



# Independent Environmental Audit 2021

Maules Creek Mine

21 March 2022

Project No: 0597651

# Independent Audit Certification Form

Independent Audit Certification Form	
Development Name	Maules Creek Coal Mine
Development Consent No.	10_0138
Description of Development	Open cut mine
Development Address	Therribri Road, Boggabri NSW 2382
Operator	Maules Creek Coal Pty Ltd
Operator Address	PO Box 56, Boggabri NSW 2382
Independent Audit	
Title of Audit	Maules Creek Coal Mine Independent Environmental Audit 2021
<p>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</p> <ul style="list-style-type: none"><li>• The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2018 and Post Approval Requirements – Independent Audits</li><li>• The findings of the audit are reported truthfully, accurately and completely;</li><li>• I have exercised due diligence and professional judgement in conducting the audit;</li><li>• I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</li><li>• I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</li><li>• I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</li><li>• Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</li><li>• I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</li></ul> <p>Note.</p> <p>a) The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</p> <p>b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</p>	
Signature	
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## Signature Page

21 March 2022

# Independent Environmental Audit 2021

Maules Creek Mine



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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 ('MCCM') 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 MOD6) dated December 2019, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 13 July 2018 through 22 July 2021.

The audit included a review of:

- Department of Planning, Industry and Environment (DPIE), Minister's Conditions of Approval (CoA) Project Approval Number 10\_0138 as modified (up to and including MOD 6);
- 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.

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: Guidelines for quality and/or environmental management systems auditing; DPIE's Independent Audits Post Approval Requirements, 2015 and as described in the Department of Planning & Environment publication "Independent Audit Guidelines" issued October 2015. The number of non-compliances with the statutory conditions and implementation of the management plans is summarised in *Table E.1* below.

**Table E.1 Summary of Audit Findings**

Review	Non-compliances (NC)	Administrative non-compliance (ANC)	Observations
Statutory Instruments	13 (4 duplicate)	1	-
Implementation of Plans	1	-	-

An action table addressing all findings of the audit has been developed by WHC and submitted with 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 located in the Narrabri Local Government Area, 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 as modified (up to an including MOD6) dated December 2019, which requires completion of an independent audit every three years from the date of the approval. The audit period assessed in this IEA is 13 July 2018 through 22 July 2021. It is noted that the site visit for this audit was delayed due to restrictions implemented during the Covid-19 pandemic and was undertaken on 15-16 December 2021. 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:
  - the effectiveness of these measures in maintaining impacts within the relevant criteria in this approval and/or the limits in the relevant EPL; and
  - any additional measures available to mitigate impacts under such conditions;
- f) review the adequacy of strategies, plans or programs required under these approvals;
- g) recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals; and
- h) be conducted and reported to the satisfaction of the Secretary.

Within two months of commencing an Independent Environmental Audit, or within another timeframe agreed by the 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 Operations and Approvals

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

The MCCM 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.

Two Mining Leases (ML) and one Coal Lease (CL) are included in this operation under the Mining Act 1992:

- ML No 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);
- ML No 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; and
- 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 with the period of renewal until 4 June 2033.

The EPL Number 20221 was first issued in 2014 and last varied in November 2019. The licence approves the following activities: i) coal works; ii) Crushing, grinding or separating coal; iii) Mining for coal. The scale of these activities were listed in the licence document.

MCCM 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-fuelling 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: 12.38 M tonnes;
- 2020: 11.8 M tonnes;
- 2019: 9.7 M tonnes; and
- 2018: 12.06 M tonnes.

Key ancillary activities located across the site are summarised below.

## 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 DP&E's Guidelines for Independent Audits and AS/NZS ISO 19011:2018: Guidelines for auditing management systems;
- review of compliance against the documentation identified in CoA (as it relates to the current activities at MCCM) 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 DPIE.

The audit covers the period 13 July 2018 through 22 July 2021 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 Addendum; 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.

## 1.5 Audit team

The audit team, as approved by DPIE, comprised:

- Heather McKay – Lead Auditor;
- Brigitte Healey – Support Auditor;
- Keshav Dhayam – Noise and Vibration Specialist;
- James Grieve – Air Quality Specialist;
- Joanne Woodhouse – Bushfire, Ecology and Heritage Specialist; and
- Oliver Moore – Technical Review.

## 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 15 to 16 December 2021.

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 7 June 2021 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 15 December 2021 at site to confirm the audit objectives and scope for the site inspection. Attendees included:
  - Heather McKay (ERM Lead Auditor);
  - Emma Bulkeley (WHC);
  - Lynden Cini (WHC); and
  - Jemma Gooley (WHC);
- Site inspections were undertaken between 15 to 16 December 2021;
- 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 (WHC);
  - Lynden Cini (WHC);
  - Jemma Gooley (WHC); and
  - Jacob Payne (WHC);
- A closeout meeting was held on 16 December 2021 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, Industry and Environment (DPIE) (including its various departments such as Compliance, Post approvals, Resources Regulator), MCCM 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 30 June 2021, with a follow up email submitted on 15 October to those that had not yet replied. Responses are outlined in *Table 2.1*.

**Table 2.1 Agency and Stakeholder Consultation Summary**

Agency/Stakeholder	Method	Consultation summary	Response	Location Addressed in Report
Department of Planning, Industry and Environment (DPIE) – Compliance	Email 30 June 2021	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	DPIE requested inclusion of the following items: <ul style="list-style-type: none"> <li>■ Water management Plan</li> <li>■ Blast Management</li> <li>■ Compliance with air quality criteria</li> </ul>	See Conditions of Approval Compliance Table as applicable to the scope of the audit.
Department of Regional NSW – Resource Regulator	Email 30 June 2021	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No response received	N/A
New South Wales Environment Protection Authority (NSW EPA)	Email 30 June 2021	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No response received	N/A
Community Consultative Committee (CCC)	Email 30 June 2021	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	CCC requested inclusion of the following items: <ul style="list-style-type: none"> <li>■ Waste management</li> <li>■ Water diversion</li> <li>■ Groundwater monitoring</li> <li>■ Blasting</li> <li>■ Rehabilitation</li> </ul>	See Conditions of Approval Compliance Table as applicable to the scope of the audit.
Gunnedah Shire Council	Email 30 June 2021	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No response received	N/A
Narrabri Shire Council	Email 30 June 2021	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	No response received	N/A

In each case, an email was sent to representatives of each agency requesting feedback on those issues considered most relevant by their Department at the time of the audit. The consultation outlining the terms of reference was provided prior to the site inspection to obtain feedback and draw attention to any key issues, within the agreed scope of the audit. The Departmental correspondence is provided in *Appendix B*.

## 2.3 Classification of Audit Findings

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

- **Compliant (C):** the intent and all elements of the audit criteria requirements have been complied with within the scope of the audit;
- **Non-compliant (NC):** Failure to meet the audit requirements, failure to achieve the field performance outcomes identified in documentation, or ineffective environmental management of the activity;
- **Administrative non-compliance (ANC):** technical conformance with audit requirements that would not impact on performance and is considered minor in nature (e.g. report submitted but not on the due date, failed monitor or late monitoring session). This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval);
- **Not Triggered (NT):** A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, and therefore a determination of compliance could not be made;
- **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 4360:2004 Risk management and HB 436:2004 Risk Management Guidelines Companion to AS/NZS 4360:2004 and as described in the DPIE publication "Independent Audit Guidelines", October 2015.

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 1 July 2015 to 30 June 2018. A summary of the 2018 audit findings and their status is summarised below in *Table 3.1*.

**Table 3.1 Summary of 2018 Audit Findings**

Item No	Assessment Requirement	Comment	2018 Audit Classification	Response/Action	2021 Status				
PA10_0138									
Schedule 2 Condition 10	Surrender of Existing Development Consent By the end of 2013, or as otherwise agreed by the Secretary, the Proponent shall surrender the existing development consent (ie. DA85/1819) for mining on the site in accordance with Section 104A of the EP&A Act. Prior to the surrender of this development consent, the conditions of this approval shall prevail to the extent of any inconsistency with the conditions of the development consent	This is a legacy ANC. MCCM satisfied the requirements of this condition during the current audit period, however the required date was not met. No further action required.	ANC	No further action required	Deemed as <b>Compliant</b>				
Schedule 2 Condition 17	Community Enhancement By the end of March 2013, unless the Secretary agrees otherwise, the Proponent shall enter into a planning agreement with Council in accordance with: (a) Division 6 of Part 4 of the EP&A Act; and (b) the terms of the Proponent's offer in Appendix 3.	The Auditor reviewed Voluntary Planning Agreement between Maules Creek Coal Pty Ltd and Narrabri Shire Council dated 2 May 2014. Although the intent of this condition is met, the due date was not met during the previous audit period.	ANC	No further action required as this is a legacy ANC.	Deemed as <b>Compliant</b>				
Schedule 3 Condition 7	Noise Criteria 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.  <small>Table 5: Noise criteria dB(A)</small> <table border="1" data-bbox="350 1039 914 1102"> <thead> <tr> <th>Land</th> <th>Day/Evening/Night LAeq(15 min)</th> </tr> </thead> <tbody> <tr> <td>All privately-owned residences</td> <td>35</td> </tr> </tbody> </table> <small>Note:</small> • Noise generated by the project is to be measured in accordance with the relevant procedure (including certain meteorological conditions) of the NSW Industrial Noise Policy. • Operational noise includes noise from the mining operations and the use of private roads and  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.	Land	Day/Evening/Night LAeq(15 min)	All privately-owned residences	35	During 2016, five exceedances of LAeq 15 minute criteria were recorded during the attended monitoring, as a result of the Industrial Noise Policy 2000 being applied. All of these were a technical exceedance as a result of the low frequency modifying factor adjustment (applied as per the NSW Industrial Noise Policy 2000). Of these exceedances, only one result was more than 2 dB above the Table 5 Noise Criteria and therefore considered a non-compliance in accordance with the NSW Industrial Noise Policy. This was recorded on 31 March 2016 at NM4, where the exceedance was 3 dB above the criteria.	NC	MCCM will continue to monitor real time noise levels and respond to TARP levels and responsibilities specified within the NMP. Attended monitoring results and compliance will be reported within the required external reports (EPL monthly report and Annual Review).	Deemed as <b>Non-compliant</b>
Land	Day/Evening/Night LAeq(15 min)								
All privately-owned residences	35								
Schedule 3 Condition 12	Attenuation of Plant The Proponent shall: (a) ensure that: ■ 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 (b) monitor and report on the implementation of these requirements annually on its website.	For 2015, 99 pieces of equipment were tested, of these 8 have sound power levels above the EA criteria and this represents 9% of the total fleet. For 2016, 129 pieces of equipment were tested, of these 9 have sound power levels above the EA criteria and this represents 7% of the total fleet. For 2017, 137 pieces of equipment were tested, of these 5 have sound power levels above the EA criteria, and this represents less than 4% of the total fleet.	NC	MCCM will continue to undertake SPL testing and report on mitigation measures within the Annual Review.	Deemed as <b>Non-compliant</b>				

Item No	Assessment Requirement	Comment	2018 Audit Classification	Response/Action	2021 Status
Schedule 3 Condition 24	<p><b>BLASTING</b></p> <p>Operating Conditions</p> <p>The Proponent shall 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 the site that is not owned by the Proponent, unless:</p> <ul style="list-style-type: none"> <li>■ the Proponent has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Proponent has advised the Department in writing of the terms of this agreement, or</li> <li>■ the Proponent has:                             <ul style="list-style-type: none"> <li>- demonstrated to the satisfaction of the 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</li> <li>- 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.</li> </ul> </li> </ul>	<p>There are no public roads within 500m of current MCCM activities.</p> <p>Prior to mid-late 2017 MCCMs blasts were not within 500m of "land outside the site". After this time, MCCM's 500m blast zone did start to encroach into the Leard Forest. It wasn't until 10 October 2017 that MCCM had in place an agreement with the Forestry Corporation accepting blasting within 500m of their lands. The agreement has since been put in place.</p> <p>MCCM acknowledged that some blasts prior to the agreement may have been within 500m of Leard Forest.</p>	ANC	No further action required	Deemed as <b>Compliant</b>
Schedule 3 Condition 33	<p><b>AIR QUALITY &amp; GREENHOUSE GAS</b></p> <p>Operating Conditions</p> <p>The Proponent shall:</p> <p>(a) implement best management practice to minimise the offsite 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 note d in condition 29);</p>	<p>MCCM received an Official Caution from EPA for the failure to minimise dust that was noted during a helicopter surveillance flight undertaken by EPA in April 2016.</p> <p>MCCM received a noncompliance recorded notice for failing to operate the predictive air dispersion model as required by condition (b).</p> <p>MCCM also received a show cause letter from DP&amp;E in February 2017 with regards to the predictive real time dispersion model. A low level non-compliance was recorded for this, as issued by the DP&amp;E on 3 July 2017.</p> <p>The predictive real time dispersion model is now in operation.</p>	ANC	Operation of the predictive tool is implemented and safeguards in place to ensure continued operation.	Deemed as <b>Compliant</b>

Item No	Assessment Requirement	Comment	2018 Audit Classification	Response/Action	2021 Status
	<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 Secretary.</p>				
Schedule 3 Condition 66	<p>Rail Transport</p> <p>Within 12 months of the completion of the Gunnedah Traffic Study, the Proponent shall:</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 Proponent and/or the Gunnedah Shire Council towards implementing the Study's recommendations, to the satisfaction of the Secretary.</p> <p>Note: Any contribution by the Proponent should be on an equitable basis with other coal project rail users.</p>	<p>The Gunnedah Traffic Study was initially prepared by MCCM in October 2012. The previous IEA identified that consultation with Gunnedah Shire Council had not been completed. The Auditor reviewed correspondence between MCCM and Gunnedah Shire Council 22 December 2017 demonstrating MCCM liaised with GSC regarding the Gunnedah Traffic Study.</p> <p>Given the outcome of liaison with GSC no recommendations resulted and as such a report on the outcome of this liaison identifying response to recommendations is not required. This item remains an ANC as these items were not completed within 12 months of the completion of the Gunnedah Traffic Study.</p>	ANC	No further action required	Deemed as <b>Compliant</b>
Schedule 3 Condition 70	<p>WASTE</p> <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 monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review.</p>	<p>The Auditor observed areas where oil filters and oil drums were disposed of in general waste and this observation is raised as an area of improvement.</p>	NC	Reviewed. New waste management contract provider implemented.	This NC has been closed out however a new NC was raised in the 2021 audit related to storage of waste.
Schedule 4 Condition 2	<p>NOTIFICATION OF LANDOWNERS/TENANTS</p> <p>Prior to entering into any tenancy agreement for any land owned by the Proponent 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 Proponent, the Proponent shall:</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</p>	<p>The previous audit identified a NC against this condition in the 2015 IEA. As the letter provided to tenants did not specifically advise of their rights or request them to consult medical practitioner. The Auditor reviewed a redacted Tenancy Agreement detailing tenant rights. However, given notification was outside the 3 month period, this remains an administrative non-compliance. DP&amp;E issued a warning letter with regards to this noncompliance in May 2017</p>	ANC	No further action required.	Deemed as <b>Compliant</b>

Item No	Assessment Requirement	Comment	2018 Audit Classification	Response/Action	2021 Status
	entitled "Mine Dust and You" (as may be updated from time to time);  (b) advise the prospective tenants of the rights they would have under this approval; and  (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 Secretary.				
Schedule 4 Condition 13	<p>Online Communication of Onsite Activities and Monitoring of Noise and Air Quality</p> <p>The Proponent shall, 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"> <li>■ daily weather forecasts for the coming week;</li> <li>■ proposed operational responses to these weather forecasts;</li> <li>■ real-time noise and air quality monitoring data (subject to any necessary caveats); and</li> <li>■ any operational responses that were taken in response</li> </ul> <p>to the noise and air quality monitoring data, and</p> <p>(b) make provision on its website for the provision of online and/or email comments by members of the community regarding this information, to the satisfaction of the Secretary</p>	<p>The WHC website captures the daily weather forecast, the daily real time noise and air quality data for the last 3 days.</p> <p>It also captures the daily operational responses to the noise and air quality data and includes community feedback details.</p> <p>No evidence of daily proposed operational responses to weather forecasts was identified on the website.</p>	ANC	Complete. Daily website details now address the recommendation. Additionally, operational responses are already included within the respective management plans. Furthermore, a daily risk output from 'Envirosuite' informs weather conditions and risk levels, with controls already identified within the management plans applied accordingly. An administrative change was made to the new website format to include reference to proposed operational responses.	Deemed as <b>Compliant</b>
<i>POEO EPL 20221</i>					
4	<p><b>L2 Concentration limits</b></p> <p>Water and/or Land Concentration Limits</p> <p><b>POINT 2,3,5,7,9</b></p>	<p>Discharge monitoring at monitoring point 9 has been undertaken in accordance with the condition, with one exception. On 14 September 2016, 'oil and grease' was not monitored at this location, however 'oil and grease' monitoring was undertaken on 15 and 16 September and was below the concentration limit, so levels are expected to have been similar for 14 September 2016.</p>	ANC	Noted. Previously reported by MCCM.	Deemed as <b>Compliant</b>
1	<p>L3 Noise Limits</p> <p>Noise generated at the premises must not exceed the noise limits in the table below.</p>	<p>During 2016, five exceedances of LAeq 15 minute criteria were recorded during the attended monitoring, as a result of the Industrial Noise policy 2000 being applied. All of these were a technical exceedance as a result of the low frequency modifying factor adjustment (applied as per the NSW Industrial Noise Policy 2000).</p> <p>Of these exceedances, only one result was more than 2 dB above the Table 5 Noise Criteria and therefore considered a noncompliance in accordance with the NSW Industrial Noise Policy. This was recorded on 31 March 2016 at NM4,</p>	NC	Ongoing. Controls will continue to be implemented.	Deemed as <b>Non-compliant</b>

Item No	Assessment Requirement	Comment	2018 Audit Classification	Response/Action	2021 Status
		<p>where the exceedance was 3 dB above the criteria.</p> <p>NM4 was purchased by MCCM in August 2016 and therefore no longer considered a privately owned residence during the remainder of the audit period.</p> <p>During 2017 there were two technical exceedances of the noise criteria following the application of the modifying factor adjustment (as detailed above). These were at NM1 and NM5 and occurred on 24 July and 23 August 2017 and were limited to 4 and 3 dB over the criteria respectively. Given each of these is more than 2 dB over the Table 5 noise criteria these are considered non-compliances in accordance with the NSW Industrial Noise Policy. On each occasion the exceedances were not sustained and noise monitoring results returned to below the criteria during the same monitoring event.</p>			
3	<p>L3 Noise Limits</p> <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>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>	Refer to condition L3.1	NC	As above	As above
1	<p>O1 Activities must be carried out in a competent manner</p> <p>Licensed activities must be carried out in a competent manner.</p> <p>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>	<p>The MOP outlines how the activities will be undertaken for the processing, handling, movement etc. of materials.</p> <p>The auditor observed these activities being undertaken on site in a competent manner.</p> <p>The Annual Reviews outlined the waste streams generated and disposal methods.</p> <p>CoA Condition 70 did identify some observations with regards to waste management.</p>	NC	Noted. Waste management tender process complete and transition in contractor completed.	This NC has been closed out however a new NC was raised in the 2021 audit related to storage of waste.

Item No	Assessment Requirement	Comment	2018 Audit Classification	Response/Action	2021 Status
2	M2 Requirement to monitor concentration of pollutants discharged Air Monitoring Requirements	PM10 is continuously monitored via the TEOM and monitored every 6 days via the HVAS. However, during the audit period, some data was not captured due to maintenance or power outages. Depositional dust is collected each month at the monitoring locations during the audit period. Also in 2016/2017, analysis of monitoring points 20-23 was not conducted in reference to AS2922-1987 as required by AM19 sampling methodology. MCCM have advised that monitoring points 20-23 are now sited in accordance with the sampling methodology and have been approved by the EPA through the latest EPL approval.	ANC	Noted. Calibration and maintenance periods will continue to occur. The NSW EPA have the discretion to allow for reasonable time to maintain and calibrate equipment. Monitoring points were revised within a variation to EPL20221, approved in March 2018.	Deemed as <b>ANC</b>
2	M3 Testing methods - concentration limits 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.	Currently the Approved Methods Publication is from 2004 and is outdated and not the most contemporaneous methodology for this monitoring. MCCM monitors in accordance NATA accredited lab methodology. MCCM has sought to get this approved in writing from the EPA and has reported this non-compliance in the MCCM annual return.	ANC	Approval received from EPA in September 2018.	Deemed as <b>Compliant</b>
1	M4 Weather monitoring 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.	The AWS data shows that the necessary parameters are being captured. While continuous monitoring is generally undertaken, during the audit period a limited number of days were not captured, due to annual maintenance.	ANC	Noted. Maintenance will continue to be completed as required.	Deemed as <b>Compliant</b>
1	M7 Blasting To determine compliance with conditions L4.1 to L4.4 inclusive: 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 b) The licensee must use the units of measure, sampling method and sample at the frequency specified opposite in the other columns.	Blast monitoring is undertaken in accordance with the frequency and units outlined in this condition. However, during the audit period some limited blast data from the blast monitoring locations was not captured due to mechanical faults, this occurred 1 in 2015, 7 times in 2016 and twice in 2017.	ANC	Noted. Blast monitoring equipment is maintained and calibrated.	Deemed as <b>Compliant</b>

Item No	Assessment Requirement	Comment	2018 Audit Classification	Response/Action	2021 Status
<i>Coal Licence 375</i>					
10.	<p>Blasting Blast Overpressure 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.</p>	<p>Refer to CoA Condition 18. Only the 120dB criteria has been exceeded with regards to this condition, as the other recorded exceedances are below the 5% allowable exceedance criteria.</p>	NC	<p>Noted. No further exceedances have occurred since this event. This unit was on mine owned land.</p>	Deemed as <b>Compliant</b>
14.	<p>Roads and Tracks During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track.</p>	<p>The complete restriction of road and track use during wet weather is not possible, as operation of MCCM is required to continue even in wet weather. While MCCM has road restrictions in place, such as approval routes, restricted access to a number of roads (including some that require keys to open gates), there currently is no commitment to minimise or restrict as far as reasonably possible the use of roads or tracks during wet weather. MCCM advised that a number of roads are not accessible during wet weather and therefore access is not possible.</p>	ANC	<p>The Resources Regulator completed an audit in May 2018 and identified this condition was compliant. Many tracks and roads are inaccessible in wet conditions. Pre-work notification to biodiversity contractors is provided to specify the level of access permitted, including excluding access where required. Section 6.12 of the Biodiversity Management Plan addresses control of access and designated tracks. No further controls are proposed.</p>	Deemed as <b>Compliant</b>

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 2021 Audit findings.

