heather.McKay@erm.com>; Leanne Lee <Leanne.Lee@erm.com>

Subject: WHC Maules Creek IEA 2024 ToR for NSWRR Consultation

Hi Mark,

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I can be contacted at the details outlined below to discuss further.

Kind regards,



Andrew Lewis
Managing Consultant

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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

From: [Maules Creek Coal CCC](#)
To: [Andrew Lewis](#)
Subject: WHC Maules Creek IEA 2024 - MCC CCC Consultation
Date: Tuesday, 2 July 2024 10:14:02 AM
Attachments: [MCC CCC - Laird OHara IEA comments 2024.pdf](#)

EXTERNAL MESSAGE

Morning Andrew,

Thanks for taking my call this morning.

As mentioned, two members of the Maules Creek Coal Community Consultative Committee have expressed comments and raised issues/concerns regarding matters that should be considered as part of the Independent Environmental Audit. I have collated these comments into the attached document.

I will leave it to you to assess these concerns and whether they fall within the Terms of Reference of the Independent Environmental Audit.

I note one member is calling for an extension of time to respond but has not indicated a timeline. I also advise that the CCC has not met to discuss this matter, with the responses received being the result of circulation of your email and being the comments of individuals. I would point out that the only person who may speak on behalf of the Community Consultative Committee is myself, as Independent Chair.

Could you please provide a response to me on some of the specific requests, viz. site meeting, extension of time etc. prior to your site meeting on 9 July 2024.

Please do not hesitate to call me if you have any questions.

Regards,

Mike Silver

Michael J Silver OAM
Independent Chair
Maules Creek Coal Community Consultative Committee
P.O. Box 37
Gunnedah NSW 2380

M: 0427723747

E: maulescreekcoalccc@gmail.com



APPENDIX D

AUDITOR DECLARATIONS

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form

Project Name	Whitehaven Maules Creek Coal Mine IEA 2024
Consent Number	PA 10_0138
Description of Project	Open cut mine
Project Address	Therribri Rd, Boggabri NSW 2382
Proponent	Whitehaven Coal
Title of Audit	Maules Creek Independent Environmental Audit 2024
Date	02 September 2024

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor	Andrew Lewis
Signature	
Qualification	BSc – Environmental Sciences
Company	Environmental Resources Management - ERM
Company Address	Level 9, 260 Queen St, Brisbane, QLD 4000

Independent Audit Report Declaration Form

Independent Audit Report Declaration Form


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- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
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Name of Auditor	Heather McKay
Signature	
Qualification	BEng MSc
Company	Environmental Resources Management - ERM
Company Address	Level 9, 260 Queen St, Brisbane, QLD 4000

Independent Audit Report Declaration Form

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Name of Auditor	Leanne Lee
Signature	
Qualification	Bachelor of Advanced Science (Honours) – UNSW
Company	Environmental Resources Management - ERM
Company Address	Level 14, 207 Kent Street, Sydney NSW 2000



APPENDIX E

PHOTOLOG

CLIENT: Whitehaven Coal

SITE LOCATION: Maules Creek Coal Mine

PROJECT NO.: 0738674



PHOTO 1
Sediment Dam 3



PHOTO 2
Regeneration area

CLIENT: Whitehaven Coal

SITE LOCATION: Maules Creek Coal Mine

PROJECT NO.: 0738674



PHOTO 3
Sediment dam and operation area



PHOTO 4
CHPP



PHOTO 5
Chemical Storage area



PHOTO 6
Mining area and regeneration area

CLIENT: Whitehaven Coal

SITE LOCATION: Maules Creek Coal Mine

PROJECT NO.: 0738674



PHOTO 7
Maintenance area



PHOTO 8
Waste oil and waste coolant storage



PHOTO 9
Maintenance area



PHOTO 10
Water treatment



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Hong Kong	Switzerland
India	Taiwan
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Kenya	Vietnam
Malaysia	
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Sydney NSW, 2000

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Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
<i>Minister's Conditions of consent PA10_0138</i>					
Sch.3 -12	<p>Attenuation of Plant The Applicant must:</p> <p>a) ensure that:</p> <ul style="list-style-type: none"> all mining trucks and water carts used on the site 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 correspond to best practice or the application of the best available technology economically achievable; where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and <p>monitor and report on the implementation of these requirements annually on its website.</p>	<p>Sound Power Level (SPL) Testing is conducted annually on one-third of all plant on a three year-rolling basis and results are detailed in the annual reviews.</p> <p>In 2021 and 2022, 55 and 37 pieces of mobile plant were tested respectively. SPLs were exceeded for some stationary equipment within the CHPP, but the SPL testing was unable to measure each fixed plant within the CHPP without the influence of other equipment. It was noted that whilst not all fixed and individual mobile plant met the predicted SPLS, the total measured SPL was equal to or less than the model for Year 5 Project EA site total.</p> <p>In 2023, 133 individual pieces of mobile plant were tested. SPLs of one stationary plant within the CHPP was higher the predicted levels as a result of in-service testing, the layout and operation of the CHPP. The total measured SPL was equal to or less than the model for Year 5 Project EA site total.</p>	NC	Historical NC – no further action required.	<p>MCC will continue to undertake sound power testing as detailed in PA10-0138.</p> <p>No further action required, item closed.</p>
Sch.5 -13	The Applicant must, within 3 months of the date of this approval:	The Site received a query from the Department of Planning regarding dust report in May 2024. The Site found that air quality and noise monitoring data	NC	Non-compliance has been rectified and	MCC will continue to monitor and report on operational

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status																
	<p>(a) make the following information for the project publicly available on its website, on a daily basis and in a clearly understandable form:</p> <ul style="list-style-type: none"> ▪ daily weather forecasts for the coming week; ▪ proposed operational responses to these weather forecasts; ▪ real-time noise and air quality monitoring data (subject to any necessary caveats); and ▪ any operational responses that were taken in response to the noise and air quality monitoring data, and <p>(b) make provision on its website for the provision of on-line and/or email comments by members of the community regarding this information,</p> <p>to the satisfaction of the Planning Secretary.</p>	<p>was not available on the website on a daily basis, specially during days when the environmental team is not onsite. The Site self-reported to the Department on 23 May 2024 regarding this non-compliance. It was rectified immediately through updating the website with the required information and implementing a new roster system to publish the data. A new automated system was then developed and launched to enable automated update of the website to ensure compliance.</p>		<p>closed out. No further action required.</p>	<p>responses to noise and dust monitoring data as detailed in PA10-0138.</p> <p>No further action required, item closed</p>																
Environmental Protection Licence 20221																					
M2.2	<p>Air Monitoring Requirements</p> <p>POINT 18</p> <table border="1" data-bbox="232 842 907 1023"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table> <p>POINT 19</p> <table border="1" data-bbox="232 1058 907 1238"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Every 6 days</td> <td>AM-18</td> </tr> </tbody> </table> <p>POINT 20,21,22,23</p>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Every 6 days	AM-18	<p>MCC reported a non-compliance against this condition for TEOM3 non-compliance event between 7/10/23 - 9/11/23.</p> <p>MCC reported, due to the exceptional weather event TEOM3 was damaged by water ingress and was not recording accurately.</p> <p>The access to the TEOM during that period was cut off due to flooding, and MCC were unable to undertake the required maintenance, this resulted in the monitor being down between 7/10/23-9/11/23. This resulted in a</p>	NC	<p>Historic incident. No further action required.</p>	<p>Completed, item closed.</p>
Pollutant	Units of measure	Frequency	Sampling Method																		
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Pollutant	Units of measure	Frequency	Sampling Method													
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19													