## 3.2 Complaints summary

Complaints registers for the auditing period were available online and for review. Fifty-two (52) complaints were received in the period 14 July 2018 to 22 July 2021.

The auditor reviewed the complaints register and verified that the sample of complaints reviewed had been investigated, followed up and actioned appropriately by MCCM.

## 3.3 Environmental monitoring performance

### 3.3.1 Noise

Monthly attended noise monitoring has been conducted during the audit period by Global Acoustics. Noise levels were above the assessment criteria on two occasions during the audit period:

- 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.

An official caution was received from DPIE in May 2020 in relation to the noise exceedance on 1/4/2020. At the time of the incident MCCM activated the noise TARPs and operations were modified including relocating dumping activities and implementation of silent horns and low revs. A second attended noise monitoring following implementation of controls which confirmed compliance with the monitoring criteria. Following review of the incident further training was provided to the Supervisors and Dispatch team to ensure competency in the Noise Policy.

The auditor considers that MCCM has implemented best noise practice during the audit period.

## 3.4 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:

- October 2019 - Rolling Annual Average (PM10) of 32.6 µg/m<sup>3</sup>;
- November 2019 - Rolling Annual Average (PM10) of 34.1 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.6 g/m<sup>2</sup>/month;
- December 2019 - Rolling Annual Average (PM10) 33.7 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.7;
- January 2020 - Rolling Annual Average (PM10) of 34.8 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.6;
- February 2020 - Rolling Annual Average (PM10) of 31.6 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.9;
- March 2020 - Rolling Annual Average (PM10) 30.3 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.9; and
- Rolling Annual Average Insoluble Solids (DDG4/MC4) on April 2020 was 7; on May 2020 was 7.5; on June 2020 was 7.7; on July 2020 was 7.8; on August 2020 was 7.8; on September 2020 was 7.6.

The above exceedances were all determined to be as a result of regional air quality events (dust and bushfires).

Auditors sighted evidence from the DPIE that acknowledges that site operations were modified at the MCCM in response to the alerts, including the use of all available watercarts and the mine operating in accordance with the TARP.”

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 MCCM has implement best air quality management practice during the audit period.

### 3.4.1 Water Management

#### 3.4.1.1 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.

The following water incidents were reported in the audit period:

- 16/1/2020 – Overtopping of sub-drain to Back Creek;
- 8/2/2020 – Release of expanded polystyrene (EPBs) to Back Creek;
- 8/2/2020 – Overtopping of sub drain to Back Creek; and
- 3/12/2020 - Overtopping of sub drain to Back Creek.

The EPA issued a Clean-up Notice on 21 February 2020 requiring the removal of EPBs from Back Creek.

On 12 January 2021 the NSW EPA commenced proceedings against Maules Creek Coal Pty Limited alleging 3 non-compliances with condition L1.1 of EPL20221. MCCM has undertaken remedial works including construction of a new dam next to the Hanwha yard and installation of a new EPBs delivery system, and review of drainage structures.

#### 3.4.1.2 Water Access Licences

MCCM holds fourteen (14) water access licence. A review of compliance against the water access licences is provided below:

Access Licence	Access Licence Annual Allocation (ML)	Total Take 2018/2019	Total Take 2019/2020	Total Take 2020/2021
WAL 27385	38	51 <sup>*</sup>	63 <sup>*</sup>	34
WAL 36548	36	-	-	36
WAL 12491	77	2	1	1
WAL 29467	306	356 <sup>*</sup>	182.7	306
WAL 29588	0	0	0	0
WAL 36641	800	0	260	196
WAL 41585	30	0	0	0
WAL 13050	3000	2025	269	251
WAL 12718	102	0	203 <sup>*</sup>	0
WAL 12722	77	0	466 <sup>^</sup>	0
WAL 12811	135	0	71	0
WAL 12479	78	0	0	0
WAL 27383	0	0	0	0
WAL 12480	215	0	0	0

<sup>\*</sup> Including carry over from previous year and temporary transfers.

MCCM was issued with an enforcement notice by the Resources Regulator in 2020 for operating a water take without a water access licence. This is further discussed in Appendix A.

### 3.5 Blasting

Blast monitoring occurred during all blast events with three 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.

The auditor considers MCMM has implemented best blast management practice during the audit period.

### 3.6 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 were stated in the report. The findings of the Management Plan review are outlined in *Table 3.2* and *Appendix A*.

### 3.7 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-compliance with the EPL have been reported in the Annual Returns and are discussed in *Table 3.2* and *Appendix A*.

### 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 3.2*, 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;
- non-compliance assessed as 'low' have been colour coded yellow; and
- administrative non-compliance have been colour coded blue.

**Table 3.2 Summary of 2021 Audit Findings**

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action						
<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 <i>L<sub>Aeq</sub> (15 min)</i></th> <th>Night <i>L<sub>A1</sub> (1 min)</i></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"> <li>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.</li> <li>Operational noise includes noise from the mining operations and the use of private roads and rail spurs.</li> </ul> <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 <i>L<sub>Aeq</sub> (15 min)</i>	Night <i>L<sub>A1</sub> (1 min)</i>	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"> <li>1/04/2020 - <i>L<sub>Aeq</sub>15min</i> was exceeded at 22:30. The exceedance was 4 dB above the criteria.</li> <li>23/09/2019 – <i>L<sub>Aeq</sub>1min</i> was exceeded by 1dB at 22.45</li> </ul> <p>An official caution from DPIE was received in May 2020 in relation to the noise exceedance on 1/4/2020.</p>	NC	Continue to measure real time noise levels and activate TARPS as detailed in the NMP.
Land	Day/Evening/Night <i>L<sub>Aeq</sub> (15 min)</i>	Night <i>L<sub>A1</sub> (1 min)</i>								
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"> <li>all mining trucks and water carts used on the site are commissioned as noise suppressed (or attenuated) units;</li> <li>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;</li> <li>where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and</li> </ul> <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.</p> <p>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	Historical NC – no further action required						
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"> <li>a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy;</li> <li>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"> <li>sub-surface testing; staged salvage, based on anticipated mine planning;</li> </ul> </li> </ul>	<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. 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 MCCM with a warning letter on 9/2/2021 and required MCCM to undertake a review of heritage items by 15/2/2021. MCCM submitted a response to DPIE confirming all actions had been taken on</p>	NC	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.						

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
	<ul style="list-style-type: none"> <li>- if relevant, historic heritage salvage at the Lawler's Waterhole site;</li> <li>- pre-disturbance monitoring;</li> <li>- site assessment and reporting;</li> <li>- research objectives to inform knowledge of Aboriginal occupation;</li> <li>- protection, storage and management of salvaged Aboriginal objects;</li> <li>- addressing relevant statutory requirements under the National Parks and Wildlife Act 1974; and</li> <li>- long term protection of salvaged Aboriginal objects;</li> </ul> <ul style="list-style-type: none"> <li>■ a description of the measures that would be implemented for:                             <ul style="list-style-type: none"> <li>- protecting, monitoring and managing Aboriginal sites on the site which are outside of the approved disturbance area;</li> <li>- maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on the site and within the Biodiversity Offset Strategy areas;</li> <li>- 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;</li> <li>- 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;</li> <li>- 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;</li> </ul> </li> <li>■ a strategy for the storage and management of any heritage items salvaged on site, both during the project and long term;</li> </ul> <p>(e) include the following for the management of historic heritage:</p> <ul style="list-style-type: none"> <li>■ 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;</li> <li>■ a description of the measures that would be implemented for:                             <ul style="list-style-type: none"> <li>- managing the discovery of human remains or previously unidentified heritage items on site; and</li> <li>- 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.</li> </ul> </li> </ul> <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>9/2/2021 including a review of condition of all heritage items and refresher training on heritage management process.</p>		
<p>Sch 3, C 70</p>	<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. The MOP describes waste management practices including coal reject. 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>NC</p>	<p>Ensure monthly environmental inspections include all waste storage areas.</p> <p>Investigate the root cause of the issue including why wastes were stored in this area and had not been scheduled for removal by the waste contractor.</p>

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action										
		MCCM 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, MCCM reported that a toolbox talk was held with the environmental team to ensure future environmental inspections are led by the environmental team.												
Sch 5, C4	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:  (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;  (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;  (c) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;  (d) identify any trends in the monitoring data over the life of the project;  (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.	The Annual Reviews include the details required by this condition. 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.	ANC	Historic ANC – no further action required										
SoC 27	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.	In 2020 MCCM the Natural Resource Access Regulator (NRAR) commenced proceedings against MCCM for operating water take without an approved Water Access Licence. MCCM 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.	NC	Implement the obligations in the Enforceable Undertaking as required										
<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.	The following water incidents were reported in the audit period: <ul style="list-style-type: none"> <li>■ 16/1/2020 – Overtopping of sub-drain to Back Creek</li> <li>■ 8/2/2020 – Release of EPS to Back Creek</li> <li>■ 8/2/2020 – Overtopping of sub drain to Back Creek</li> <li>■ 3/12/2020 - Overtopping of sub drain to Back Creek</li> </ul> On 12 January 2021 the NSW EPA commenced prosecution proceedings against Maules Creek Coal Pty Limited alleging 3 non-compliances with this condition. MCCM 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.	NC	Comply with direction of EPA to close out proceedings										
L3.1	Noise generated at the premises must not exceed the noise limits in the table below. <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Locality and Location</th> <th style="text-align: center;">Day-LAeq(15 minute)</th> <th style="text-align: center;">Evening - LAeq(15 minute)</th> <th style="text-align: center;">Night - LAeq (15 minute)</th> <th style="text-align: center;">Night - LA1 (1 minute)</th> </tr> </thead> <tbody> <tr> <td>All privately owned residences</td> <td style="text-align: center;">35</td> <td style="text-align: center;">35</td> <td style="text-align: center;">35</td> <td style="text-align: center;">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	The following exceedance of noise criteria were recorded during the audit period: <ul style="list-style-type: none"> <li>■ 23/9/2019 – NM1 (1 Min) by 1 dB</li> <li>■ 1/4/2020 – NM1 (15 Min) by 4 dB</li> </ul>	NC	Duplicate - Refer to condition L3.3
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 No	Assessment Requirement	Comment	Audit Classification	Response/Action																								
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><b>POINT 25,27,28,29,30</b></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"> <li>23/9/2019 – NM1 (1 Min) by 1 dB</li> <li>1/4/2020 – NM1 (15 Min) by 4 dB</li> </ul>	NC	Continue to measure real time noise levels and activate TARPS as detailed in the NMP.				
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																									
O1.1	<p>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.</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 top cover 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>MCCM 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.</p> <p>In addition, MCCM reported that a toolbox talk was held with the environmental team to ensure future environmental inspections are led by the environmental team.</p>	NC	Duplicate -Refer to CoA Sc 3 C 70																								
M2.2	<p>Air Monitoring Requirements</p> <p><b>POINT 18</b></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><b>POINT 19</b></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><b>POINT 20,21,22,23</b></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>PM10 is continuously monitored via the TEOM and monitored every 6 days via the HVAS.</p> <p>During the audit period, some data was not captured due to data interruption, power failure/ calibration error and was reported to the EPA.</p>	ANC	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																									

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
<i>Coal Lease 768</i>				
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:</p> <ul style="list-style-type: none"> <li>i. environment means components of the earth, including:                             <ul style="list-style-type: none"> <li>(A) land, air and water, and</li> <li>(B) any layer of the atmosphere, and</li> <li>(C) any organic or inorganic matter and any living organism, and</li> <li>(D) human-made or modified structures and areas,</li> </ul> </li> </ul> <p>and includes interacting natural ecosystems that include components referred to in paragraphs (A)- (C).</p> <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	NC	
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> <ul style="list-style-type: none"> <li>i. identify areas that will be disturbed by mining operations;</li> <li>ii. detail the staging of specific mining operations;</li> <li>iii. identify how the mine will be managed to allow mine closure;</li> <li>iv. identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;</li> <li>v. reflect the conditions of approval under:                             <ul style="list-style-type: none"> <li>• the Environmental Planning and Assessment Act 1979</li> <li>• the Protection of the Environment Operations Act 1997</li> <li>• and any other approvals relevant to the development including the conditions of this lease; and</li> <li>• have regard to any relevant guidelines adopted by the Director-General.</li> </ul> </li> </ul> <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> <ul style="list-style-type: none"> <li>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> / <i>Coal Mine Health and Safety Act 2002</i> and <i>Mine Health and Safety Regulation 2007</i> / <i>Coal Mine Health and Safety Regulation 2006</i> or the <i>Occupational Health and Safety Act 2000</i>; and</li> <li>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.</li> </ul> <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>	<p>The Resource Regulator issued two Penalty Notices to MCCM in 2020:</p> <ul style="list-style-type: none"> <li>■ 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.</li> </ul> <p>Actions taken by MCCM included review of the Soil Management Handling Procedure and completing refresher training for appropriate personnel. In addition, useable topsoil was salvaged from the stockpile.</p> <ul style="list-style-type: none"> <li>■ August 2020 – Erosion and sediment control practices and measures not undertaken in accordance with the MOP leading to rilling and erosion.</li> </ul> <p>MCCM 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.</p> <p>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.</p> <p>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	Historic NC – no further action required.

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
<i>Mining Lease ML 1701</i>				
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.	Refer Coal Lease 768 Condition 3 above.	NC	Duplicate - Refer Coal Lease 768 Condition 3 above.
<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"> <li>identifies areas that will be disturbed;</li> <li>details the staging of specific mining operations, mining purposes and prospecting;</li> <li>identifies how the mine will be managed and rehabilitated to achieve the post mining land use;</li> <li>identifies how mining operations, mining purposes and prospecting will be carried out in order to prevent and or minimise harm to the environment; and</li> <li>reflects the conditions of approval under: <ul style="list-style-type: none"> <li>the Environmental Planning and Assessment Act 1979;</li> <li>the Protection of the Environment Operations Act 1997; and</li> <li>any other approvals relevant to the development including the conditions of this mining lease.</li> </ul> </li> </ol> <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 <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a></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"> <li>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</li> <li>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.</li> </ol> <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"> <li>provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</li> <li>be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</li> <li>be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a>.</li> </ol> <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>	Refer Coal Lease 768 Condition 3 above.	NC	Duplicate - Refer Coal Lease 768 Condition 3 above.

## 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)	Administrative non-compliance (ANC)	Observations
<b>Statutory Instruments</b>	13 (4 duplicate)	1	-
<b>Implementation of Plans</b>	1	-	-

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

**APPENDIX A    CONDITIONS OF APPROVAL, ENVIRONMENTAL PROTECTION  
LICENCE AND MINING LEASE COMPLIANCE TABLES**

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**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

<b>Document details</b>	
Document title	Table A1 - Project Approval
Document subtitle	Compliance with Project Approval 10_0138
Project No.	0597651
Date	21 March 2022
Version	3.0
Author	Heather Mckay
Client Name	Whitehaven Coal

TABLE A1 - PROJECT APPROVAL  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>SCHEDULE 2 – ADMINISTRATIVE CONDITIONS</b>					
<b>OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT</b>					
1.	In addition to meeting the specific performance criteria established under this approval, the Proponent shall 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.	Note	Noted	Note	
<b>TERMS OF APPROVAL</b>					
2.	The Proponent shall carry out the project: (a) generally in accordance with the EA; (b) in accordance with the statement of commitments; and (c) in accordance with the conditions of this approval. <i>Notes:</i> <ul style="list-style-type: none"> <li>The general layout of the project is shown in Appendix 2; and</li> <li>The statement of commitments is reproduced in Appendix 5.</li> </ul>	Note	Noted	Note	
3.	If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.	Note	Noted	Note	
4.	The Proponent shall comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of: (a) any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with this approval; (b) the implementation of any actions or measures contained in these documents.	ACHMP Approval letter dated 16/3/17	Evidence was provided that MCCM complies with all requests made by the Secretary arising out of plan submission and review, audits of actions.	C	
<b>LIMITS ON APPROVAL</b>					
<b>Mining Operations</b>					
5.	The Proponent may carry out mining operations on the site until the end of December 2034. <i>Note: Under this approval, the Proponent is required to rehabilitate the site and carry out additional undertakings to the satisfaction of both the Secretary and the Resource Regulator. 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>	Note	Noted	Note	
<b>Coal Extraction</b>					
6.	The Proponent shall not extract more than 13 million tonnes of ROM coal from the site in any calendar year.	Annual review 2018, 2019 and 2020 Interview with Environmental Superintendent	Data provided in the annual reviews confirms that the extracted tonnes of ROM coal are as below. <ul style="list-style-type: none"> <li>2021: 12.38</li> <li>2020: 11,746,975 tonnes</li> <li>2019: 9,690,770 tonnes</li> <li>2018: 12,064,021 tonnes</li> </ul>	C	
<b>Vegetation Buffer Corridor</b>					
7.	The Proponent shall not clear native vegetation from any land within 250 metres of the adjoining Boggabri Coal Mine mining lease boundary, unless:	MCC-EPBC Compliance Report 2019, 2020 and 2021 Site observations	Auditor observations and review of the MCC-EPBC Compliance Report confirms the protection of native vegetation of a total width of 500 metres (m) where the Maules Creek coal lease boundary is adjacent to the Boggabri coal mine lease boundary.	C	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(a) the Proponent 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;</p> <p>(b) the alternative area is capable of delivering this outcome before clearing commences within 250 m of the lease boundary;</p> <p>(c) 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</p> <p>(d) the alternative area has been endorsed by the BCD and subsequently approved by the Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>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.</li> <li>The alternative area may be provided by the Proponent or the Proponent in conjunction with the Proponent of the Boggabri Coal Project.</li> </ul>				
<b>Coal Transport</b>					
8.	<p>The Proponent shall only transport coal from the site by rail.</p> <p>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.</p>	<p>Site observations</p> <p>Annual review 2018, 2019 and 2020</p> <p>Train loading 2018, 2019, 2020 and 2021</p>	<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 MCCM 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 MCCM.</p>	C	
9.	<p>The Proponent shall not:</p> <p>(a) transport more than 12.4 million tonnes of product coal from the site in any calendar year; and</p> <p>(b) dispatch more than 7 laden trains from the site in a day when averaged over a calendar year; or</p> <p>(c) dispatch more than 10 laden trains from the site in a day.</p> <p>Note: For the purposes of this condition, a day refers to the 24 hours from midnight to midnight the next day.</p>	<p>Annual review 2018, 2019 and 2020</p> <p>Train loading 2018, 2019, 2020 and 2021</p>	<p>Annual reviews show the following million tonnes of coal transports per year:</p> <ul style="list-style-type: none"> <li>2018 AR – 10.13;</li> <li>2019 AR – 8.48; and</li> <li>2020 AR – 8.86.</li> </ul> <p>Raw train loading data for the audit period demonstrated that the maximum number of laden trains per day was less than 10 and the average number of laden trains per day was less than 7.</p> <p>Annuals reviews reported the following average number of laden trains:</p> <ul style="list-style-type: none"> <li>2018 AR – 3.58 trains;</li> <li>2019 AR – 3 trains; and</li> <li>2020 AR – 3.46 trains.</li> </ul> <p>Annuals reviews reported the following maximum number of laden trains:</p> <ul style="list-style-type: none"> <li>2018 AR – 8 trains;</li> <li>2019 AR – 7 trains; and</li> <li>2020 AR – 8 trains.</li> </ul>	C	

TABLE A1 - PROJECT APPROVAL  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>SURRENDER OF EXISTING DEVELOPMENT CONSENT</b>					
10.	By the end of 2013, or as otherwise agreed by the Secretary, the Proponent shall surrender the existing development consent (ie. DA85/1819) for mining on the site in accordance with Section 104A of the EP&A Act.  Prior to the surrender of this development consent, the conditions of this approval shall prevail to the extent of any inconsistency with the conditions of the development consent.	NT	Outside audit period	NT	
<b>STRUCTURAL ADEQUACY</b>					
11.	The Proponent shall ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA.  <i>Notes:</i> • Under Part 4A of the EP&A Act, the Proponent 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.	Structural Inspection Certificate, New Administration Building, prepared by Summermore Pty Ltd, dated 22 February 2021  Compliance certificate letter from GMA Certification Group, dated 9 March 2021  Plumbing certification letter from Petonna Services, dated 5 March 2021  Interview with Environmental Superintendent	A new administration building was constructed within the audit period. The auditor reviewed the Structural Inspection Certificate, Compliance Certificate and plumbing certification letter confirming that the building was constructed in accordance with the relevant requirements the BCA and other applicable standards.  No further new building, structures, alterations or additions were reported by the Environmental Superintendent.	C	
12.	The Proponent shall 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 Secretary.	NT	Outside audit period	NT	
<b>DEMOLITION</b>					
13.	The Proponent shall 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.	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	
<b>PROTECTION OF PUBLIC INFRASTRUCTURE</b>					
14.	Unless the Proponent and the applicable authority agree otherwise, the Proponent shall: (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.	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	
<b>OPERATION OF PLANT AND EQUIPMENT</b>					
15.	The Proponent shall ensure that all the plant and equipment used on site, or to transport coal from the site, is: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Maintenance Planning and Scheduling Standard, 3/4/2020  Maintenance records	Plant and equipment are maintained by the site maintenance team or specialist suppliers in accordance with the Whitehaven standard.  Maintenance records confirm that plant is maintained regularly.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations								
<b>UPDATING &amp; STAGING STRATEGIES, PLANS OR PROGRAMS</b>													
16.	<p>With the approval of the Secretary, the Proponent may submit any strategies, plans or programs required by this consent on a progressive basis.</p> <p>To ensure the strategies, plans or programs under the conditions of this approval are updated on a regular basis, the Proponent may at any time submit revised strategies, plans or programs to the Secretary for approval.</p> <p>With the agreement of the Secretary, the Proponent may prepare any revised strategy, plan or program without undertaking consultation with all parties under the applicable condition of this approval.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.</li> <li>• 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.</li> </ul>	MCC EMP Review Register	<p>The Auditor notes that while MCCM have undertaken the required actions to satisfy this condition, a number of the plans that have been required to be updated through this process sit with DPIE for approval. MCCM 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>Management Plans that are currently sitting with DP&amp;E for review and approval include:</p>	C									
<b>COMMUNITY ENHANCEMENT</b>													
17.	<p>By the end of March 2013, unless the Secretary agrees otherwise, the Proponent shall enter into a planning agreement with Council in accordance with:</p> <p>(a) Division 6 of Part 4 of the EP&amp;A Act; and</p> <p>(b) the terms of the Proponent's offer provided in Appendix 3.</p>		Outside audit period	NT									
<b>SCHEDULE 3 – ENVIRONMENTAL PERFORMANCE CONDITIONS</b>													
<b>ACQUISITION ON REQUEST</b>													
1.	<p>Upon receiving a written request for acquisition from an owner of the privately-owned land listed in Table 1, the Proponent shall acquire the land in accordance with the procedures in conditions 8-9 of schedule 4.</p> <p><b>Table 1: Land subject to acquisition upon request</b></p> <table border="1"> <thead> <tr> <th>Acquisition Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Noise &amp; 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>However, this condition does not apply if the Proponent has an agreement with the owner(s) of the relevant properties to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. To interpret the locations referred to in Table 1 see the applicable figure(s) in Appendix 4.</li> <li>2. The Proponent 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.</li> <li>3. 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 and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</li> </ol>	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	Email from Community Relations Manager dated 1/4/21	No properties have been acquired during the audit period.	NT	
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												
<b>NOISE AND VIBRATION</b>													

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations		
<b>Noise Affected Residences</b>							
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 Proponent for one of the following:</p> <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 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; or</p> <p>(b) acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p style="text-align: center;"><b>Table 2: Residences subject to acquisition or noise mitigation on request</b></p> <table border="1" data-bbox="320 709 1234 835"> <thead> <tr> <th data-bbox="320 709 1234 772">Residences</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 772 1234 835">61, 108, 118, 120, 126, 134, 236, 256 and 259</td> </tr> </tbody> </table> <p>Upon receiving a written request from the owner(s), the Proponent must undertake whichever option has been requested by the owner(s).</p> <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>Notes:</p> <ol style="list-style-type: none"> <li>To interpret the locations referred to in Table 2 see the applicable figure(s) in Appendix 4.</li> <li>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.</li> <li>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 and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</li> </ol>	Residences	61, 108, 118, 120, 126, 134, 236, 256 and 259	Email from Community Relations Manager dated 1/4/21	No requests have been made during the audit period.	NT	
Residences							
61, 108, 118, 120, 126, 134, 236, 256 and 259							
2A	<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 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 style="text-align: center;"><b>Table 2A: Residences subject to road noise mitigation on request</b></p> <table border="1" data-bbox="320 1665 1234 1791"> <thead> <tr> <th data-bbox="320 1665 1234 1728">Residences</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1728 1234 1791">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>Notes:</p>	Residences	264	Email from Community Relations Manager dated 1/4/21	No requests have been made during the audit period.	NT	
Residences							
264							

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																																								
	<ol style="list-style-type: none"> <li>To interpret the locations referred to in Table 2A see the applicable figure(s) in Appendix 4.</li> <li>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.</li> </ol>																																												
<b>Maximum predicted noise levels</b>																																													
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 shall be made in writing to the Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Proponent shall 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 predicted noise levels by more than 3 dB(A), the owner(s) may require the Proponent to acquire the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p> <p style="text-align: center;"><b>Table 3: Maximum Predicted Noise Levels</b></p> <table border="1" data-bbox="320 850 1234 1150"> <thead> <tr> <th>Location Property/ID</th> <th>Day (L<sub>Aeq</sub> (15 min))</th> <th>Evening (L<sub>Aeq</sub> (15 min))</th> <th>Night (L<sub>Aeq</sub> (15 min))</th> <th>Night (L<sub>A1</sub> (1 min))</th> </tr> </thead> <tbody> <tr> <td>61</td> <td>35</td> <td>43</td> <td>43</td> <td>53</td> </tr> <tr> <td>108, 120</td> <td>35</td> <td>39</td> <td>39</td> <td>45</td> </tr> <tr> <td>118</td> <td>40</td> <td>44</td> <td>44</td> <td>45</td> </tr> <tr> <td>126</td> <td>45</td> <td>48</td> <td>48</td> <td>53</td> </tr> <tr> <td>134, 236</td> <td>35</td> <td>36</td> <td>36</td> <td>45</td> </tr> <tr> <td>256</td> <td>35</td> <td>40</td> <td>40</td> <td>50</td> </tr> <tr> <td>259</td> <td>35</td> <td>39</td> <td>39</td> <td>49</td> </tr> </tbody> </table> <p>Notes:</p> <ol style="list-style-type: none"> <li>To interpret the locations referred to in Table 3, see the applicable figure in Appendix 4</li> <li>The noise assessment must be undertaken by a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary and include either: <ol style="list-style-type: none"> <li>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;</li> <li>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.</li> </ol> </li> <li>Monitoring should be conducted in accordance with the requirements of the NSW Industrial Noise Policy.</li> <li>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.</li> <li>The Proponent shall ensure that the requested noise impact assessment is submitted to the Secretary within 3 months of the Secretary's decision that the assessment was warranted. The Proponent shall also provide a copy of the assessment to the owner(s) of the residence at the same time it is submitted to the Secretary.</li> <li>Note 3 to condition 1 of this Schedule applies to acquisition under this condition.</li> </ol>	Location Property/ID	Day (L <sub>Aeq</sub> (15 min))	Evening (L <sub>Aeq</sub> (15 min))	Night (L <sub>Aeq</sub> (15 min))	Night (L <sub>A1</sub> (1 min))	61	35	43	43	53	108, 120	35	39	39	45	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	Email from Community Relations Manager dated 1/4/21	No requests have been made during the audit period.	NT	
Location Property/ID	Day (L <sub>Aeq</sub> (15 min))	Evening (L <sub>Aeq</sub> (15 min))	Night (L <sub>Aeq</sub> (15 min))	Night (L <sub>A1</sub> (1 min))																																									
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<b>Construction Noise and Vibration Criteria – Maules Creek and Boggabri Shared Rail Spur Lines</b>																			
4.	<p>During the hours of:</p> <p>(a) 7 am to 6 pm Monday to Fridays, inclusive;</p> <p>(b) 8 am to 1 pm on Saturdays; and</p> <p>(c) at no time on Sundays or public holidays,</p> <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 meet the criteria in Table 4.</p> <p style="text-align: center;"><b>Table 4: Rail spur line construction noise criteria dB(A)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="text-align: center;">Location Property/ID</th> <th colspan="2" style="text-align: center;">Construction Noise Criteria</th> </tr> <tr> <th colspan="2" style="text-align: center;">Day dB(A) LAeq (15 min)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">256</td> <td colspan="2" style="text-align: center;">50</td> </tr> <tr> <td style="text-align: center;">259</td> <td colspan="2" style="text-align: center;">45</td> </tr> <tr> <td style="text-align: center;">All other privately-owned residences</td> <td colspan="2" style="text-align: center;">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) LAeq (15 min)		256	50		259	45		All other privately-owned residences	40			Outside audit period.	NT	
Location Property/ID	Construction Noise Criteria																		
	Day dB(A) LAeq (15 min)																		
256	50																		
259	45																		
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 shall comply with the following:</p> <p>(a) for structural damage, the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration - effects of vibration on structures; and</p> <p>(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).</p>		As above	NT															
6.	<p>If the Proponent 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 Proponent must prepare and implement an Out of Hours Work protocol for these works to the satisfaction of the 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 requirements of the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). The Proponent shall not carry out any out of hours construction works before this protocol has been approved by the 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>		As above	NT															
<b>Noise Criteria</b>																			
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 style="text-align: center;"><b>Table 5: Noise criteria dB(A)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="text-align: center;">Land</th> <th style="text-align: center;">Day/Evening/Night</th> <th style="text-align: center;">Night</th> </tr> <tr> <th style="text-align: center;">LAeq (15 min)</th> <th style="text-align: center;">LA1 (1 min)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">All private-owned residences</td> <td style="text-align: center;">35</td> <td style="text-align: center;">45</td> </tr> </tbody> </table> <p><i>Note:</i></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	Land	Day/Evening/Night	Night	LAeq (15 min)	LA1 (1 min)	All private-owned residences	35	45	EPL Monitoring Data 2018 – 2021 Annual Reviews 2018, 2019 and 2020	<p>The following exceedance of noise criteria were reported during the audit period:</p> <ul style="list-style-type: none"> <li>1/04/2020 - LAeq15min was exceeded at 22:30. The exceedance was 4 dB above the criteria.</li> <li>23/09/2019 – LAeq1min was exceeded by 1dB at 22.45</li> </ul> <p>An official caution from DPIE was received in May 2020 in relation to the noise exceedance on 1/4/2020.</p>	NC	Continue to measure real time noise levels and activate TARPS as detailed in the NMP.						
Land	Day/Evening/Night		Night																
	LAeq (15 min)	LA1 (1 min)																	
All private-owned residences	35	45																	

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Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>Operational noise includes noise from the mining operations and the use of private roads and rail spurs.</li> </ul> <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>				
<b>Noise Acquisition Requirements - Residences</b>					
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 shall be made in writing to the Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Proponent shall 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 Proponent for one of the following:</p> <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 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; 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 Proponent must undertake whichever option has been requested by the owner(s).</p> <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>Notes:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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 and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</li> <li>Notes 2,3,4 and 5 of condition 3 apply to this condition.</li> </ol>	Email from Community Relations Manager dated 1/4/21	No requests made for an independent noise impact assessment since July 2018.	NT	
<b>Noise Acquisition Requirements - Land</b>					
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) <math>L_{Aeq(15\ min)}</math> over more than 25% of that land, the owner(s) can request an independent noise impact assessment for the land. The request shall be made in writing to the Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Proponent shall 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 Proponent for acquisition of the residence and land in accordance with the procedures in conditions 8-9 of Schedule 4.</p>	As above	As above	NT	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations				
	<p>Upon receiving a written request from the owner(s), the Proponent 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 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>Note:</p> <ol style="list-style-type: none"> <li>4. 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.</li> <li>5. 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 and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</li> <li>6. Notes 2,3,4 and 5 of condition 3 apply to this condition.</li> </ol>								
<b>Cumulative Noise Criteria</b>									
10.	<p>Except for the land listed in Table 1, the Proponent shall 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 style="text-align: center;"><b>Table 6: Cumulative noise criteria dB(A) <math>L_{Aeq}</math> (period)</b></p> <table border="1" data-bbox="320 968 1240 1073"> <thead> <tr> <th data-bbox="320 968 780 1037">Land</th> <th data-bbox="780 968 1240 1037">Day/Evening/Night <math>L_{Aeq}</math> (period)</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1037 780 1073">All privately-owned land</td> <td data-bbox="780 1037 1240 1073">40</td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> <li>• Cumulative noise is to be measured in accordance with the relevant requirements, and exemptions (including certain meteorological conditions), of the NSW Industrial Noise Policy.</li> <li>• Operational noise includes noise from the mining operations and the use of private roads and rail spurs.</li> </ul>	Land	Day/Evening/Night $L_{Aeq}$ (period)	All privately-owned land	40	<p>Annual Review 2018, 2019, 2020</p> <p>Global Acoustics Attended Noise Monitoring Report, December 2020</p>	<p>Cumulative noise assessment is carried out by Global Acoustics as part of monthly attended noise surveys and reported in the monitoring report and reported by MCCM in the Annual Reviews.</p>	C	
Land	Day/Evening/Night $L_{Aeq}$ (period)								
All privately-owned land	40								
<b>Cumulative Noise Acquisition Requirements</b>									
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 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 shall be made in writing to the Secretary. If the Secretary considers that a noise impact assessment is warranted, then the Proponent shall 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 Proponent for one of the following:</p> <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 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; 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 Proponent must undertake whichever option has been requested by the owner(s).</p>	<p>Email from Community Relations Manager dated 1/4/21</p>	<p>No requests have been made for an independent noise impact assessment during the audit period.</p>	NT					

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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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>The Proponent 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 Proponent, or one of the contributing mines, may submit the matter to the Secretary for resolution. The Secretary's decision shall be final.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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 Proponent and the owner(s) cannot agree on whether non-contiguous parcels of land should be included, either party may refer the matter to the Secretary for resolution. The Secretary's decision as to the lands to be included for acquisition under the procedures in conditions 8 and 9 of Schedule 4 shall be final.</li> <li>3. Notes 2,3,4 and 5 of condition 3 apply to this condition.</li> <li>4. The noise impact assessment shall include assessment of the relative contribution of the mines to the impact at the residence.</li> </ol>				
<b>Attenuation of Plant</b>					
12.	<p>The Proponent shall:</p> <p>(a) ensure that:</p> <ul style="list-style-type: none"> <li>• all mining trucks and water carts used on the site are commissioned as noise suppressed (or attenuated) units;</li> <li>• 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;</li> <li>• where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and</li> </ul> <p>(b) monitor and report on the implementation of these requirements annually on its website.</p>	Annual Review 2018, 2019, 2020	<p>Sound Power Level (SPL) Testing is conducted by Global Acoustics 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.</p> <p>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. Those plant recorded at higher than predicted levels were noted to the subject to noise interference from other plant and equipment.</p>	NC	Historical NC – no further action required
13.	<p>The Proponent shall:</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> <p>(c) report on the results of any testing and/or attenuation work annually on its website.</p>	Annual Review 2018, 2019, 2020 Maintenance record – Dump truck 4000 hr service	<p>Annual sound power survey is conducted by Global Acoustics and reports forwarded to MCCM Maintenance to ensure all fleet exceedances are subsequently captured in maintenance scheduling and further sound attenuation improvements can be considered if necessary.</p> <p>Sound attenuation equipment is checked during scheduled maintenance.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Maules Creek Rail Spur Line – Noise impacts</b>					
14.	<p>The Proponent shall:</p> <p>(a) 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;</p> <p>(b) implement the recommendations of this acoustic review;</p> <p>(c) undertake commissioning trials of the spur line to determine the optimal train speed to minimise noise impacts; and</p> <p>(d) 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 Secretary.</p>		Outside audit period.	NT	
<b>Operating Conditions</b>					
15.	<p>The Proponent shall:</p> <p>(a) implement best management practice to minimise the construction, operational, low frequency, road and rail traffic noise of the project;</p> <p>(b) 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;</p> <p>(c) maintain the effectiveness of noise suppression equipment on plant at all times and ensure defective plant is not used operationally until fully repaired;</p> <p>(d) ensure that noise attenuated plant is deployed preferentially in locations relevant to sensitive receivers;</p> <p>(e) minimise the noise impacts of the project during meteorological conditions when the noise limits in this approval do not apply;</p> <p>(f) 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);</p> <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,</p> <p>to the satisfaction of the Secretary.</p>	<p>MCCM Noise Management Plan dated 18/2/2014</p> <p>CoalTrak and Teledata</p> <p>Interview with Environmental Superintendent</p> <p>BTM Noise Management Strategy February 2017</p>	<p>The MCCM Noise Management Plan addresses the requirements of this condition.</p> <p>Real time noise and weather monitoring is recorded in Teledata which feeds into Coal Trak for monitoring of conditions and operations and activates TARP responses as required.</p> <p>Locomotives are registered by ARTC and ARTC has to comply within their EPL. MCCM requests evidence from its service provider's (ARTC) to confirm rolling stock is provided with latest technology.</p> <p>The BTM Complex Noise Management Strategy was approved by DPIE in 2017.</p>	C	

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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Noise Management Plan</b>					
16.	<p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and submitted to the 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"> <li>• best management practice is being employed;</li> <li>• the noise impacts of the project are minimised during meteorological conditions when the noise limits in this approval do not apply; and</li> <li>• compliance with the relevant conditions of this approval;</li> </ul> <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"> <li>• uses a combination of real time and supplementary attended monitoring to evaluate the performance of the project;</li> <li>• adequately supports the proactive and reactive noise management system on site;</li> <li>• includes a protocol for determining exceedances of the relevant conditions of this approval;</li> <li>• includes monitoring of inversion strength at an appropriate sampling rate to determine compliance with noise limits;</li> <li>• evaluates and reports on the effectiveness of the noise management system on site; and</li> <li>• provides for the annual validation of the noise model for the project;</li> </ul> <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"> <li>• 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;</li> <li>• a suitable monitoring network for the precinct;</li> <li>• protocols for data sharing; and</li> <li>• 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.</li> </ul> <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>	<p>MCCM Noise Management Plan dated 18/2/2014</p> <p>CoalTrak and Teledata</p> <p>Interview with Environmental Superintendent</p> <p>BTM Noise Management Strategy February 2017</p>	<p>The approved Noise management Plan addresses the requirements of this condition. The NMP has been reviewed and revised during the audit period and was last resubmitted to DPIE in 2018 (approval pending). The NMP was last reviewed in 2021 and has been submitted to EPA for consultation.</p> <p>The auditor reviewed CoalTrak data related to notification of meteorological conditions and the subsequent implementation of the NMP and activation of the noise TARP on 15/6/2020. Action taken at that time included shut down of plant in the rehabilitation area and changing of dump locations.</p> <p>The BTM Complex Noise Management Strategy was approved by DPIE in 2017, after the approval of the WCCM Noise Management Plan.</p>	C	
<b>Noise Measurement</b>					
17.	<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>	<p>Interview with Environmental Superintendent</p>	<p>No change to the inversion class has been applied during the audit period.</p>	NT	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations															
<b>BLASTING</b>																				
<b>Blasting Criteria</b>																				
14.	<p>The Proponent shall ensure that blasting does not cause any exceedance of the criteria in Table 7.</p> <p style="text-align: center;"><b>Table 7: Blasting criteria</b></p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately-owned land</td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a period of 12 months</td> </tr> <tr> <td>All public infrastructure</td> <td>-</td> <td>50 <i>(or a limit determined by the structural design methodology in AS 2187.3-2006, or its latest version, to the satisfaction of the Secretary)</i></td> <td>0%</td> </tr> </tbody> </table> <p>However, these criteria do not apply if the Proponent has a written agreement with the relevant owner or infrastructure provider/owner, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately-owned land	120	10	0%	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 Secretary)</i>	0%	EPL Monitoring Data 2018 - 2021 Annual Reviews 2018, 2019, 2020	Based on EPL monitoring summary, 3 blasts were recorded as exceeding the blast criteria in both 2019 and 2020, however this is within the allowable exceedance.	C	
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																	
Residence on privately-owned land	120	10	0%																	
	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 Secretary)</i>	0%																	
<b>Blasting Hours</b>																				
19.	The Proponent shall 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 Secretary.	Blast register 2019, 2020 and 2021	All blasting is undertaken between 9am and 5pm and no blasting occurs on Sundays.	C																
<b>Blasting Frequency</b>																				
20.	<p>The Proponent may carry out a maximum of:</p> <p>(a) 1 blast a day; unless an additional blast is required following a blast misfire; and</p> <p>(b) 4 blasts a week, averaged over a calendar year,</p> <p>for the project.</p> <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>	Blast register 2018 to 2021	<p>Two blasts are recorded to have taken place on 31/8/2019. Ground vibration was recorded as less than 0.5mm/s at all locations.</p> <p>MCCM is well below/equal to 4 blast per week.</p>	C																

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Property Inspections</b>					
21.	<p>If the Proponent 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 Proponent shall:</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"> <li>• establish the baseline condition of any buildings and/or structures on the land, or update the previous property inspection report; and</li> <li>• identify any measures that should be implemented to minimise the potential blasting impacts of the project on these buildings and/or structures; and</li> </ul> <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 Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Secretary for resolution</p>	Interview with Environmental Superintendent	MCCM has not received a request for a property inspection to establish a baseline conditions of any building or structure during the audit period.	NT	
<b>Property Investigations</b>					
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 Proponent shall:</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 Proponent shall repair the damages to the satisfaction of the 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 Secretary for resolution.</p>	<p>Collin's Residence, Davis Road, Turrawa – Assessment of possible Blast Vibration Damage, Bill Jordan and Associates, 19/12/2019</p> <p>Interview with Environmental Superintendent</p>	<p>MCCM received a request on 21/10/2019 from Mr and Mrs Collins on Davis Road, Turrawa to conduct a property inspection to identify any blast impacts from a blast carried out on 23/8/2019.</p> <p>MCCM engaged Bill Jordan and Associates to carry out the inspection which was conducted on 10/12//2019. The report concluded that the property has not been damaged by blast-induced ground vibrations.</p>	C	
<b>Operating Conditions</b>					
23.	<p>During mining operations on site, the Proponent shall:</p> <p>(a) implement best practice blasting management to:</p> <ul style="list-style-type: none"> <li>• protect the safety of people and livestock in the surrounding area;</li> <li>• protect public or private infrastructure/property in the surrounding area from any damage;</li> <li>• minimise the dust and fume emissions of any blasting; and</li> <li>• minimise blasting impacts on heritage items in the vicinity of the site;</li> </ul> <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 Secretary.</p>	<p>Blast Management Plan, 2018</p> <p>Interview with Environmental Superintendent</p> <p>Email to Boggabri Mine and Tarrawonga mine dated 8/10/2019.</p> <p>Email to residences 12/3/21</p> <p>WHC website</p>	<p>MCCM 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 and SMS. The distribution list also includes NSW Forestry. Notification email includes the scheduled time of the blast, location and map with the exclusion zone.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
24.	<p>The Proponent shall 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 Proponent, unless:</p> <ul style="list-style-type: none"> <li>• the Proponent has a written agreement with the relevant landowner to allow blasting to be carried out closer to the land, and the Proponent has advised the Department in writing of the terms of this agreement; or</li> <li>• the Proponent has: <ul style="list-style-type: none"> <li>- demonstrated to the satisfaction of the 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</li> <li>- 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.</li> </ul> </li> </ul>	Interview with Environmental Superintendent	No blasting has been carried out within 500 metres of a public road or land outside of the site not owned by WHC during the audit period.	NT	
<b>Blast Management Plan</b>					
25.	<p>The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be submitted to the Secretary for approval prior to undertaking any blasting activities on the site;</p> <p>(b) be prepared in consultation with the EPA and interested members of the local community potentially affected by blasting operations;</p> <p>(c) propose and justify any alternative ground vibration limits for public infrastructure in the vicinity of the site;</p> <p>(d) describe the measures that would be implemented to ensure:</p> <ul style="list-style-type: none"> <li>• best management practice is being employed; and</li> <li>• compliance with the relevant conditions of this approval;</li> </ul> <p>(e) include a road closure management plan for blasting within 500 metres of a public road, that has been prepared in consultation with Council;</p> <p>(f) include a specific blast fume management protocol to demonstrate how emissions will be minimised including risk management strategies if blast fumes are generated;</p> <p>(g) include a monitoring program for evaluating the performance of the project including:</p> <ul style="list-style-type: none"> <li>• compliance with the applicable criteria; and</li> <li>• minimising fume emissions from the site; and</li> </ul> <p>(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> <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>	Blast management Plan, 2018 DPIE Approval Letter dated 20/7/2018	The approved Blast Management Plan meets the requirement of this condition.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations															
<b>AIR QUALITY &amp; GREENHOUSE GAS</b>																				
<b>Odour</b>																				
26.	Unless otherwise authorised by an EPL, the Proponent shall ensure that no offensive odours are emitted from the site, as defined under the POEO Act.	Community Complaints Register	No specific complaints were received during the audit period with regard to odour from the site	C																
<b>Greenhouse Gas Emissions</b>																				
27.	The Proponent shall implement all reasonable and feasible measures to minimise the release of greenhouse gas emissions from the site to the satisfaction of the Secretary.	MCCM Air Quality and Greenhouse Gas Management Plan	MCCM reports into the WHC annual NGERS and NPI Reports.  Emissions are generally related to plant fleet and fugitive emission from coal mining. Minimisation of GHG emissions is generally through engine specification, regular maintenance of plant and equipment and optimising diesel consumption.	C																
<b>Additional Air Quality Mitigation Upon Request</b>																				
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 Proponent shall 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 Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p><b>Table 8: Land subject to additional air quality mitigation measures upon request</b></p> <table border="1"> <thead> <tr> <th>Mitigation Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Air</td> <td>108-109, 115-116, 121-122</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	108-109, 115-116, 121-122	Interview with Environmental Superintendent	No written requests for air quality mitigation measures have been received during the audit period.	NT												
Mitigation Basis	Land																			
Air	108-109, 115-116, 121-122																			
<b>Air Quality Criteria</b>																				
29.	<p>Except for the air quality affected land in Table 1, the Proponent shall 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><b>Table 9: Long-term criteria for particulate matter</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td><sup>a</sup> 90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td><sup>a</sup> 30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><b>Table 10: Short-term criteria for particulate matter</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td><sup>a</sup> 50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><b>Table 11: Long-term criteria for deposited dust</b></p>	Pollutant	Averaging Period	<sup>d</sup> Criterion	Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>	Pollutant	Averaging Period	<sup>d</sup> Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>	<p>EPL Monitoring Data 2018 - 2021</p> <p>Letter from DPIE dated 15/5/20 in relation to exceedance on 3-4/20</p> <p>Letter from DPIE dated 15/6/20 related to exceedance on 16-17, 20-21 and 23-24 January 2020</p>	<p>The following exceedance of air quality criteria were reported during the audit period:</p> <ul style="list-style-type: none"> <li>■ October 2019 - Rolling Annual Average (PM10) of 32.6 µg/m<sup>3</sup>.</li> <li>■ November 2019 - Rolling Annual Average (PM10) of 34.1 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.6 g/m<sup>2</sup>/month</li> <li>■ December 2019 - Rolling Annual Average (PM10) 33.7 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.7</li> <li>■ January 2020 - Rolling Annual Average (PM10) of 34.8 µg/m<sup>3</sup>. Rolling Annual Average Insoluble Solids (DDG4/MC4) was 6.6</li> <li>■ February 2020 - Rolling Annual Average (PM10) of 31.6 µg/m<sup>3</sup>. Rolling Annual Average Insoluble (DDG4/MC4) was 6.9</li> </ul>	C	
Pollutant	Averaging Period	<sup>d</sup> Criterion																		
Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>																		
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Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 50 µg/m <sup>3</sup>																		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations								
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Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level										
<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month										

**Mine-Specific Air Quality Criteria**

30.	<p>The Proponent shall 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 style="text-align: center;"><b>Table 12: Short-term criteria for particulate matter</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging Period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td>50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p>Note:</p> <ol style="list-style-type: none"> <li>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.</li> <li>As provided by the EP&amp;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.</li> </ol>	Pollutant	Averaging Period	Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>	<p>EPL Monitoring Data:</p> <p>2019</p> <p>2020</p> <p>2021</p> <p>Letter from DPIE dated 15/5/20 in relation to exceedance on 3-4/2/20</p> <p>Letter from DPIE dated 15/6/20 related to exceedance on 16-17, 20-21 and 23-24 January 2020</p>	<p>Elevated results for 24 hour average PM<sub>10</sub> were recorded as follows:</p> <p>2018 – 11 events</p> <p>2019 - 42 events</p> <p>2020 - 9 events</p> <p>All of the above events were determined to be as a result of regional air quality events (dust and bushfire).</p>	C	
Pollutant	Averaging Period	Criterion									
Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	50 µg/m <sup>3</sup>									

**Mine-owned Land**

31.	<p>The Proponent shall 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 Proponent 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 Proponent);</p> <p>(d) particulate matter air quality monitoring is undertaken to inform the tenant and landowner of potential health risks; and</p>	<p>Licence Agreement to Occupy Land – Template</p> <p>Interview with Environmental Superintendent</p>	<p>MCCM 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>MCCM has not caused an exceedance of criteria to trigger a response to the tenants, most exceedances relate to regional events.</p> <p>MCCM has received no terminations of agreements and no additional mitigations measures have been requested.</p>	C	
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																										
	(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 Secretary.																														
<b>Air Quality Acquisition Criteria</b>																															
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 Proponent shall acquire the land in accordance with the procedures in conditions 8-9 of schedule 4.</p> <p><b>Table 13: Long term land acquisition criteria for particulate matter</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td><sup>a</sup> 90 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>Annual</td> <td><sup>a</sup> 30 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><b>Table 14: Short term land acquisition criteria for particulate matter</b></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th><sup>d</sup> Criterion</th> </tr> </thead> <tbody> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td><sup>a</sup> 150 µg/m<sup>3</sup></td> </tr> <tr> <td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td> <td>24 hour</td> <td><sup>b</sup> 50 µg/m<sup>3</sup></td> </tr> </tbody> </table> <p><b>Table 15: Long term land acquisition criteria for deposited dust</b></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><sup>c</sup> Deposited dust</td> <td>Annual</td> <td><sup>b</sup> 2 g/m<sup>2</sup>/month</td> <td><sup>a</sup> 4 g/m<sup>2</sup>/month</td> </tr> </tbody> </table> <p>Notes to Table 13, Table 14 and Table 15:</p> <p><sup>a</sup> Total impact (ie incremental increase in concentrations due to the project plus background concentrations due to all other sources);</p> <p><sup>b</sup> Incremental impact (ie incremental increase in concentrations due to the project on its own);</p> <p><sup>c</sup> 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><sup>d</sup> Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents, or any other activity agreed by the Secretary.</p>	Pollutant	Averaging period	<sup>d</sup> Criterion	Total suspended particulate (TSP) matter	Annual	<sup>a</sup> 90 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	<sup>a</sup> 30 µg/m <sup>3</sup>	Pollutant	Averaging period	<sup>d</sup> Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>a</sup> 150 µg/m <sup>3</sup>	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	<sup>b</sup> 50 µg/m <sup>3</sup>	Pollutant	Averaging period	Maximum increase in deposited dust level	Maximum total deposited dust level	<sup>c</sup> Deposited dust	Annual	<sup>b</sup> 2 g/m <sup>2</sup> /month	<sup>a</sup> 4 g/m <sup>2</sup> /month	Interview with Environmental Superintendent	MCCM has not received any request for acquisition during the audit period.	NT	
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**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Operating Conditions</b>					
33.	<p>The Proponent shall:</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,</p> <p>to the satisfaction of the Secretary.</p>	<p>Air Quality &amp; Greenhouse Gas Management Plan</p> <p>CoalTrak and Teledata records</p>	<p>The Air Quality and Greenhouse Gas Management Plan details with the management and action response to manage air quality.</p> <p>Real-time monitoring is recorded in Teledata and feeds into CoalTrak for implementation of the plan and activation of TARPs. The auditor sighted Coal Trak records for activation of the air quality TARP on 15/12/19. Actions taken included six water carts were operational at the mine and three graders deployed prior to decision to shutdown operations.</p> <p>Weather monitoring is recorded in Teledata which sends a text message to Operations and the environment team if wind speeds are moderate or above.</p> <p>The Auditor reviewed a selection of records related to dust exceedance including activation of TARPS, review of regional air quality monitoring network data, report provided to DPIE and response form DPIE confirming acceptance of regional events and concludes that MCCM has taken appropriate action to minimise air quality impacts during extraordinary events.</p>	C	
<b>Air Quality and Greenhouse Gas Management Plan</b>					
34.	<p>The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with the EPA, and be submitted to the 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"> <li>• best management practice is being employed;</li> <li>• the air quality impacts of the project are minimised during adverse meteorological conditions and extraordinary events; and</li> <li>• compliance with the relevant conditions of this consent.</li> </ul> <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"> <li>• uses a combination of real-time monitors and supplementary monitors to evaluate the performance of the project;</li> <li>• adequately supports the proactive and reactive air quality management system;</li> <li>• includes PM2.5 monitoring;</li> <li>• 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;</li> <li>• evaluates and reports on the effectiveness of the air quality management system;</li> <li>• 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</li> </ul>	<p>Air Quality and Greenhouse Gas Management Plan, February 2020</p> <p>CoalTrak</p> <p>BMT Air Quality Management Strategy, May 2017</p>	<p>The approved AQGHMP meets the requirements of this condition.</p> <p>The Auditor reviewed records of TARP activations in CoalTrak and has determined that appropriate actions were taken.</p> <p>The BMT Air Quality Management Strategy is included in the AQGHMP as Appendix B.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>includes a protocol for determining any exceedances of the relevant conditions in this approval; and</li> </ul> <p>(g) includes a Leard Forest Mining Precinct Air Quality Management Strategy that has been prepared in consultation with other coal mines in the Precinct to minimise the cumulative air quality impacts of all mines within the Precinct, that includes:</p> <ul style="list-style-type: none"> <li>systems and processes to ensure that all mines are managed to achieve their air quality criteria;</li> <li>a shared environmental monitoring network and data sharing protocol;</li> <li>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);</li> <li>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</li> <li>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).</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>The management plan should be consistent with the EPA's guidance on Best Management Practice reporting and Reactive Particulate Management Strategies.</li> </ul>				
<b>METEOROLOGICAL MONITORING</b>					
35.	<p>For the life of the project, the Proponent shall 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 Industrial Noise Policy</i>, unless a suitable alternative is approved by the Secretary following consultation with the EPA.</p>	<p>Site observations</p> <p>Teledata weather monitoring</p>	<p>MCCM operates a meteorological station that is capable of continuous real-time measurements. The weather station was sighted by the audit team.</p>	C	
<b>SOIL AND WATER</b>					
	<p><i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Proponent is required to obtain the necessary water licences for the project.</i></p>				
<b>Water Supply</b>					
36.	<p>The Proponent shall 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 Secretary.</p>	<p>Annual Review 2018, 2019 and 2020</p>	<p>Water take is reported in the annual reviews. MCCM holds a number of water licences which allow water take from passive allows and active pumping. Water take reported in the Annual Reviews is significantly below the water entitlements afforded by the licences.</p>	C	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Compensatory Water Supply</b>					
37.	<p>The Proponent shall 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 DPIE Water, and to the satisfaction of the Secretary.</p> <p>The compensatory water supply measures must provide an alternative long-term supply of water that is equivalent to the loss attributed to the 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 Proponent and the landowner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p>If the Proponent is unable to provide an alternative long-term supply of water, then the Proponent shall provide alternative compensation to the satisfaction of the Secretary.</p>	Interview with Environmental Superintendent.	None required	NT	
<b>Surface Water Discharges</b>					
38.	<p>The Proponent shall 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>		No mine water is discharged	NT	
<b>Operating Conditions</b>					
39.	<p>The Proponent shall:</p> <p>(a) develop a detailed soil management protocol that identifies procedures for:</p> <ul style="list-style-type: none"> <li>• comprehensive soil surveys prior to soil stripping;</li> <li>• assessment of top-soil and sub-soil suitability for mine rehabilitation; and</li> <li>• annual soil balances to manage soil handling including direct respreading and stockpiling;</li> </ul> <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 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>Mining Operations Plan, August 2020</p> <p>Soil Survey and Growth Media Inventory for Rehabilitation, Landloch Pty Ltd, 4/3/2020</p> <p>Site observations</p> <p>MCCM – Draft Final Void and Mine Closure Plan, December 2020</p>	<p>A Soil Management Protocol is included as Appendix D of the MOP.</p> <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>MCCM maintains a GIS record of habitat features at the site.</p> <p>The audit team observed various soil stockpiles at the site and were noted to be well managed.</p> <p>Modelling of the groundwater aspects of final void are contained in the Final Void and Mine Closure Plan</p>	C	
<b>Water Management Plan</b>					
40.	<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Secretary. This plan must be prepared in consultation with BCD, DPIE Water and North West LLS, by suitably qualified and experienced person/s whose appointment has been approved by the Secretary, and be submitted to the 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 <u>Site Water Balance</u>, that:</p>	<p>Water management Plan, March 2019</p> <p>Water management Plan ADDENDUM, 2020</p> <p>BTM Complex Water Management Strategy, May 2019</p> <p>Groundwater monitoring records</p>	<p>The currently approved Water Management Plan and Addendum complies with this condition.</p> <p>The BTM Complex Water Strategy was approved on 14 June 2019 and incorporated into the MCCM WMP.</p> <p>Groundwater monitoring is undertaken in accordance with the WMP.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>• includes details of: <ul style="list-style-type: none"> <li>– sources and security of water supply, including contingency for future reporting periods;</li> <li>– water use on site;</li> <li>– water management on site;</li> <li>– any off-site water discharges;</li> <li>– reporting procedures, including the preparation of a site water balance for each calendar year;</li> <li>– a program to validate the surface water model, including monitoring discharge volumes from the site and comparison of monitoring results with modelled predictions; and</li> </ul> </li> <li>• describes the measures that would be implemented to minimise clean water use on site;</li> </ul> <p>(b) a <u>Surface Water Management Plan</u>, which includes:</p> <ul style="list-style-type: none"> <li>• detailed baseline data on surface water flows and quality in the water-bodies that could potentially be affected by the project;</li> <li>• detailed baseline data on hydrology across the downstream drainage system of the Namoi River floodplain from the mine site to the Namoi River;</li> <li>• a detailed description of the water management system on site, including the: <ul style="list-style-type: none"> <li>– clean water diversion systems;</li> <li>– erosion and sediment controls (dirty water system);</li> <li>– mine water management systems;</li> <li>– discharge limits in accordance with EPL requirements;</li> <li>– water storages;</li> <li>– mine access road and Maules Creek rail spur line;</li> </ul> </li> <li>• detailed plans, including design objectives and performance criteria for: <ul style="list-style-type: none"> <li>– design and management of final voids;</li> <li>– design and management for the emplacement of reject materials, sodic and dispersible soils and acid or sulphate generating materials;</li> <li>– design and management for construction and operation of the rail spur line and mine access road;</li> <li>– reinstatement of drainage lines on the rehabilitated areas of the site; and</li> <li>– 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"> <li>– the water management system; downstream surface water quality;</li> <li>– 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 o stream and riparian vegetation health, including the Namoi River;</li> </ul> </li> </ul> </li> <li>• a program to monitor: <ul style="list-style-type: none"> <li>– the effectiveness of the water management system; and</li> <li>– surface water flows and quality in the watercourses that could be affected by the project;</li> <li>– downstream flooding impacts; and</li> </ul> </li> <li>• reporting procedures for the results of the monitoring program;</li> <li>• 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</li> </ul> <p>(c) a <u>Groundwater Management Plan</u>, which includes:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• the monitoring and testing requirements specified in the PAC recommendations for groundwater management as set out in Appendix 6;</li> <li>• detailed plans, including design objectives and performance criteria, for the design and management of: o the proposed final void; and o coal reject and potential acid forming material emplacement;</li> <li>• a program to monitor and assess: <ul style="list-style-type: none"> <li>– groundwater inflows to the open cut mining operations;</li> <li>– the seepage/leachate from water storages, emplacements, backfilled voids and the final void;</li> <li>– interconnectivity between the alluvial and bedrock aquifers;</li> <li>– background changes in groundwater yield/quality against mine-induced changes;</li> </ul> </li> </ul>		<p>Surface water monitoring is undertaken in accordance with the Surface Water Quality Monitoring Plan and generally monthly and daily during wet weather events.</p> <p>Groundwater levels are measured on a monthly basis and groundwater quality monitoring conducted quarterly for regional boreholes and six monthly for boreholes on private land.</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>- the impacts of the project on: <ul style="list-style-type: none"> <li>▪ regional and local (including alluvial) aquifers;</li> <li>▪ groundwater supply of potentially affected landowners;</li> <li>▪ groundwater dependent ecosystems (including potential impacts on stygofauna and Melaleuca riparian forest communities) and riparian vegetation;</li> </ul> </li> <li>• 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</li> <li>• a plan to respond to any exceedances of the performance criteria; and</li> </ul> <p>(d) a <u>Leard Forest Mining Precinct Water Management Strategy</u> that has been prepared in consultation with other mines within the Precinct to:</p> <ul style="list-style-type: none"> <li>• minimise the cumulative water quality impacts of the mines;</li> <li>• review opportunities for water sharing/water transfers between mines;</li> <li>• co-ordinate water quality monitoring programs as far as practicable;</li> <li>• undertake joint investigations/studies in relation to complaints/exceedances of trigger levels where cumulative impacts are considered likely; and</li> <li>• co-ordinate modelling programs for validation, re-calibration and re-running of the groundwater and surface water models using approved mine operation plans.</li> </ul> <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.	<p>The Proponent shall commission and fund the preparation of a Leard Forest Mining Precinct Regional Biodiversity Strategy, jointly with all other coal mines within the Precinct. The Strategy shall be co-ordinated through the Department (refer condition 42 below) and be prepared by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCD and subsequently approved by the 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 BCD and subsequent approval by the Secretary. The Secretary may extend this period with the agreement of BCD. 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>	Regional BTM Biodiversity Offset Strategy August 2017 approved by OEH on 1 September 2017	Preparation of the strategy was assumed by NSW DP&E as evidenced in Section 1.3 of the Strategy report.	N/A	
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations						
	<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 BCD and subsequent approval by the Secretary. The Secretary may extend this period with agreement of BCD.</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 shall be conducted by suitably qualified, experienced and independent person/s whose appointment has been endorsed by BCD and subsequently approved by the Secretary. Any modifications to the Strategy arising from the review must be endorsed by BCD prior to approval by the Secretary.</p>										
42.	<p>The Strategy shall be prepared in collaboration with a working group containing (subject to the outcomes of the Stage 1 – Scoping Stage) representatives of the Department, BCD, the Resources Regulator, North West LLS, Council and DoEE and the other Leard Forest Mining Precinct mines; which shall be chaired by a suitably qualified, experienced and independent person whose appointment has been approved by the Secretary.</p>		Outside audit period	NT							
43.	<p>The cost of preparing the Strategy, including the independent chairperson and a co-ordinator to be employed by the Department shall 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 Proponent 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>		Funding of Stage 1 and 2 reports were confirmed in previous audits. Stage 3 not triggered.	NT							
<b>Biodiversity Offset Strategy</b>											
44.	<p>The Proponent shall implement the biodiversity offset strategy described in the EA, summarised in Table 16 and shown conceptually in Appendix 7, to the satisfaction of the Secretary.</p> <p style="text-align: center;"><b>Table 16: Summary of the biodiversity offset strategy</b></p> <table border="1" data-bbox="317 1791 1237 1892"> <thead> <tr> <th data-bbox="317 1791 549 1887">Area</th> <th data-bbox="549 1791 961 1887">Offset Type</th> <th data-bbox="961 1791 1237 1887">Minimum Size (hectares)</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </tbody> </table>	Area	Offset Type	Minimum Size (hectares)				<p>MCCM Revised New South Wales Biodiversity Offset Strategy, August 2015</p> <p>Annual Review 2018, 2019, 2020</p>	<p>The Annual Reviews include details around offset security management, infrastructure management, seed management, revegetation management, weed management, feral animals management, soil &amp; erosion management, grazing management, bushfire management results of the monitoring program for the various BOAs.</p> <p>The approved/existing MCCM NSW Biodiversity Offset Strategy contains long-term security of land-based offset areas and the mine site rehabilitation for conservation purposes.</p>	C	
Area	Offset Type	Minimum Size (hectares)									

TABLE A1 - PROJECT APPROVAL  
Compliance with Project Approval 10\_0138

No	Assessment Requirement			Reference/ Evidence	Comments	Compliance Status	Recommendations
	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		Offset management is undertaken by WHC Group and is not managed by MCCM.		
	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 the revised offset strategy required in condition 45</i></p>	190				
	Western Offset Area including 50% Joint Venture property currently owned or under option by Proponent	<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>	1,039				

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement			Reference/ Evidence	Comments	Compliance Status	Recommendations
	Eastern Offset Area identified in the zone of affectation	Existing native woodland / forest of 336 ha to be protected and enhanced.  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.  <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>	336				
	Western Offset Area identified in the zone of affectation	Existing native woodland / forest of 343 ha to be protected and enhanced.  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.  <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>	343				
	Additional offset areas required to be included by the Proponent	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.  <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>	1,000				
	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 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>	2,078  (less the area of the minimised void approved under the closure plan required under this approval)				
<b>Revised Biodiversity Offset Strategy</b>							
45.	The Proponent shall prepare and implement a revised biodiversity offset strategy for the identified offset areas in Table 16 to the satisfaction of the Secretary. The revised Strategy must:			MCCM Revised New South Wales Biodiversity Offset Strategy, August 2015	Outside audit period	NT	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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, North West LLS, CCC, DPIE Crown Lands and DoEE;</p> <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 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 and subsequent approval by the Secretary.</p>				
<b>Agricultural Production in Offset Areas</b>					
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 Proponent shall:</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> <p>(b) maintain the agricultural productivity of the surplus areas.</p>	Biodiversity Management Plan 2017	Confirmed during previous audit.	C	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Vegetated Corridor between Boggabri and Maules Creek Coal Projects</b>					
47.	<p>For the vegetated buffer corridor required to be retained and protected under condition 7 of schedule 2 of this approval, the Proponent shall:</p> <p>(a) use its best endeavours to work cooperatively with the Proponent of the Boggabri Coal Project to enhance the functioning of the area as a biodiversity corridor; and</p> <p>(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 Secretary.</p>	<p>Biodiversity Management Plan, April 2017</p> <p>Site observation</p>	<p>The auditor observed the vegetated corridor between MCCM and Boggabri mine.</p> <p>The BMP outlines controls measures such as clearly marking the limits of clearing, feral animal and weed control and restricting vehicle and pedestrian traffic.</p> <p>The corridor is a permanent agenda item for discussion at the BTM monthly environmental meetings.</p>	C	
<b>Threatened Species</b>					
48.	<p>For the White Box – Yellow Box – Blakely’s Red Gum Grassy Woodland Endangered Ecological Community the Proponent shall:</p> <p>(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;</p> <p>(b) investigate in consultation with BCD 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);</p> <p>(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 Secretary; and</p> <p>(d) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 52.</p>	<p>White-Box Yellow-Box Blakely's Red-Gum Woodland Endangered Ecological Community Implementation Plan January 2015</p>	<p>The Biodiversity Offset Strategy and Rehabilitation Strategy were developed and approved prior to the audit period.</p>	NT	
49.	<p>For all threatened species on site, the Proponent shall 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.</p> <p><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 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></p>	<p>MCCM Revised New South Wales Biodiversity Offset Strategy, August 2015</p> <p>MCCM Mine Site Rehabilitation Plan, August 2015</p>	<p>As above</p>	NT	
50.	<p>The Proponent shall:</p> <p>(a) investigate, in consultation with BCD 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 Secretary; and</p> <p>(c) incorporate the approved implementation plan into the revised Biodiversity Management Plan, required under condition 52.</p>	<p>MCCM Revised New South Wales Biodiversity Offset Strategy, August 2015</p> <p>MCCM Mine Site Rehabilitation Plan, August 2015</p>	<p>As above</p>	NT	

**TABLE A1 - PROJECT APPROVAL**  
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<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>					
<p><b>Aquatic Habitat</b></p>					
51.	<p>Prior to the design and construction of the permanent Namoi water pipeline and pump station, the Proponent 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 Secretary.</p>	Email DPI to MCCM, 30/4/2019	<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. MCCM has implemented recommendations for installation of caging and screens to minimise entrainment of fish.</p>	NT	
<p><b>Biodiversity Management Plan</b></p>					
52.	<p>The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with BCD, DoEE, CCC, and the North West LLS, and be submitted to the 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"> <li>• manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and</li> <li>• implement the biodiversity offset strategy (if and when applicable), including detailed performance and completion criteria;</li> </ul> <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"> <li>• enhancing the quality of existing vegetation and fauna habitat;</li> <li>• 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;</li> <li>• 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;</li> <li>• collecting and propagating seed;</li> <li>• minimising the impacts on fauna on site, including undertaking pre-clearance surveys;</li> <li>• 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;</li> <li>• managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological);</li> <li>• managing salinity;</li> <li>• controlling weeds and feral pests;</li> <li>• controlling erosion;</li> <li>• managing grazing and agriculture on site, including detailed assessment of the suitability of grazing for conservation management outcomes;</li> <li>• controlling access; and</li> <li>• bushfire management;</li> </ul> <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>	Biodiversity Management Plan, April 2017	The current approved Biodiversity Management Plan meets the requirements of this condition.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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 Proponent shall 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 BCD, DoEE, Forests NSW, DPIE 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 Secretary.</p>	Biodiversity Management Plan, April 2017	A revised Plan was submitted in February 2018. DPIE has not yet approved the revised Plan.	C	
<b>Long Term Security Offset</b>					
54.	<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"> <li>• 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</li> <li>• a tenure of higher conservation status such as a National Park, or Nature Reserve, under the National Parks and Wildlife Act 1974,</li> </ul> <p>The conservation agreement(s) must be registered by December 2014 unless agreed otherwise by the Secretary after consultation with BCD. 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 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 Secretary, for the Rehabilitation Area identified in Table 16, to the satisfaction of the Secretary.</p>		Long term security of offsets is provided by Conservation Agreements.	C	
<b>Conservation Bond</b>					
55.	<p>Within 36 months of the date of this approval, or within 6 months of the approval of the revised Biodiversity Management Plan required under condition 52 above (whichever is sooner), the Proponent shall lodge 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 shall be determined by:</p>		Confirmed by previous audit.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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 to the satisfaction of the Secretary.</p> <p>If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Secretary, the Secretary will release the bond.</p> <p>If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the 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 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 BCD as part of a Biobanking Agreement or transfer to conservation reserve estate can be used to reduce the liability of the conservation and biodiversity bond.</i></p>				
<b>Biodiversity Audit</b>					
	<p>By the end of December 2017 and then every 5 years, unless the Secretary agrees otherwise, the Proponent shall commission suitably qualified, experienced and independent person/s, whose appointment has been approved by the 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 Secretary. This audit must:</p> <p>(a) include consultation with BCD, North West LLS, DPIE Crown Lands, DoEE, 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 Proponent shall revise the Biodiversity Offset Strategy, in consultation with the Department, BCD and DoEE, and to the satisfaction of the Secretary.</p>	<p>Interview with Environmental Superintendent</p> <p>CMO schedule</p>	<p>Last Independent Biodiversity Audit was conducted in April 2018 (prior to the audit period).</p> <p>MCCM confirmed the next audit has been schedule for December 2022. Confirmation of scheduled in CMO was observed by the auditor.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
57.	<p>The Proponent shall prepare and implement an Aboriginal Heritage Conservation Strategy for the project and the Biodiversity Offset Strategy areas to the satisfaction of the Secretary. This Strategy must enhance and conserve the Aboriginal cultural heritage values (both cultural 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 Secretary;</p> <p>(b) be prepared in consultation with BCD, the local Aboriginal community and other mines within the Leard Forest Mining Precinct, and submitted to the 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>	<p>BTM Aboriginal Heritage Conservation Strategy, September 2017</p>	<p>Compliance was confirmed in previous audits.</p>	C	
<b>Heritage Management Plan</b>					
58.	<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"> <li>• a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy;</li> <li>• 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"> <li>- sub-surface testing; staged salvage, based on anticipated mine planning;</li> <li>- if relevant, historic heritage salvage at the Lawler's Waterhole site;</li> <li>- pre-disturbance monitoring;</li> <li>- site assessment and reporting;</li> <li>- research objectives to inform knowledge of Aboriginal occupation;</li> <li>- protection, storage and management of salvaged Aboriginal objects;</li> <li>- addressing relevant statutory requirements under the National Parks and Wildlife Act 1974; and</li> <li>- long term protection of salvaged Aboriginal objects;</li> </ul> </li> <li>• a description of the measures that would be implemented for: <ul style="list-style-type: none"> <li>- protecting, monitoring and managing Aboriginal sites on the site which are outside of the approved disturbance area;</li> </ul> </li> </ul>	<p>Aboriginal Archaeology and Cultural Heritage Management Plan, March 2017</p> <p>Historic Heritage Management Plan 2018</p> <p>Warning letter from DPIE dated 9/2/2021</p>	<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. 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 MCCM with a warning letter on 9/2/2021 and required MCM to undertake a review of heritage items by 15/2/2021. MCCM 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>	NC	<p>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.</p>

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>- maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on the site and within the Biodiversity Offset Strategy areas;</li> <li>- 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;</li> <li>- 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;</li> <li>- 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;</li> <li>• a strategy for the storage and management of any heritage items salvaged on site, both during the project and long term;</li> </ul> <p>(e) include the following for the management of historic heritage:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• a description of the measures that would be implemented for: <ul style="list-style-type: none"> <li>- managing the discovery of human remains or previously unidentified heritage items on site; and</li> <li>- 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.</li> </ul> </li> </ul> <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>				

**TRANSPORT**

**Road Upgrade and Maintenance**

*Note: Under the Roads Act 1993, the Proponent 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.*

59.	<p>The Proponent shall 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 shall make all necessary contributions to the costs associated with construction, maintenance and decommissioning of this bridge to the satisfaction of the Secretary.</p> <p><i>Note: all costs should be shared on an equitable basis with the proponent of the Boggabri Coal Project.</i></p>	<p>Annual Review 2018, 2019, 2020</p> <p>Interview with Environmental Superintendent</p>	<p>Rail spur line was not constructed or upgraded during the audit period.</p>	NT	
60.	<p>The Proponent shall 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.</p> <p><i>Note: Any upgrades should be undertaken on an equitable basis with the proponent of the Boggabri Coal Project.</i></p>	<p>Annual Review 2018, 2019, 2020</p>	<p>Not triggered</p>	NT	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
61.	The Proponent shall 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.	Interview with Environmental Superintendent	Not triggered	NT	
62.	The Proponent shall 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 Secretary. However, the Secretary may approve heavy vehicle access to the site prior to or during this upgrade, subject to the Proponent demonstrating that dust impacts can be minimised in accordance with an approved Traffic Management Plan.	Annual Review 2018, 2019, 2020	Not triggered	NT	
63.	Deleted.				
<b>Traffic Management Plan</b>					
64.	The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the 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"> <li>a description of measures for managing workforce fatigue, road safety and school bus interaction;</li> <li>a description of measures to minimise dust from unsealed roads that may be used for access to the site;</li> <li>a code of conduct for drivers of heavy and light vehicles;</li> <li>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;</li> <li>a proposed program for implementing the findings of the road safety audit identified in the EA;</li> <li>performance criteria, measures and indicators for shuttle bus utilisation and car-pooling in accordance with the commitments in the EA; and</li> <li>a monitoring program to audit vehicle movements against predictions in the EA.</li> </ul>	Traffic Management Plan, June 2017	Compliance was confirmed in the previous audit.  The Traffic Management Plan is currently being reviewed and is in consultation with Council.	C	
<b>Monitoring of Coal Transport</b>					
65.	The Proponent shall: (a) keep records of the: <ul style="list-style-type: none"> <li>amount of coal transported from the site (on a monthly basis); and</li> <li>date and time of each train movement generated by the project; and</li> </ul> (b) make these records available on its website at the end of each calendar year.	MCCM -Coal Movement Record 2018, 2019 and 2020	Reported in the annual review and available on WHC website	C	
<b>Rail Transport</b>					
66.	Within 12 months of the completion of the Gunnedah Traffic Study, the Proponent shall: (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 (b) provide a report of the outcomes of this liaison and identify reasonable and feasible proposals recommended by the Proponent and/or the Gunnedah Shire Council towards implementing the Study's recommendations,		Prior to audit period	NT	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>to the satisfaction of the Secretary.</p> <p><i>Note: Any contribution by the Proponent should be on an equitable basis with other coal project rail users.</i></p>				
<b>VISUAL</b>					
<b>Operating Conditions</b>					
67.	<p>The Proponent shall:</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> <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"> <li>• along the access road to the mine site;</li> <li>• along the Maules Creek rail spur line;</li> <li>• around the water storage dams; and</li> <li>• at other areas identified as necessary for the maintenance of satisfactory visual amenity;</li> </ul> <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,</p> <p>to the satisfaction of the Secretary.</p>	<p>Site observations</p> <p>Lighting Review by EMM (2017)</p>	<p>Lighting review was prepared prior to the audit period.</p> <p>The audit team verified the establishment of trees, shrubs, earth bunds adequate to provide visual screening.</p> <p>Three complaints have been received during the audit period relating to lighting and/or visual impact (19/11/2020, 10/2/2021 and 24/5/2021). Action taken in response to these complaints involved adjustment of lighting plant.</p>	C	
<b>Additional Visual Impact Mitigation</b>					
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 Proponent shall 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 Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Secretary for resolution.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• <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></li> <li>• <i>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).</i></li> <li>• <i>Except in exceptional circumstances, the Secretary will not require additional visual impact mitigation to be undertaken for residences that are more than 7.5 kilometres from the mining operations.</i></li> </ul>	<p>Email from Community Relations Manager dated 1/4/21</p> <p>Interview with Environmental Superintendent</p>	<p>No requests have been received during the audit period.</p>	NT	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>BUSHFIRE MANAGEMENT</b>					
69.	<p>The Proponent shall:</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, NSW Forests, emergency services and National Parks and Wildlife Services as much as possible if there is a fire in the surrounding area.</p>	Annual Reviews 2018, 2019, 2020	<p>During the audit period MCCM has utilised various measures to manage and control potential bushfire risks including:</p> <ul style="list-style-type: none"> <li>■ a 1000L fire trailer onsite which can be utilised to control any fire outbreaks if required;</li> <li>■ onsite water trucks fitted with water cannons;</li> <li>■ meetings held with Namoi-Gwydir Regional Fire Control;</li> <li>■ implementation of various bushfire hazard controls during the reporting period including Hot Work areas and permits, maintenance of equipment and infrastructure, establishing Asset Protection Zones and assessment of fuel loads;</li> <li>■ monitoring and management of fuel loads occurred in the MCC offset areas prior to the bushfire season; and</li> <li>■ maintenance of the roads and tracks within the MCCM was undertaken prior to the bushfire season. Roads and tracks can act as firebreaks and help to facilitate access across the site. Specific fire breaks also installed in adjacent Offset areas.</li> </ul> <p>No uncontrolled bushfires occurred immediately adjacent to or within the MCCM boundary during the audit period. There were fires as part of controlled ecological burns within offset areas (refer section 6.6.2).</p> <p>WHC maintains regular communications throughout the reporting period 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.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>WASTE</b>					
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>Annual Reviews 2018, 2019, 2020</p> <p>Mining Operations Plan, August 2020</p> <p>Site observations</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>MCCM 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.</p> <p>In addition, MCCM 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>Ensure monthly environmental inspections include all waste storage areas.</p> <p>Investigate the root cause of the issue including why wastes were stored in this area and had not been scheduled for removal by the waste contractor.</p>

**REHABILITATION**

<b>Rehabilitation Objectives</b>																	
71.	<p>The Proponent shall rehabilitate the site to the satisfaction of the Resources Regulator. 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 style="text-align: center;"><b>Table 17: Rehabilitation objectives</b></p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">Feature</th> <th style="text-align: center;">Objective</th> </tr> </thead> <tbody> <tr> <td>Mine site</td> <td>Safe, stable and non-polluting Constructed landforms drain to the natural environment.</td> </tr> <tr> <td>Final void</td> <td>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>Surface infrastructure</td> <td>To be decommissioned and removed, unless the Resources Regulator agrees otherwise.</td> </tr> <tr> <td>All land, other than the final void</td> <td>Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems comprised of: <ul style="list-style-type: none"> <li>• local native plant species; and</li> <li>• 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).</li> </ul> </td> </tr> <tr> <td>Community</td> <td>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"> <li>• local native plant species; and</li> <li>• 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).</li> </ul>	Community	Ensure public safety Minimise the adverse socio-economic effects associated with mine closure		Final rehabilitation has not been reached.	NT	
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																
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Community	Ensure public safety Minimise the adverse socio-economic effects associated with mine closure																

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Progressive Rehabilitation</b>					
72.	<p>The Proponent shall 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 shall 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>	Mining Operations Plan, August 2020 Annual Reviews 2018, 2019, 2020	Rehabilitation is undertaken on a progressive basis and performance reported in the Annual Reviews.	C	
<b>Rehabilitation Management Plan</b>					
73.	<p>The Proponent shall prepare and implement a Rehabilitation Management Plan to the satisfaction of the Resources Regulator. This plan must:</p> <p>(a) be prepared in consultation with the Department, Forests NSW, DPIE Water, BCD, 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>	Mining Operations Plan, August 2020	The approved MOP addresses the requirements of this condition.	C	
<b>Final Void Design and Closure</b>					
74.	<p>The Proponent shall 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 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 Secretary;</p> <p>(b) identify and consider:</p> <ul style="list-style-type: none"> <li>• options for continued mining beyond current project life;</li> <li>• interactions with the final landform of adjoining mines (including any direct or indirect interaction between final voids);</li> </ul>	MCCM – Draft Final Void and Mine Closure Plan, December 2020 Email submission to DPIE 21/12/2020	<p>The Draft Final Void and Mine Closure Plan was submitted to DPIE in December 2020. The Draft Plan was subject to verification review by suitably qualified and independent person who were approved by DPIE (Appendix 3).</p> <p>The Draft Plan complies with the requirements of this condition.</p>	NT	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>opportunities for integrated mine planning with adjoining mines to minimise environmental impacts of the mines' final landforms;</li> <li>all reasonable and feasible landform options for the final void (including filling);</li> <li>predicted stability of the proposed landforms; and</li> <li>predicted hydrochemistry and hydrogeology (including long-term groundwater recovery and void groundwater quality);</li> </ul> <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"> <li>satisfies the relevant objectives in Table 17;</li> <li>minimises the extent of any resulting pit lake;</li> <li>avoids salt scalding;</li> <li>maximises the capacity of emplaced spoil to drain to the natural environment; and</li> <li>ensures that drained waters do not adversely affect the downstream environment.</li> </ul>				
<b>SOCIAL</b>					
<b>Agricultural Property on Project Owned Land</b>					
75.	<p>The Proponent shall use its best endeavours to ensure that the agricultural productivity of land that is project related (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 forms part of the biodiversity offset area. However, the additional low diversity derived native grassland, cultivated land and pasture improved land that forms part of the Biodiversity Offset Area for corridor enhancement will need to be further assessed for agricultural suitability and management may include both agricultural and conservation outcomes identified as part of an approved biodiversity management plan.</i></p>	Licence Agreement to Occupy Land	The WHC Licence Agreements to Occupy Land contains conditions on the use of agricultural products so as not to affect productivity.	C	
<b>Agricultural Production on land acquired due to impacts on residential receivers</b>					
76.	The Proponent shall ensure that any properties primarily used for agricultural production that are acquired by the Proponent 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 Proponent disposes of the property.	Interview with Environmental Superintendent	No properties have been acquired during the audit period.	NT	
<b>Construction Workforce Accommodation</b>					
77.	Prior to construction activities commencing, the Proponent shall prepare and implement a Construction Workforce Accommodation Plan, in consultation with Council, and to the satisfaction of the Secretary. The plan must: (a) provide details of the construction workforce numbers throughout all stages of construction including local vs. non-local hiring; and (b) demonstrate that the construction workforce can be suitably housed in approved accommodation facilities.		Not triggered	NT	
<b>Social Impact Management Plan</b>					
78.	<p>The Proponent shall prepare and implement a Social Impact Management Plan for the project to the satisfaction of the 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 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 Secretary for approval within 12 months of project approval;</p>	Social Impact Management Plan, June 2015	<p>The approved Social Impact Management Plan was approved prior to the audit period. An updated SIMP was submitted to DPIE in June 2018 and is yet to be approved.</p> <p>The SIMP is currently being revised in consultation with the community.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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"> <li>soft infrastructure such as housing, medical, education, childcare and emergency services;</li> <li>hard infrastructure such as local and regional roads and rail;</li> <li>economic/business development;</li> <li>workforce demand/supply factors, such as training needs; and</li> <li>labour availability impacts on other sectors, such as agricultural enterprises;</li> </ul> <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 Proponent shall:</p> <p>(a) notify in writing the owners of:</p> <ul style="list-style-type: none"> <li>the land listed in Table 1 of schedule 3 that they have the right to require the Proponent to acquire their land at any stage during the project;</li> <li>any residence on the land listed in Table 1 and 2 of schedule 3 that they have the right to request the Proponent to ask for additional noise and/or air quality mitigation measures to be installed at their residence at any stage during the project; and</li> <li>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;</li> </ul> <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>		Not triggered	NT	
2.	<p>Prior to entering into any tenancy agreement for any land owned by the Proponent 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 Proponent, the Proponent shall:</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>	<p>Licence Agreement to Occupy Land</p> <p>Interview with Environmental Superintendent</p>	<p>No new tenancies have been entered during the audit period.</p> <p>The WHC Licence Agreement to Occupy Land advises tenants of their rights under the approval.</p>	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	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 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 Proponent shall 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 Proponent shall 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"> <li>• the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time); and</li> <li>• 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.</li> </ul>	Air quality monitoring results Correspondence with DPIE related to air quality exceedances	No air quality exceedances have been attributed to the mine in the audit period.	NT	

#### 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 Secretary in writing for an independent review of the impacts of the project on his/her land.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Proponent shall:</p> <p>(a) commission a suitably qualified, experienced and independent expert, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> <li>• consult with the landowner to determine his/her concerns;</li> <li>• conduct monitoring to determine whether the project is complying with the relevant impact assessment criteria in schedule 3; and</li> <li>• if the project is not complying with these criteria then: <ul style="list-style-type: none"> <li>i. 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;</li> <li>ii. identify the measures that could be implemented to ensure compliance with the relevant criteria; and</li> </ul> </li> </ul> <p>(b) give the Secretary and landowner a copy of the independent review.</p>	Interview with Environmental Superintendent	Not triggered	NT	
5.	<p>If the independent review determines that the project is complying with the relevant criteria in schedule 3, then the Proponent may discontinue the independent review with the approval of the 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 Proponent shall:</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,</p> <p>to the satisfaction of the Secretary.</p>	Interview with Environmental Superintendent	Not triggered	NT	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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 Proponent shall acquire all or part of the landowner's land in accordance with the procedures in condition 8-9 below.</p>				
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 Proponent shall:</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 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 Proponent shall 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>	Interview with Environmental Superintendent	Not triggered	NT	
<b>Biodiversity &amp; Heritage</b>					
7.	<p>If a person has good reason to believe the Proponent is not implementing the biodiversity and/or heritage conditions in schedule 3 satisfactorily, then he/she may ask the Secretary in writing for an independent review of the matter.</p> <p>If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary's decision, the Proponent shall:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:</p> <ul style="list-style-type: none"> <li>• consult with the person and/or any relevant agencies;</li> <li>• investigate the person's complaints/claims;</li> <li>• review the environmental performance of the Proponent;</li> <li>• determine whether the Proponent's performance is satisfactory or not; and if necessary</li> <li>• recommend measures to improve the Proponent's performance; and</li> </ul> <p>(b) give the Secretary and complainant a copy of the independent review.</p>	Interview with Environmental Superintendent	Not triggered	NT	
<b>LAND ACQUISITION</b>					
8.	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:</p> <p>(a) the current market value of the landowner's interest in the land at the date of this written request, as if the land was unaffected by the project, having regard to the:</p> <ul style="list-style-type: none"> <li>• existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and</li> <li>• 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;</li> </ul>	Interview with Environmental Superintendent	Not triggered	NT	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>relocating within the Tamworth, Narrabri, Gunnedah or Moree local government area, or to any other local government area determined by the Secretary; and</li> <li>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</li> </ul> <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if at the end of this period, the Proponent and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Secretary for resolution.</p> <p>Upon receiving such a request, the Secretary shall request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> <li>consider submissions from both parties;</li> <li>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;</li> <li>prepare a detailed report setting out the reasons for any determination; and</li> <li>provide a copy of the report to both parties.</li> </ul> <p>Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the 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 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 Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the Secretary's determination.</p> <p>If the landowner refuses to accept the Proponent's binding written offer under this condition within 6 months of the offer being made, then the Proponent's obligations to acquire the land shall cease, unless the Secretary determines otherwise.</p>				
9.	The Proponent shall 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.	Interview with Environmental Superintendent	Not triggered	NT	

## SCHEDULE 5 - ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

### ENVIRONMENTAL MANAGEMENT

#### Environmental Management Strategy

1.	<p>The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Secretary. The strategy must:</p> <p>(a) be submitted to the Secretary for approval prior to the commencement of construction;</p>	Environmental Management Strategy, 2018	Environmental Management Strategy 2018 addresses all requirements of this condition. An updated EMS was submitted to DPIE in June 2021 and is awaiting approval.	C	
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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"> <li>• keep the local community and relevant agencies informed about the operation and environmental performance of the project;</li> <li>• receive, handle, respond to, and record complaints;</li> <li>• resolve any disputes that may arise during the course of the project;</li> <li>• respond to any non-compliance;</li> <li>• respond to emergencies; and</li> </ul> <p>(f) include:</p> <ul style="list-style-type: none"> <li>• copies of any strategies, plans and programs approved under the conditions of this consent; and</li> <li>• a clear plan depicting all the monitoring to be carried out in relation to the project.</li> </ul>				
<b>Adaptive Management</b>					
2.	<p>The Proponent 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&amp;A Act or EP&amp;A Regulation.</p> <p>Where any exceedance of these criteria and/or performance measures has occurred, the Proponent 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 Secretary, to the satisfaction of the Secretary.</p>	<p>Interview with Environmental Superintendent</p> <p>Correspondence between MCCM and DPIE related to incidents</p>	<p>The auditor has review correspondence and reports related to incidents that have occurred during the audit period and concludes that MCCM 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	
<b>Management Plan Requirements</b>					
3.	<p>The Proponent shall 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> <p>(b) a description of:</p> <ul style="list-style-type: none"> <li>• the relevant statutory requirements (including any relevant consent, licence or lease conditions);</li> <li>• any relevant limits or performance measures/criteria;</li> <li>• 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;</li> </ul> <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"> <li>• impacts and environmental performance of the project;</li> <li>• effectiveness of any management measures (see c above);</li> </ul> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p>		<p>Management plans required by this Approval have been prepared in accordance with this condition, except as where noted in this report.</p>	C	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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"> <li>• incidents;</li> <li>• complaints;</li> <li>• non-compliances with statutory requirements; and</li> <li>• exceedances of the impact assessment criteria and/or performance criteria; and</li> </ul> <p>(h) a protocol for periodic review of the plan.</p>				
<b>Annual Review</b>					
4.	<p>By the end of March each year, the Proponent shall review the environmental performance of the project for the previous calendar year to the satisfaction of the Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the past calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the: • 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>	Annual reviews 2018,2019, 2020	<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.</p> <p>MCC requested and had approved an extension to the submission date from DPIE, however no extension had been sought from the Resource regulator.</p>	<b>ANC</b>	Historic ANC – no further action required
<b>Revision of Strategies, Plans and Programs</b>					
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,</p> <p>the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.</p> <p><i>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.</i></p>	IEA Management Plan register to July 2021	<p>Management plans are reviewed, revised and submitted to DPIE as required by this condition.</p> <p>MCCM 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	
<b>Management of Cumulative Impacts</b>					
6.	<p>In conjunction with the owners of the nearby mines in the Leard Forest Mining Precinct, the Proponent shall use its best endeavours to minimise the cumulative impacts of the project on the surrounding area, to the satisfaction of the Secretary.</p>	<p>Minutes from BTN Environment monthly meeting 2/4/20 and 4/7/19</p> <p>BTM CCC meeting minutes</p>	<p>Monthly environment meetings are held with the other mine sites which is attended by at least one representative of each mine.</p> <p>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 join CCC is convened twice per year.</p>	C	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Community Consultative Committee</b>					
7.	<p>The Proponent shall establish and operate a Community Consultative Committee (CCC) for the project to the satisfaction of the Secretary. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative 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 Secretary.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and</li> <li>In accordance with the Department's guideline, the CCC should be comprised on an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.</li> </ul>	Minutes of the Boggabri – Tarrawonga – Maules Creek Community Consultative Committee 2018-2021	Meeting minutes are available on the WHC website.	C	
<b>REPORTING</b>					
<b>Incident Reporting</b>					
8.	The Proponent shall notify, at the earliest opportunity, the Secretary and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the project, the Proponent shall notify the Secretary and any other relevant agencies as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent shall provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	Various incident notifications	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.	C	
<b>Regular Reporting</b>					
9.	The Proponent shall 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.	<a href="https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/">https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/</a>	Reports of environmental performance and monitoring are provided on the company website.	C	
<b>AUDITING</b>					
<b>Independent Environmental Audit</b>					
10.	<p>By the end of June 2015 and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <p>(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</p> <p>(b) include consultation with the relevant agencies;</p> <p>(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval, and any other relevant approvals, relevant EPL/s and/or Mining Lease (including any assessment, plan or program required under these approvals);</p> <p>(d) assess whether the Proponent is implementing best noise, blasting and air quality management practice;</p>	MCC-Independent Environmental Audit-2018 and Response	The last audit was conducted in July 2018. The current audit was postponed due to restrictions imposed during the Covid-19 pandemic as agreed with DPIE.	C	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(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:</p> <ul style="list-style-type: none"> <li>the effectiveness of these measures in maintaining impacts within the relevant criteria in this approval and/or the limits in the relevant EPL; and</li> <li>any additional measures available to mitigate impacts under such conditions;</li> </ul> <p>(f) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and</p> <p>(g) recommend measures or actions to improve the environmental performance of the project and/or any strategy, plan or program required under these approvals.</p> <p><i>Note: This audit team must be led by a suitably qualified auditor, and include experts in noise, air quality, ecology and any other fields specified by the Secretary.</i></p>				
11.	<p>Within 3 months of commissioning this audit, or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.</p>	MCC-Independent Environmental Audit-2018 and Response	Previous audit was submitted in October 2018.	C	

#### ACCESS TO INFORMATION

12.	<p>The Proponent shall:</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"> <li>the EA;</li> <li>all current statutory approvals for the project;</li> <li>approved strategies, plans and programs required under the conditions of this approval;</li> <li>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;</li> <li>a complaints register, which is to be updated on a monthly basis;</li> <li>minutes of CCC meetings;</li> <li>the last five annual reviews;</li> <li>any independent environmental audit, and the Proponent's response to the recommendations in any audit;</li> <li>any other matter required by the Secretary; and</li> </ul> <p>(b) keep this information up to date, to the satisfaction of the Secretary.</p>	<p><a href="https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/">https://whitehavencoal.com.au/our-business/our-assets/maules-creek-mine/</a></p>	The required information is available on the company website.	C	
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#### On-line Communication of Onsite Activities and Monitoring of Noise and Air Quality

13.	<p>The Proponent shall, 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"> <li>daily weather forecasts for the coming week;</li> <li>proposed operational responses to these weather forecasts;</li> <li>real-time noise and air quality monitoring data (subject to any necessary caveats); and</li> <li>any operational responses that were taken in response to the noise and air quality monitoring data, and</li> </ul> <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 Secretary.</p>	Whitehaven Coal website	<p>Daily reports are available on the company website.</p> <p>An email address is provided for submission of comments.</p>	C	
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>APPENDIX 5: MAULES CREEK COAL PROJECT CONSOLIDATED STATEMENT OF COMMITMENTS</b>					
<b>Mining Operations</b>					
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 Schedule 2 Condition 6	C	
2.	Maules Creek Coal will seek the appropriate licences and approvals as relevant to the Project and listed in Table 9.		MCCM holds the required approvals.	C	
3.	Maules Creek Coal shall surrender its existing development consent DA 85/1819 following the grant of the Project Approval.		Refer CoA Schedule 2 Condition 10	C	
<b>Environmental Management</b>					
4.	<p>The proponent will develop a staged EMS in consultation with relevant regulators (and the Aboriginal community where relevant) to the approval of DP&amp;I which shall comprise:</p> <ul style="list-style-type: none"> <li>• Environmental Management Strategy;</li> <li>• Environmental Monitoring Program (incorporating air quality, noise, blasting, ecology, Aboriginal heritage, surface water and groundwater);</li> <li>• Construction Management Plan;</li> <li>• Air Quality Management Plan;</li> <li>• Noise Management Plan;</li> <li>• Flora and Fauna Management Plan (including Land Disturbance Protocol);</li> <li>• Biodiversity Offsets Management Plan;</li> <li>• Rehabilitation Management Plan;</li> <li>• Aboriginal Archaeology and Cultural Heritage Management Plan;</li> <li>• Water Management Plan (including groundwater and surface water);</li> <li>• Traffic and Transport Management Plan;</li> <li>• Bushfire Management Plan; and</li> <li>• Hazardous Materials Management Plan.</li> </ul>		MCCM has developed and implemented the required management plans	C	
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.		The Namoi CMA has been replaced by North West LLS. Consultation has continued to occur with the regards to the revision of the approved management please.	C	
<b>Air Quality</b>					
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	C	
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	C	
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	C	
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 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.		Refer to CoA	C	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Noise and Blasting</b>					
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	C	
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	C	
<b>Visual</b>					
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.		No requirement to develop any management or mitigation measures have been trigger by landholders under this condition. However, complaints with regard to lighting have previously been received and managed accordingly.	NT	
13.	Night time operations will be undertaken behind barriers, particularly in exposed areas to reduce direct night lighting impacts to neighbouring receivers.		Barriers are utilised where required.	C	
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.		Lighting review completed during pervious audit period.	C	
<b>Ecology</b>					
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.		Completed prior to audit period.	NT	
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	C	
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	C	
<b>Aboriginal Archaeology and Cultural Heritage</b>					
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	C	
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.		Confirmed in previous audit period.	C	
20.	Maules Creek Coal will provide the opportunity for one representative of the Aboriginal community to be a member of the Maules Creek CCC.		Confirmed in CCC meeting minutes	C	
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.		Completed in previous audit periods.	C	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Non Indigenous Heritage</b>					
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.		Completed in the previous audit period.	C	
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	C	
<b>Water Resources</b>					
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, 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.	Water Management Plan	Refer CoA. No compensatory water has been requested.	NT	
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.	Water 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 reviews undertaken by consultants including AGE and Heritage Consulting.	C	
26.	Maules Creek Coal will conduct water quality monitoring of the seepage / runoff from the OEAs.	Water Management Plan	Water quality monitoring is undertaken at a number of sediment dams as well as in the mine void.	C	
27.	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.	Water Management Plan	In 2020 MCCM the Natural Resource Access Regulator (NRAR) commenced proceedings against MCCM for operating water take without an approved Water Access Licence. MCCM 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.	NC	Implement the obligations in the Enforceable Undertaking as required
<b>Geochemical</b>					
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.	Annual Review 2018, 2019, 202	MCC will continue to manage and check for potential PAF material and dispose of this material as per the requirements of the MOP.  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.	C	
<b>Traffic</b>					
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.	Traffic Management Plan	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	

**TABLE A1 - PROJECT APPROVAL**  
Compliance with Project Approval 10\_0138

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
30.	Maules Creek Coal will use reasonable endeavours to work with other Gunnedah Basin coal projects and the relevant roads authorities in managing safety issues on the road network related to mining within the Narrabri and Gunnedah LGAs.	Traffic Management Plan	The TMP outlines various mitigation and control measures to manage safety issues on the roads impacted by MCCM.	C	
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.		Managed through Hunter Valley Access Undertaking.	C	
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.		Not triggered	NT	
<b>Community</b>					
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.	Social Impact Management Plan	The SIMP outlines commitments and details for each of the items in the EA Section 7.20.9.	C	
34.	Maules Creek Coal offers to enter into an appropriate VPA on terms it will seek to agree with NSC and GSC.		MCCM has a VPA with Narrabri Shire Council.	C	
35.	Maules Creek Coal will maintain the agricultural productivity of its landholdings that are not utilised for mining or biodiversity offsets.		Refer to CoA	C	
<b>Reporting</b>					
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.	Annual review 2018, 2019, 2020	Refer to CoA Schedule 5 Condition 4	C	



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**TABLE A2 - EPL**

Compliance with Environment Protection Licence (EPL) 20221

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**Document details**

Document title	Table A2 - EPL
Document subtitle	Compliance with Environment Protection Licence (EPL) 20221
Project No.	0597651
Date	21 March 2022
Version	3.0
Author	Heather McKay
Client Name	Whitehaven Coal

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Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
<b>A1 What the licence authorises and regulates</b>																	
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.	Note	Noted	Note													
A1.2	This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.	Annual Review 2019, 2019, 2020	The Annual Reviews indicated ROM volumes of: 2018 – 12 million tonnes 2019 – 9.6 million tonnes 2020 – projected 11.5 million tonnes With saleable product being indicated at: 2018 – 9.8 million tonnes 2019 – 8.9 million tonnes 2020 – projected 9.2 million tonnes	C													
	<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>&gt; 5000000 T annual handling capacity</td> </tr> <tr> <td>Crushing, grinding and separating</td> <td>Crushing, grinding and separating</td> <td>&gt; 2000000 T annual processing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>&gt; 5000000 T annual production capacity</td> </tr> </tbody> </table>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 5000000 T annual handling 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				
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<b>A2 Premises or plant to which this licence applies</b>																	
A2.1	The licence applies to the following premises:  <b>Premises Details</b>  <b>MAULES CREEK COAL MINE</b>  <b>TERRIBRI ROAD</b>  <b>BOGGABRI</b>  <b>NSW 2382</b>  <b>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).</b>  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.	Note	Noted	Note													
<b>A3 Other Activities</b>																	
A3.1	This licence applies to all other activities carried on at the premises, including: <table border="1"> <thead> <tr> <th>Ancillary Activity</th> </tr> </thead> <tbody> <tr> <td>Chemical Storage</td> </tr> <tr> <td>Concrete works</td> </tr> <tr> <td>Crushing, grinding and separating of rock for construction activities</td> </tr> <tr> <td>Railway systems activities</td> </tr> <tr> <td>Sewage treatment system</td> </tr> </tbody> </table>	Ancillary Activity	Chemical Storage	Concrete works	Crushing, grinding and separating of rock for construction activities	Railway systems activities	Sewage treatment system	Note	Noted	Note							
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Sewage treatment system																	
<b>A4 Information supplied to the EPA</b>																	
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 Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.	Note	Noted	Note													

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																
<b>P1 Location of monitoring/discharge points and areas</b>																																					
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> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th colspan="4" style="text-align: center;"><i>Air</i></th> </tr> <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 variation application form received by the EPA on 11 October 2017.</td> </tr> <tr> <td>22</td> <td>Ambient air monitoring</td> <td></td> <td>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.</td> </tr> <tr> <td>23</td> <td>Ambient air monitoring</td> <td></td> <td>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.</td> </tr> </tbody> </table>	<i>Air</i>				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 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.	EPL Monitoring data 2019 - 2021	Monitoring has been undertaken at all sites for the duration of the audit period.	C	
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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																																	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																								
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;"><b>Water and Land</b></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> <tr> <td>7</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Dam labelled EPL7(SD7) on aerial photo titled ""Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.</td> </tr> <tr> <td>9</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Dam labelled EPL9(SD9) on aerial photo titled ""Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.</td> </tr> <tr> <td>12</td> <td>Surface Water Quality Monitoring</td> <td></td> <td>Mining void (variable location) from the main mining void on the premises.</td> </tr> <tr> <td>15</td> <td>Groundwater Quality Monitoring</td> <td></td> <td>Location labelled EPL15(BCM01) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.</td> </tr> <tr> <td>16</td> <td>Groundwater Quality Monitoring</td> <td></td> <td>Location labelled EPL16(BCM03) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.</td> </tr> <tr> <td>17</td> <td>Groundwater Quality Monitoring</td> <td></td> <td>Location labelled EPL17(REG10A) on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.</td> </tr> <tr> <td>24</td> <td>Groundwater Quality Monitoring</td> <td></td> <td>Location labelled RB05A on aerial photo titled "Maules Creek Coal Project - MCC EPL20221 Monitoring Locations" (DOC19/986052) dated 15/08/2019.</td> </tr> <tr> <td>36</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Wet Weather Discharge Discharge water quality monitoring</td> <td>Dam labelled EPL3(SD12) 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.	7	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	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 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.	EPL Monitoring data 2018- 2021	Monitoring has been undertaken at all sites for the duration of the audit period. Noting that EPL 36 was added to the EPL variation in November 2019.	C	
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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>	EPL Monitoring data 2018- 2021 MCC_ENV_REG BLAST REGISTER 2019 - 2021	Monitoring has been undertaken at all sites for the duration of the audit period.	C																																									

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations
	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.				
	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.				

Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations
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 Protection of the Environment Operations Act 1997.	Incident notification reports Annual returns 2019 and 2020 Annual Review 2018, 2019, 2020 Interview with Environmental Superintendent	The following water incidents were reported in the audit period: <ul style="list-style-type: none"> <li>■ 16/1/2020 – Overtopping of sub-drain to Back Creek</li> <li>■ 8/2/2020 – Release of EPS to Back Creek</li> <li>■ 8/2/2020 – Overtopping of sub drain to Back Creek</li> <li>■ 3/12/2020 - Overtopping of sub drain to Back Creek</li> </ul> On 12 January 2021 the NSW EPA commenced prosecution proceedings against Maules Creek Coal Pty Limited alleging 3 non-compliances with this condition. MCCM 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.	NC	Comply with direction of EPA to close out proceedings
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**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.	Note	Noted	Note																									
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Note	Noted	Note																									
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.	Note	Noted	Note																									
L2.4	Water and/or Land Concentration Limits <b>POINT 3,7,9</b>	EPL Monitoring Data 2018 - 2021	All water discharges were compliant within the criteria of condition L2.5.	C																									
	<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>	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	20	35		50																								

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																				
L2.5	<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>	EPL Monitoring Data 2018 - 2021	As above	C																					
<b>L3 Noise Limits</b>																									
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	EPL Monitoring data 2018-2021	The following exceedance of noise criteria were recorded during the audit period: <ul style="list-style-type: none"> <li>■ 23/9/2019 – NM1 (1 Min) by 1 dB</li> <li>■ 1/4/2020 – NM1 (15 Min) by 4 dB</li> </ul>	NC	Duplicate - Refer to condition L3.3										
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																					
L3.2	<p>The noise limits identified in the above table do not apply at privately owned residences that are:</p> <p>a) identified as residences subject to acquisition or noise mitigation on request within the Project Approval 10_0138; or</p> <p>b) subject to a private agreement, relating to the noise levels, between the licensee and the land owner.</p>	Note	Noted	Note																					
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><b>POINT 25,27,28,29,30</b></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	EPL Monitoring data 2018 - 2021	The following exceedance of noise criteria were recorded during the audit period: <ul style="list-style-type: none"> <li>■ 23/9/2019 – NM1 (1 Min) by 1 dB</li> <li>■ 1/4/2020 – NM1 (15 Min) by 4 dB</li> </ul>	NC	Continue to measure real time noise levels and activate TARPS as detailed in the NMP.
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																						
L3.4	<p>For the purpose of the table in condition L3.1 and L3.3:</p> <p>a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;</p> <p>b) Evening is defined as the period from 6pm to 10pm;</p> <p>c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.</p>	Note	Noted	Note																					
L3.5	<p>The noise limits set out in condition L3.1 and L3.3 apply under all meteorological conditions except for the following:</p> <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>	Environmental Noise Monitoring, Global Acoustics, September 2019	Global Acoustics uses meteorological data from the MCCM weather meteorological station.	C																					

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
L3.6	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.	Environmental Noise Monitoring, Global Acoustics, September 2019	Global Acoustics applies the Noise Policy for Industry 2017 and modifying factor in September 2019 report.	C	
L3.7	<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> <ul style="list-style-type: none"> <li>i. approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or</li> <li>ii. 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</li> <li>iii. within approximately 50 metres of the boundary of a National Park or a Nature Reserve; or</li> <li>iv. at an alternative location approved in writing by the EPA.</li> </ul> <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> <ul style="list-style-type: none"> <li>i. at the most affected point at a location where there is no dwelling at the location; or</li> <li>ii. at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.</li> </ul>	Interview with Environmental Superintendent	No written request for additional noise monitoring has been received during the audit period.	C	
<b>L4 Blasting</b>					
L4.1	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.	Annual Return 2019, 2020 MCC_ENV_REG BLAST REGISTER 2019 - 2021	There were no exceedances of the applicable ground vibration and air blast overpressure limits during the audit period.	C	
L4.2	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.	Annual Return 2019, 2020 MCC_ENV_REG BLAST REGISTER 2019 - 2021	There were no exceedances of the applicable ground vibration and air blast overpressure limits during the audit period.	C	
L4.3	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.	Annual Return 2019, 2020 MCC_ENV_REG BLAST REGISTER 2019 - 2021	No exceedances of the ground vibration peak particle velocity have been recorded during the audit period.	C	
L4.4	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.	Annual Return 2019, 2020 MCC_ENV_REG BLAST REGISTER 2019 - 2021	As above	C	
L4.5	Blasting operations on the premises must only be carried out between the hours 9am to 5pm, Monday to Saturday, inclusive.	MCC_ENV_REG BLAST REGISTER 2019 - 2021	All blasting is undertaken between 9am and 5pm and no blasting occurs on Sundays.	C	
L4.6	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.	Annual Return 2019, 2020 MCC_ENV_REG BLAST REGISTER 2019 - 2021	No variation of blasting hours have been required.	C	
L4.7	<p>Blasting at the premises is limited to 1 blast on each day on which blasting is permitted.</p> <p>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.</p> <p>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.</p> <p>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.</p>	Annual Return 2019, 2020 MCC_ENV_REG BLAST REGISTER 2019 - 2021	Two blasts on were recorded on 31/8/2019 at VEL04-43-OB & RL385-07- 15-PS. Ground vibration was less than 0.5 mm/s.	C	

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations								
L4.8	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. 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.	Note	Noted	Note									
<b>L5 Other Limit Conditions</b>													
L5.1	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. <table border="1" data-bbox="281 510 1308 678"> <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		Outside audit period.	NT	
Location	Construction Noise Criteria Day LAeq (15 minute)												
256	50												
259	45												
All privately owned residences	40												
L5.2	Activities associated with the construction and/ or upgrade of the Maules Creek rail spur line may only be carried on between: a) 7:00am to 6:00pm Monday to Friday; b) 8:00am to 1:00pm Saturdays; and, c) At no time on Sundays or public holidays.		As above	NT									
L5.3	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.		As above	NT									
<b>O1 Activities must be carried out in a competent manner</b>													
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.	Site observations	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. It is understood through discussions with the Environmental Superintendent that the environmental team undertakes monthly environmental inspections of the workshop. MCCM 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. This was completed on the day of the audit. In addition, MCCM reported that a toolbox talk was held with the environmental team to ensure future environmental inspections are led by the environmental team.	NC	Duplicate - Ensure environmental inspections include all waste storage areas. Investigate the root cause of the issue including why wastes are stored in the area and not scheduled for removal by the waste contractor.								

TABLE A2 - EPL  
Compliance with Environment Protection Licence (EPL) 20221

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations								
<b>O2 Maintenance of plant and equipment</b>													
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.		Refer to CoA	C									
<b>O3 Dust</b>													
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.		Refer to CoA	C									
<b>O4 Other Operating Conditions</b>													
<b>Blast fumes</b>													
O4.1	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:  i. are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or ii. 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.	Blast Management Plan, 2018 MCC_ENV_REG BLAST REGISTER 2019 - 2021	No issues with blast fume were reported during the audit period. 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	C									
O4.2	<b>Pollution Incident Response Management Plan</b> 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.	Pollution Incident Response Management Plan 2021	This Pollution Incident Response Management Plan (PIRMP) is available on the company website and is tested annually.	C									
O4.3	The licensee must keep the PIRMP on the premises at all times.	Pollution Incident Response Management Plan 2021	The PIRMP is available on site.	C									
<b>M1 Monitoring Records</b>													
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.	EPL Monitoring Data 2014-2021	All monitoring results are recorded and retained as per the licence.	C									
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	EPL Monitoring Data 2014 - 2021	MCCM maintains all data from 2014 which available on the network drive and on the company website.	C									
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected; c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Monitoring reports from Cbased Environmental, November 2020	Monitoring records contain the required information.	C									
<b>M2 Requirement to monitor concentration of pollutants discharged</b>													
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.		Monitoring is undertaken in accordance with the licence.	C									
M2.2	Air Monitoring Requirements <b>POINT 18</b> <table border="1" data-bbox="278 1843 1308 1948"> <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>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	EPL Monitoring data 2018-2021	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	No further action required
Pollutant	Units of measure	Frequency	Sampling Method										
PM10	micrograms per cubic metre	Continuous	AM-22										

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																																								
	<p><b>POINT 19</b></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><b>POINT 20,21,22,23</b></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	Every 6 days	AM-18	Pollutant	Units of measure	Frequency	Sampling Method	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19																																												
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M2.3	<p>Water and/ or Land Monitoring Requirements</p> <p><b>POINT 3,7,9,36</b></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>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> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Special Frequency 1</td> <td>Grab sample</td> </tr> </tbody> </table> <p><b>POINT 12</b></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>Every 2 months</td> <td>Representative sample</td> </tr> <tr> <td>Oil and Grease</td> <td>milligrams per litre</td> <td>Every 2 months</td> <td>Representative sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Every 2 months</td> <td>Representative sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Every 2 months</td> <td>Representative sample</td> </tr> </tbody> </table> <p><b>POINT 15,16,17,24</b></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>Quarterly</td> <td>Representative sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Quarterly</td> <td>Representative sample</td> </tr> <tr> <td>Total dissolved solids</td> <td>milligrams per litre</td> <td>Quarterly</td> <td>Representative sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Special Frequency 1	Grab sample	Oil and Grease	milligrams per litre	Special Frequency 1	Grab sample	pH	pH	Special Frequency 1	Grab sample	Total suspended solids	milligrams per litre	Special Frequency 1	Grab sample	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	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	EPL Monitoring data 2018 - 2021	Monitoring has been undertaken as required.	C	
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M2.4	<p>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 36 commences and in any case not more than 12 hours after a discharge commences.</p> <p>Note: The frequency of monitoring and the parameters to be monitored may be varied by the EPA.</p>	CBased Environmental Reports	Sampling is undertaken within 12 hours of discharge commencing.	C																																																									
<b>M3 Testing methods – concentration limits</b>																																																													
M3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <p>a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</p> <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>	Global Acoustics Noise Monitoring reports CBased Environmental monitoring reports	Monitoring has been conducted in accordance with the requirements of this condition.	C																																																									
M3.2	<p>Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.</p>	CBased Environmental monitoring reports	Monitoring is conducted by a method approved by the EPA.	C																																																									

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																								
<b>M4 Weather monitoring</b>																																													
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.	Teledata	Monitoring is conducted as required. Weather monitoring was not conducted continuously on a limited number of days due to maintenance, power outages or breakdown. Such events have been notified to the EPA.	C																																									
	<p><b>POINT 35</b></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 &amp; 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 &amp; 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	-	-	-				
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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.		The meteorological station is maintained to be capable of continuous monitoring.	C																																									
<b>M5 Recording of Pollution Complaints</b>																																													
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.	Community Complaints Register 2018- 2021	A summary of all complaints received either directly to MCCM or to regulators are recorded on the company website.	C																																									
M5.2	The record must include details of the following: a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken.	Community Complaints Register 2018 - 2021	The summary includes all details with the exception of details of the time and personal details or a note to that effect.	C																																									
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Community Complaints 2014 - 2021	Complaints records are available back to 2014.	C																																									
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.		EPA has not requested a copy during the audit period.	NT																																									
<b>M6 Telephone Complaints Line</b>																																													
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.		A complaints Line is provided on the MCCM website. The number was tested by the Auditor during the audit and was confirmed to be operational.	C																																									
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.		As above	C																																									

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations											
M6.3	The preceding two conditions do not apply until 60 days after the date of the issue of this licence.	Note	Noted	Note												
<b>M7 Blasting</b>																
M7.1	To determine compliance with conditions L4.1 to L4.4 inclusive: 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 b) The licensee must use the units of measure, sampling method and sample at the frequency specified opposite in the other columns.	MCC_ENV_REG BLAST REGISTER 2019 - 2021	Blast monitoring is recorded in the Blast Register and recorded as required by this condition.	C												
	<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			
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<b>M8 Other monitoring and recording conditions</b>																
<b>Noise Monitoring</b>																
M8.1	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. <b>POINTS 25, 27, 28, 29, 30</b>	Global Acoustics monitoring reports EPL Monitoring Data 2018 - 2021	Attended noise monitoring is undertaken by Global Acoustics in accordance with this condition.	C												
	<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									
Assessment period	Minimum frequency in a Reporting Period	Minimum duration within an assessment period														
Night	Monthly	15 minutes														
<b>R1</b>																
<b>Annual return documents</b>																
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.	Annual return 2018/2019 Annual return 2019/2020 Annual return 2020/2021	Annual returns have been submitted as required.	C												
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.	Annual return 2018/2019 Annual return 2019/2020 Annual return 2020/2021	Annual returns have been submitted as required.	C												
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.		License has not been transferred	NT												
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:		License has not been revoked or surrendered.	NT												

TABLE A2 - EPL  
Compliance with Environment Protection Licence (EPL) 20221

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	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.				
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').	Annual return 2018/2019 Annual return 2019/2020 Annual return 2020/2021	Annual returns are submitted by EPACconnect and within the specified timeframe.	C	
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.	Annual return 2018/2019 Annual return 2019/2020 Annual return 2020/2021		C	
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.	Annual return 2018/2019 Annual return 2019/2020 Annual return 2020/2021	Annual returns are certified by the Environmental Superintendent.	C	
<b>R2</b>					
<b>Notification of environmental harm</b>					
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555. 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.	EPA notification emails	Notification of incidents have been made via the Environment Line during the audit period	C	
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.	Correspondence notifying EPA for incident on 8/2/2020.	The auditor sighted correspondence confirming that written details of incidents are provided within 7 days of the incident occurring.	C	
<b>R3</b>					
<b>Written report</b>					
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Note	Noted	Note	
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.	Correspondence between MCCM and EPA regarding incident of 8/2/2020.	MCCM has responded to EPA requests with the information requested.	C	
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Refer above	Responses were provided in accordance with this condition.	C	

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.	Note	Noted	Noted	
<b>R4</b>					
<b>Other reporting conditions</b>					
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: a) an assessment of compliance with noise limits detailed in the limit conditions of this licence; and b) an outline of any management actions taken within the monitoring period to address any exceedences of the noise limits detailed in condition L3.3 of this licence.	Maules Creek Coal Project Environmental Noise Monitoring Report, Global Acoustics, September 2019	The auditor sighted the noise monitoring report submission for September 2019 which comprises an assessment of compliance with noise limits in the EPL and outlines actions taken in relation to the measured noise exceedance.	C	
R4.2	The Licensee must report any exceedence of the licence noise limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.	Maules Creek Coal Project Environmental Noise Monitoring Report, Global Acoustics, September 2019	MCCM notified the EPA on 25 <sup>th</sup> September 2019 that a noise exceedance had been recorded reported on 23/24 <sup>th</sup> September 2019.	C	
R4.3	The Licensee must report any exceedence of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedence becomes known to the licensee or to one of the licensee's employees or agents.		No exceedance of blasting limits have been recorded.	NT	
<b>G1</b>					
<b>Copy of licence kept at the premises or plant</b>					
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Site observations	A copy of the licence is kept on the premises and is available on the company website.	C	
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Note	Noted	Note	
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Site observations	A copy of the licence is kept on the premises and is available on the company website.	C	



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**TABLE A3 – COAL LEASE 375**  
Compliance with Coal Lease 375

<b>Document details</b>	
Document title	Table A3 – Coal Lease 375
Document subtitle	Compliance with Coal Lease 375
Project No.	0597651
Date	21 March 2022
Version	3.0
Author	Heather McKay
Client Name	Whitehaven Coal

**TABLE A3 – COAL LEASE 375**  
 COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Notice to Landholders</b>					
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>		Outside audit period	NT	
<b>Environmental Harm</b>					
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:                      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).                      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</p>		Refer to CoA and EPL compliance tables	NC	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	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.				
<b>Mining Operations Plan</b>					
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"> <li>i. identify areas that will be disturbed by mining operations;</li> <li>ii. detail the staging of specific mining operations;</li> <li>iii. identify how the mine will be managed to allow mine closure;</li> <li>iv. identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;</li> <li>v. reflect the conditions of approval under: <ul style="list-style-type: none"> <li>• the <i>Environmental Planning and Assessment Act 1979</i></li> <li>• the <i>Protection of the Environment Operations Act 1997</i></li> <li>• and any other approvals relevant to the development including the conditions of this lease; and</li> <li>• have regard to any relevant guidelines adopted by the Director-General.</li> </ul> </li> </ol> <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"> <li>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</i></li> </ol>	Mining Operation Plan, August 2020	<p>The Resource Regulator issue two Penalty Notices to MCCM in 2020:</p> <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ August 2020 – Erosion and sediment control practices and measures not undertaken in accordance with the MOP leading to rilling and erosion.</li> </ul> <p>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 it 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 and</p>	NC	Historic NC – no further action required.

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p><i>1979, Protection of the Environment Operations Act 1997, 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 Occupational Health and Safety Act 2000; and</i></p> <p>ii. and the Director-General had been notified in writing of the terms of the order ordirection prior to the operations constituting the breach being carried out.</p> <p>(e) A MOP ceases to have effect 7 years after date of approval or other such period asidentified by the Director-General.</p>		<p>amendment to the MOP to include the findings of the Aspect Ecology Rehabilitation Audit. The MOP amendment in August 2020 incorporates this amendment.</p>		
<b>Environmental Management Report</b>					
4.	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with theDirector-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <ul style="list-style-type: none"> <li>i. report against compliance with the MOP;</li> <li>ii. report on progress in respect of rehabilitation completion criteria;</li> <li>iii. report on the extent of compliance with regulatory requirements; and</li> <li>iv. have regard to any relevant guidelines adopted by the Director-General;</li> </ul>	Annual Review 2018, 2019 and 2020	The annual reviews report compliance of the MOP for each year.	C	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Environmental Incident Report</b>					
5.	<p>(a) The lease holder must report any environmental incidents. The report must:</p> <ul style="list-style-type: none"> <li>i. be prepared according to any relevant Departmental guidelines;</li> <li>ii. be submitted within 24 hours of the environmental incident occurring:</li> </ul> <p>(b) For the purposes of this condition, environmental incident includes:</p> <ul style="list-style-type: none"> <li>i. any incident causing or threatening material harm to the environment</li> <li>ii. any breach of Conditions 1 to 9 and 11 to 24;</li> <li>iii. any breach of environment protection legislation; or,</li> <li>iv. a serious complaint from landholders or the public.</li> </ul> <p>(c) For the purposes of this condition, harm to the environment is material if:</p> <ul style="list-style-type: none"> <li>i. it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</li> <li>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.</li> </ul>	<p>Incident report, Release of EPS 8/2/2020</p> <p>Incident report, Overtopping of subdrain 16/1/2020</p>	<p>Incidents have been reported to the Resource Regulator as required by this condition.</p>	C	
<b>Additional Environmental Reports</b>					
6.	<p>Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.</p>	Note	Noted	Note	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Rehabilitation</b>					
7.	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Mining Operation Plan, August 2020	No areas of the lease have been rehabilitated to final completion.	NT	
<b>Subsidence Management</b>					
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.		No underground mining has occurred at the site.	NT	
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)		No underground mining has occurred at the site.	NT	
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).		No underground mining has occurred at the site.	NT	
8. (d)	Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for Subsidence Management Approvals.		No underground mining has occurred at the site.	NT	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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.		No underground mining has occurred at the site.	NT	
<b>Working Requirement</b>					
9.	The lease holder must: (a) ensure that at least <b>167</b> competent people are efficiently employed in relation to themining process or mining operations on the lease area OR (b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than <b>\$2,922,500</b> per annum whilst the lease is in force. The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.	Interview with Environmental Superintendent	The site employees more than 167 employees.	C	
<b>Blasting</b>					
<b>Ground Vibration</b>					
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 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.	Blast management strategy for Boggabri – Tarrawonga – Maules Creek Complex 2020 MCC_ENV_REG BLAST REGISTER 2019 - 2021	No exceedances of the applicable ground vibration limits were recorded during the audit period.	C	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Blast Overpressure</b>					
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 2019 - 2021	No exceedances of the applicable air blast overpressure limits were recorded during the audit period.	C	
<b>Safety</b>					
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.		No injuries have been reported during the audit period.	C	
<b>Prevention of soil erosion and pollution</b>					
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.	MOP, August 2020	The MOP outlines that all exploration activities, proposed in the period, will be within already disturbed mining boundary and not require work in undisturbed areas.	C	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Transmission lines, Communication lines and Pipelines</b>					
13.	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.	Interview with Environmental Superintendent	MCCM operations have not interfered or impaired any of the relevant utilities during the audit period.	C	
<b>Roads and Tracks</b>					
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.	Interview with Environmental Superintendent	No payments in relation to damage or roads or tracks have been required.	NT	
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.	Traffic Management Plan 2017	Resource Regulator has assessed this condition as compliant.	C	
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.	Traffic Management Plan 2017	The TMP outlines all the approved routes for use by the MCCM and outlines the restricted access routes for MCCM.	C	
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.	Interview with Environmental Superintendent	The site has not constructed any temporary access tracks.	NT	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Trees and Vegetation</b>					
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.	Forest Permit Authority and Use Arrangement for Access and Environmental Monitoring Level 2 signed 28 June 2016	MCCM has an agreement in place with Forestry Commission since 2016 which was updated in June 2021.	C	
	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> subject to any conditions stipulated.		As above	C	
<b>Resource Recovery</b>					
17.	(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.		No notice has been received.	NT	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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>				
<b>Indemnity</b>					
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.		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	
<b>Security</b>					
19.	A security in the sum of <b>\$120,000</b> 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.		Compliance confirmed in previous audit period.	C	

**TABLE A3 – COAL LEASE 375**  
COMPLIANCE WITH COAL LEASE 375

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Suspension of Mining Operations</b>					
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.	Note	Noted	Note	
<b>Cooperation Agreement</b>					
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"> <li>■ access arrangements</li> <li>■ operational interaction procedures</li> <li>■ dispute resolution</li> <li>■ information exchange</li> <li>■ well location</li> <li>■ timing of drilling</li> <li>■ potential resource extraction conflicts and</li> <li>■ rehabilitation issues.</li> </ul> <p><i>Note: <u>Exploration Reports (Geological and Geophysical)</u></i></p> <p><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></p> <p><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>	Interview with Environmental Superintendent.	No change to cooperation agreements in the audit period.	C	

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**TABLE A4 – MINING LEASE 1701**  
Compliance with Mining Lease 1701

<b>Document details</b>	
Document title	Table A4 – Mining Lease 1701
Document subtitle	Compliance with Mining Lease 1701
Project No.	0597651
Date	21 March 2022
Version	V3.0
Author	Heather McKay
Client Name	Whitehaven Coal

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Notice to Landholders</b>					
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.		Outside audit period	NT	
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.		Outside audit period	NT	
<b>Rehabilitation</b>					
2.	Any disturbance resulting from the activities carried out under this mining lease must be rehabilitated to the satisfaction of the Minister.	Mining Operation Plan, August 2020	No areas of the lease have been rehabilitated to final completion.	NT	
<b>Mining Operations Plan and Annual Rehabilitation Report</b>					
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.	Mining Operation Plan, August 2020	The Resource Regulator issued two Penalty Notices to MCCM in 2020: <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ August 2020 – Erosion and sediment control practices and measures not undertaken in accordance with the MOP leading to rilling and erosion.</li> </ul> In April 2019 the Resource Regulator issued a Notice under Section 240(1)(c) of the Mining Act 1991	NC	Duplicate - Historic NC – no further action required.

**TABLE A4 – MINING LEASE 1701**  
 COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			requiring MCCM 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.		
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"> <li>(i) identifies area that will be disturbed;</li> <li>(ii) details the staging of specific mining operations, mining purposes and prospecting;</li> <li>(iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use;</li> <li>(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</li> <li>(v) reflects the conditions of approval under:                             <ul style="list-style-type: none"> <li>• The <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>• The <i>Protection of the Environment Operations Act 1997</i>; and</li> <li>• Any other approvals relevant to the development including the conditions of this mining lease.</li> </ul> </li> </ul>	Mining Operation Plan, August 2020	The MOP meets the requirements of this condition.	C	

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
3. (c)	The MOP must be prepared in accordance with the ESG3: <i>Mining Operations Plan (MOP) Guidelines September 2013</i> published on the department website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a>	Mining Operation Plan, August 2020	The MOP Amendment B has been prepared to satisfy the requirements of the mining tenement conditions for the MCCM, which is 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. ESG3: Mine Operation Plan (MOP) Guidelines, September 2013). These guidelines are referred to herein as the MOP Guidelines.	C	
3. (d)	The lease holder may apply to the Minister to amend an approved MOP at any time.	Mining Operation Plan, August 2020	MCCM has sought amendments to the MOP during the audit period.	C	
3. (e)	If it is not a breach of this condition if:  (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 Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, the Mine Health and Safety Act 2004 / Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007 / Coal Mine Health and Safety Regulation 2006 or the Work Health and Safety Act 2011; and  (ii) the Minister had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.	Note	Noted	Note	
3. (f)	i. The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The Report must: ii. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP; iii. be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and	Annual Review 2018, 2019 and 2020	Progress of rehabilitation is reported in the Annual Reviews.	C	

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>iv. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a>.</p> <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>				
<b>Compliance Report</b>					
4. (a)	The lease holder must submit a Compliance Report to the satisfaction of the Minister. The report must be prepared in accordance with any relevant guidelines or requirements published by the Minister for compliance reporting.	Annual Review 2018, 2019 and 2020	Compliance of the project is reported in the Annual Reviews	C	
4. (b)	<p>The Compliance Report must include:</p> <p>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;</p> <p>ii. particulars of any non-compliance with any such conditions or provisions,</p> <p>iii. the reasons for any such non-compliance;</p> <p>iv. any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</p>	Annual Review 2018, 2019 and 2020	The Annual Reviews report on compliance with this mining lease.	C	
4. (c)	The Compliance Report must be lodged with the Department annually on the grant anniversary date for the life of this mining lease.	Annual Review 2018, 2019 and 2020	Annual Reviews are submitted annually.	C	
4. (d)	<p>In addition to annual lodgement under condition 4(c) above, a Compliance Report:</p> <p>i. must accompany any application to renew this mining lease under the Act;</p> <p>ii. must accompany any application to transfer this mining lease under the Act; and</p> <p>iii. must accompany any application to cancel, or to partially cancel, this mining lease under the Act.</p>	Note	Noted	Note	

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

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.	Note	Noted	Note	
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.	Note	Noted	Note	
<b>Environmental Incident Report</b>					
5. (a)	<p>The lease holder must notify the Department of all:</p> <ul style="list-style-type: none"> <li>i. breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</li> <li>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),</li> </ul> <p>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 <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> for notification contact details.</i></p>	<p>Incident report, Release of EPS 8/2/2020</p> <p>Incident report, Overtopping of subdrain 16/1/2020</p>	<p>Incidents have been reported to the Resource Regulator as required by this condition.</p>	C	
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> <ul style="list-style-type: none"> <li>i. the details of the mining lease;</li> <li>ii. contact details for the lease holder;</li> <li>iii. a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</li> <li>iv. a description of the nature of the incident or breach, likely causes and consequences;</li> <li>v. a timetable showing actions taken or planned to address the incident and to prevent future incidents or breaches referred to in S(a).</li> </ul>		As above	C	

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>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> <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 <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> for further details.</i></p>				
5. (c)	<p>In addition to the requirements set out in conditions 5(a) and (b), the lease holder must immediately advise the Department of any notification made under section 148 of the Protection of the Environment Operations Act 1997 arising in connection with significant surface disturbing activities including mining operations, mining purposes and prospecting operations, under this mining lease.</p>		As above	C	
<b>Extraction Plan</b>					
6. (a)	<p>In this condition:</p> <p>i. <b>approved Extraction Plan</b> 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>I. submitted to the Secretary on or before 31 December 2014; and</p> <p>II. approved by the Secretary.</p> <p>ii. <b>relevant development consent</b> means a development consent or project approval issued under the Environmental Planning &amp; Assessment Act 1979 relating to the mining operations subject to this lease.</p>		No underground mining has occurred at the site.	NT	
6. (b)	<p>The lease holder must not undertake any underground mining operations that may cause subsidence except in accordance with an approved Extraction Plan.</p>		No underground mining has occurred at the site.	NT	

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
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.		No underground mining has occurred at the site.	NT	
6. (d)	The lease holder must notify the Secretary within 48 hours of any: <ul style="list-style-type: none"> <li>i. incident caused by subsidence which has a potential to expose any person to health and safety risks;</li> <li>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</li> <li>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"> <li>A. built features;</li> <li>B. public safety; or</li> <li>C. subsidence monitoring.</li> </ul> </li> </ul>		No underground mining has occurred at the site.	NT	
<b>Resource Recovery</b>					
7.	The lease holder must optimise recovery of the minerals that are the subject of this mining lease to the extent economically feasible.		Maximising mineral recovery is in the best interests of MCCM to maximise potential revenue.	C	
<b>Group Security</b>					
8.	The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations of all or any kind under the mining lease, including obligations of all or any kind under the mining lease that may arise in the future. The amount of the security deposit to be provided as a group security has been assessed by the Minister at <b>\$33,390,000</b> . The leases covered by the group security include: <b>Coal Lease 375 (Act 1973)</b> This group security is extended to apply to this lease.		Compliance confirmed in prior audit period.	C	

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Cooperation Agreement</b>					
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"> <li>■ access arrangements</li> <li>■ operational interaction procedures</li> <li>■ dispute resolution</li> <li>■ information exchange</li> <li>■ well location</li> <li>■ timing of drilling</li> <li>■ potential resource extraction conflicts; and</li> <li>■ rehabilitation issues.</li> </ul>	Interview with Environmental Superintendent	No change to status of cooperation agreement.	C	
<b>SPECIAL CONDITIONS</b>					
<p><i>Note: The standard conditions apply to all mining leases. The Division of Resources &amp; Energy (DRE) reserves the right to impose special conditions, based on individual circumstances, where appropriate.</i></p>					
<b>Prescribed Dam</b>					
10. (a)	Notwithstanding any Mining Operations Plan, the lease holder must not mine within any part of the lease area which is within the <b>Maules Creek Notification Area (Maules Creek Raw Water Dam 2 and Maules Creek Water Dam 2)</b> without the prior written approval of the Minister and subject to any conditions stipulated.		No mining has taken place within this area.	C	
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"> <li>i. at least twelve (12) months before mining is to commence or such lesser time as the Minister may permit, notify the Minister of the desire to do so. A plan of the mining system to be implemented must accompany the notice; and</li> <li>ii. provide such information as the Minister may direct.</li> </ol>		Mining within the notification area is not proposed.	NT	
10. (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.		As above.	NT	

**TABLE A4 – MINING LEASE 1701**  
 COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>This sub-paragraph is complied with if:</p> <ul style="list-style-type: none"> <li>i. the Dams Safety Committee as constituted by Section 7 of the Dams Safety Act 1978 and the owner of the dam have been notified in writing of the desire to mine referred to in paragraph (b).</li> <li>ii. the notifications referred to in clause (a) are accompanied by a description or plan of the area to be mined.</li> <li>iii. the Director-General has complied with any reasonable request made by the Dams Safety Committee or the owner of the dam for further information in connection with the mining proposal.</li> <li>iv. the Dams Safety Committee has made its recommendations concerning the mining proposal or has informed the Minister in writing that it does not propose to make any such recommendations; and</li> <li>v. where the Dams Safety Committee has made recommendations the approval is in terms that are:                         <ul style="list-style-type: none"> <li>- in accordance with those recommendations; or</li> <li>- where the Minister does not accept those recommendations or any of them - in accordance with a determination under sub-paragraph (ii) of this paragraph.</li> </ul> </li> <li>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"> <li>- as determined by agreement between the Minister and the Minister administering the Dams Safety Act 1978; or</li> <li>- in the event of failure to reach such agreement - as determined by the Premier.</li> </ul> </li> </ul>				

**TABLE A4 – MINING LEASE 1701**  
COMPLIANCE WITH MINING LEASE 1701

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
10. (d)	<p>The Minister, on notice from the Dams Safety Committee, may at any time or times:</p> <ul style="list-style-type: none"> <li>i. cancel any approval given where a notice pursuant to Section 18 of the Dams Safety Act 1978 is given.</li> <li>ii. suspend for a period of time, alter, omit from or add to any approval given or conditions imposed.</li> </ul>		As above.	NT	
<b>Exploration Reporting</b>					
	<p><i>Note: Exploration Reports (Geological and Geophysical)</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. 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).</p>				

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**TABLE A5 – MINING LEASE 1719**  
Compliance with Mining Lease 1719

<b>Document details</b>	
Document title	Table A5 – Mining Lease 1719
Document subtitle	Compliance with Mining Lease 1719
Project No.	0597651
Date	21 March 2022
Version	V3.0
Author	Heather Mckay
Client Name	Whitehaven Coal

**TABLE A5 – MINING LEASE 1719**  
COMPLIANCE WITH MINING LEASE 1719

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Notice to Landholders</b>					
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>		Outside audit period	NT	
<b>Rehabilitation</b>					
2.	Mining Operation Plan, August 2020	No areas of the lease have been rehabilitated to final completion.	NT	Mining Operation Plan, August 2020	
<b>Mining Operations Plan and Annual Rehabilitation Report</b>					
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> <p>(i) identifies areas that will be disturbed;</p> <p>(ii) details the staging of specific mining operations,</p>	Mining Operation Plan, August 2020 Annual Review 2018, 2019 and 2020	<p>The Resource Regulator issued two Penalty Notices to MCCM in 2020:</p> <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ August 2020 – Erosion and sediment control practices and measures not undertaken in accordance</li> </ul>	NC	Duplicate - Historic NC – no further action required.

**TABLE A5 – MINING LEASE 1719**  
COMPLIANCE WITH MINING LEASE 1719

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>mining purposes and prospecting;</p> <p>(iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use;</p> <p>(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</p> <p>(v) reflects the conditions of approval under:</p> <ul style="list-style-type: none"> <li>• the Environmental Planning and Assessment Act 1979;</li> <li>• the Protection of the Environment Operations Act 1997; and</li> <li>• any other approvals relevant to the development including the conditions of this mining lease.</li> </ul> <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 <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a></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"> <li>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</li> <li>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.</li> </ol>		<p>with the MOP leading to rilling and erosion.</p> <p>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.</p> <p>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> <p>The MOP Amendment B has been prepared to satisfy the requirements of the mining tenement conditions for the MCCM, which is 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. ESG3: Mine Operation Plan (MOP) Guidelines, September 2013). These guidelines are referred to herein as the MOP Guidelines.</p>		

**TABLE A5 – MINING LEASE 1719**  
COMPLIANCE WITH MINING LEASE 1719

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <ul style="list-style-type: none"> <li>i. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</li> <li>ii. be submitted annually on the grant anniversary date (or at such other times as agreed by the Minister); and</li> <li>iii. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a>.</li> </ul> <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>		Progress of rehabilitation is reported in the Annual Reviews.		
<b>Compliance Report</b>					
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> <ul style="list-style-type: none"> <li>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;</li> <li>ii. particulars of any non-compliance with any such conditions or provisions,</li> <li>iii. the reasons for any such non-compliance;</li> <li>iv. any action taken, or to be taken, to prevent any recurrence, or to mitigate the effects, of that non-compliance.</li> </ul> <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> <ul style="list-style-type: none"> <li>i. must accompany any application to renew this mining lease under the Act;</li> </ul>	Annual Review 2018, 2019 and 2020	Compliance of the project is reported in the Annual Reviews	C	

**TABLE A5 – MINING LEASE 1719**  
COMPLIANCE WITH MINING LEASE 1719

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>ii. must accompany any application to transfer this mining lease under the Act; and</li> <li>iii. must accompany any application to cancel, or to partially cancel, this mining lease under the Act.</li> </ul> <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>				
<b>Environmental Incident Report</b>					
5.	<p>(a) The lease holder must notify the Department of all:</p> <ul style="list-style-type: none"> <li>i. breaches of the conditions of this mining lease or breaches of the Act causing or threatening material harm to the environment; and</li> <li>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.</li> </ul> <p><i>Note. Refer to <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> 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"> <li>i. the details of the mining lease;</li> <li>ii. contact details for the lease holder;</li> <li>iii. a map identifying the location of the incident and where material harm to the environment has or is likely to occur;</li> </ul>	<p>Incident report, Release of EPS 8/2/2020</p> <p>Incident report, Overtopping of subdrain 16/1/2020</p>	<p>Incidents have been reported to the Resource Regulator as required by this condition.</p>	C	

**TABLE A5 – MINING LEASE 1719**  
COMPLIANCE WITH MINING LEASE 1719

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>iv. a description of the nature of the incident or breach, likely causes and consequences;</p> <p>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).</p> <p>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. <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 <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a> 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 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.</p>				
<b>Extraction Plan</b>					
6.	NOT USED		N/A	N/A	
<b>Resource Recovery</b>					
7.	NOT USED		N/A	N/A	
<b>Group Security</b>					
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 <b>\$33,390,000</b>.</p> <p>The leases covered by the group security include:</p>		Compliance confirmed in prior audit period.	C	

**TABLE A5 – MINING LEASE 1719**  
COMPLIANCE WITH MINING LEASE 1719

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<b>Coal Lease 375 (Act 1973), Mining Lease 1701 (Act 1992)</b> This group security is extended to apply to this lease.				
<b>Cooperation Agreement</b>					
9.	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: <ul style="list-style-type: none"> <li>■ access arrangements</li> <li>■ operational interaction procedures</li> <li>■ dispute resolution</li> <li>■ information exchange</li> <li>■ well location</li> <li>■ timing of drilling</li> <li>■ potential resource extraction conflicts; and</li> <li>■ rehabilitation issues.</li> </ul>	Interview with Environmental Superintendent	No change to status of cooperation agreement.	C	
<b>Exploration Reporting</b>					
	<i>Note: Exploration Reports (Geological and Geophysical)</i> <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. 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>	Note	Noted	Note	

## **APPENDIX B DEPARTMENTAL CORRESPONDENCE**



Ms Emma Bulkeley  
Environment Superintendent  
Maules Creek Coal Mine  
Kamilaroi Country

By email only: [EBulkeley@whitehavencoal.com.au](mailto:EBulkeley@whitehavencoal.com.au)

06/12/2021

Dear Ms Bulkeley

**Maules Creek Coal (MP10\_0138)  
2021 IEA - Noise Specialist**

I refer to your request (MP10\_0138-PA-46) for the Secretary's approval of a replacement noise specialist for the upcoming Independent Environmental Audit (IEA) for the Maules Creek Coal Mine, as required by Condition 10 of Schedule 5 of MP 10\_0138, as modified (the approval).

The Department has reviewed the nomination and information provided and is satisfied that Keshav Dhayam is suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of Keshav Dhayam as the noise specialist for to 2021 IEA.

Please ensure this correspondence is appended to the IEA Report.

If you wish to discuss the matter further, please contact please contact James Epstein, Senior Compliance Officer, on (02) 6575 3419 or via email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

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

Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary



Ms Emma Bulkeley  
Maules Creek Environment Superintendent  
Maules Creek Coal Pty Limited  
PO Box 56  
BOGGABRI NSW 2382

15/07/2021

Dear Ms Bulkeley

**Maules Creek Coal - IEA Postponement Request (MP 10\_0138)**

Reference is made to correspondence (MP10\_0138-PA-38) submitted to the Department of Planning, Industry and Environment (the Department) on 13 July 2021, seeking the Secretary's endorsement of suitably qualified dual lead auditor, in addition to the previously approved audit team, to prepare the Independent Environment Audit (IEA) for the Maules Creek Coal Mine in accordance with Schedule 5 Condition 10 of MP 10\_0138, as modified (the approval). The correspondence also seeks to postpone the undertaking of the IEA due to the ongoing COVID-19 pandemic, in accordance with Schedule 5 Condition 11 of the approval.

The Department has reviewed the nomination and is satisfied that the nominated expert is suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of Heather McKay as a dual lead auditor in accordance with Schedule 5 Condition 10.

The Department has reviewed the correspondence and notes the ongoing COVID-19 pandemic and associated travel bans impacting the approved audit team. As such, the Department has determined in this instance to approve a postponement of the IEA until the end of the 2021 calendar year in accordance with Schedule 5 Condition 11 of the approval. The IEA report must be submitted within 3 months of completing the site inspection.

Furthermore, the Department approves maintaining the current temporal scope of the audit as 1 July 2018 – 30 June 2021.

Please ensure this correspondence, and previous correspondence regarding the IEA, is appended to the Independent Audit Report.

If you wish to discuss the matter further, please contact James Epstein, Senior Compliance Officer, on (02) 6575 3419 or via email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

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

Heidi Watters  
Team Leader Northern  
Compliance  
As nominee of the Planning Secretary



Ms Emma Bulkeley  
Maules Creek Environment Superintendent  
Maules Creek Coal Pty Limited  
PO Box 56  
BOGGABRI NSW 2382

25/05/2021

Dear Ms Bulkeley

### **Maules Creek Coal - Auditor Endorsement Request (MP 10\_0138)**

I refer to your request (MP10\_0138-PA-30) for the Secretary of the Department of Planning, Industry and Environment (the Department) to approve of a suitably qualified, experienced and independent audit team to undertake the 2020 Independent Environmental Audit (IEA) for the Maules Creek Coal Mine in accordance with Schedule 5 Condition 10 of MP 10\_0138, as modified (the approval)

The Department has reviewed the information provided in accordance with the requirements of the approval and the *Department's Post-approval requirements for State Significant Developments Independent Audit Guideline, October 2015* (IEA Guideline) subsequently endorses the following audit team:

- Dean Kerr – Lead Auditor
- Heath McKay – Support Auditor
- Oliver Moore – Technical Review
- Joanne Woodhouse – Ecologist
- James Grieve – Air Quality
- Steven de Lagruzia – Noise and Vibration
- Brigitte Healey – Back-up Support Auditor

Please note any changes to this audit team will need to be submitted and endorsed by the Secretary.

The IEA must be prepared, undertaken and finalised in accordance with the requirements of the approval and the IEA Guideline. Failure to meet these requirements will require revision and resubmission.

As per Schedule 5 Condition 10 of the approval, within 3 months of commencing this audit (i.e. from the date of the first day of the site inspection), or as otherwise agreed with the Secretary, the IEA report and the response to audit recommendations (RAR) are to be submitted to the Department via the Major Project website.

Finally, please ensure this correspondence is appended to the IEA report.

Should you need to discuss the above, please contact James Epstein, Senior Compliance Officer, on (02) 6575 3419 or email to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink that reads "H Watters". The signature is written in a cursive, flowing style.

Heidi Watters  
Team Leader Northern  
Compliance

As nominee of the Planning Secretary

## Rochelle Malan

---

**From:** Libby Laird <libbylaird2@bigpond.com>  
**Sent:** Monday, 8 November 2021 7:32 AM  
**To:** Dean Kerr  
**Cc:** David Ross - VUCA Strategist  
**Subject:** Fwd: Maules Creek IEA 2021 - Stakeholder Consultation

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dean,  
see request below, I would like inclusion of

waste management including tyres

water diversions ground water monitoring  
dust  
noise  
blasting  
rehabilitation.

Sending direct to you as I see I missed the CCC deadline. hav CC'd our CCC Chairperson David Ross.

Libby Laird  
Maules creek CCC Rep.

Begin forwarded message:

**From:** David Ross - VUCA Strategist <[david.ross@phoenixstrategic.com.au](mailto:david.ross@phoenixstrategic.com.au)>  
**Subject:** FW: Maules Creek IEA 2021 - Stakeholder Consultation  
**Date:** 22 October 2021 at 3:11:57 pm AEDT  
**To:** "[lou.crow@hotmail.com](mailto:lou.crow@hotmail.com)" <[lou.crow@hotmail.com](mailto:lou.crow@hotmail.com)>, Simone Moodie <[simmone.moodie6@bigpond.com](mailto:simmone.moodie6@bigpond.com)>, "[steveeather@bigpond.com](mailto:steveeather@bigpond.com)" <[steveeather@bigpond.com](mailto:steveeather@bigpond.com)>, Jack Warnock <[jackwarnock@bigpond.com](mailto:jackwarnock@bigpond.com)>, "[libbylaird2@bigpond.com](mailto:libbylaird2@bigpond.com)" <[libbylaird2@bigpond.com](mailto:libbylaird2@bigpond.com)>, robyn grover <[robyn.grover8@gmail.com](mailto:robyn.grover8@gmail.com)>, Cr Robert Kneale <[cr.kneale@narrabri.nsw.gov.au](mailto:cr.kneale@narrabri.nsw.gov.au)>

Hi All

Please note the following email from Consultants ERM. If you have any feedback for them, please let me know by Nov 5<sup>th</sup>.

Warm regards  
David

---

**From:** Dean Kerr <[dean.kerr@erm.com](mailto:dean.kerr@erm.com)>  
**Sent:** Friday, 15 October 2021 4:31 PM  
**To:** David Ross - VUCA Strategist <[david.ross@phoenixstrategic.com.au](mailto:david.ross@phoenixstrategic.com.au)>

**Cc:** Heather McKay <[Heather.McKay@erm.com](mailto:Heather.McKay@erm.com)>; Oliver Moore <[Oliver.Moore@erm.com](mailto:Oliver.Moore@erm.com)>  
**Subject:** RE: Maules Creek IEA 2021 - Stakeholder Consultation

Hi David

I am following up on the previous request for stakeholder feedback regarding the Maules Creek IEA. This IEA was postponed earlier this year and is now re-starting, with a view to undertake the site visit component in November.

The terms of reference are as before, with the temporal scope of the IEA remaining as previously agreed. If you have any feedback, or focus areas, please provide this by November 5 for inclusion in the audit.

Kind regards  
Dean

---

**From:** Dean Kerr  
**Sent:** Wednesday, June 30, 2021 3:02 PM  
**To:** [david.ross@phoenixstrategic.com.au](mailto:david.ross@phoenixstrategic.com.au)  
**Cc:** Heather McKay <[Heather.McKay@erm.com](mailto:Heather.McKay@erm.com)>; Oliver Moore <[Oliver.Moore@erm.com](mailto:Oliver.Moore@erm.com)>  
**Subject:** Maules Creek IEA 2021 - Stakeholder Consultation

Dear David

ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Conditions of Approval (CoA) Condition 2 to 5 of Schedule 1 of the Maules Creek (MC) Coal Project Approval number 10\_0138. The project is also governed by EPL 20221.

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

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 completed between 20<sup>th</sup> and 22<sup>nd</sup> of July 2021, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 16<sup>th</sup> July 2021.

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

Kind regards

Dean Kerr  
Senior Environmental Scientist

**ERM**  
Level 15 | 309 Kent St | Sydney NSW 2000  
T +61 2 8584 8819 | M +61 423 166 368  
E [dean.kerr@erm.com](mailto:dean.kerr@erm.com) | W [www.erm.com](http://www.erm.com)



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## Rochelle Malan

---

**From:** James Epstein <James.Epstein@planning.nsw.gov.au>  
**Sent:** Thursday, 1 July 2021 8:56 AM  
**To:** Dean Kerr  
**Cc:** Heather McKay; Oliver Moore; Heidi Watters  
**Subject:** RE: Maules Creek IEA 2021 - Stakeholder Consultation

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Dean

Thank you for contacting the Department to consult on the upcoming Maules Creek Coal Mine Independent Environmental Audit.

The Department would like the audit to pay particular attention to the following items:

- Implementation of the Water Management Plan;
- Implementation of the Blast Management Plan; and
- Compliance with air quality criteria

The best contact to get in touch with the Resources Regulator is their service mailbox, this will pass on your query to the relevant officer: [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com)

The best contact within NRAR would be Alex Bowlay (Senior Investigator). His email is [alex.bowlay@nrar.nsw.gov.au](mailto:alex.bowlay@nrar.nsw.gov.au)

If you have any further questions I can be contacted on the details provided below.

Regards

**James Epstein**  
**Senior Compliance Officer**

Energy, Industry and Compliance | Planning & Assessment  
Department of Planning, Industry and Environment  
T 02 6575 3419 | M 0429 395 691 | E [james.epstein@planning.nsw.gov.au](mailto:james.epstein@planning.nsw.gov.au)  
PO Box 3145, Singleton NSW 2330

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



**Planning,  
Industry &  
Environment**

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

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

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



Please consider the environment before printing this e-mail.

---

**From:** Dean Kerr <dean.kerr@erm.com>  
**Sent:** Wednesday, 30 June 2021 2:37 PM  
**To:** James Epstein <James.Epstein@planning.nsw.gov.au>  
**Cc:** Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>  
**Subject:** Maules Creek IEA 2021 - Stakeholder Consultation

Dear James

Thank you for the call this afternoon regarding the 2021 Maules Creek Coal Mine IEA. As discussed, ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Conditions of Approval (CoA) Condition 2 to 5 of Schedule 1 of the Maules Creek (MC) Coal Project Approval number 10\_0138.

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

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 completed between 20<sup>th</sup> and 22<sup>nd</sup> of July 2021, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 16<sup>th</sup> July 2021.

As part of the stakeholder consultation process, we will be contacting the following agencies:

- DPIE (yourself)
- NSW Resources Regulator
- NSW EPA
- Narrabri Council
- NRAR
- CCC

Could please provide details for the best contact at NSW Resources Regulator and NRAR for this purpose?

Please feel free to contact me at any time to discuss this matter further.

Kind regards

Dean Kerr  
Senior Environmental Scientist

**ERM**  
Level 15 | 309 Kent St | Sydney NSW 2000  
T +61 2 8584 8819 | M +61 423 166 368  
E [dean.kerr@erm.com](mailto:dean.kerr@erm.com) | W [www.erm.com](http://www.erm.com)



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Please visit ERM's web site: <http://www.erm.com>. To find out how ERM manages personal data, please review our [Privacy Policy](#)

## Rochelle Malan

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**From:** Dean Kerr  
**Sent:** Monday, 8 November 2021 3:22 PM  
**To:** Dean Kerr  
**Subject:** RE: Maules Creek IEA 2021 - Stakeholder Consultation2

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

From: Roselyn <reikiros@bigpond.com>  
Sent: Monday, November 8, 2021 1:12 PM  
To: Dean Kerr <dean.kerr@erm.com>  
Cc: David Ross <david.ross@phoenixstrategic.com.au>  
Subject: Fwd: Maules Creek IEA 2021 - Stakeholder Consultation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dean,

As per Libby Laird's previous email, I would also like these issues to be part of the IEA 2021.  
Apologies for the late reply.

- \*Equipment sound power levels - predicted increase of equipment and noise if Mod. 8 approved.
- \*All the requirements in the WMP implemented \*Progress of Highwall Dams & implementation of enforced undertaking by NRAR \*Up to date Website - There have been issues of inability for Community to report via website, two recent times in the past this reporting site has not been working.
- \*Agricultural Land Monitoring - Weeds, pests.
- \* Progress of Rehabilitation - mine site & improvement on Offsets.
- \*Seed collection
- \* Aboriginal Cultural Heritage - artifacts & storage.

Kind regards  
Roselyn Druce  
MCCM CCC Alternate Rep.

## Rochelle Malan

---

**From:** James Epstein <James.Epstein@planning.nsw.gov.au>  
**Sent:** Thursday, 1 July 2021 8:56 AM  
**To:** Dean Kerr  
**Cc:** Heather McKay; Oliver Moore; Heidi Watters  
**Subject:** RE: Maules Creek IEA 2021 - Stakeholder Consultation

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Hi Dean

Thank you for contacting the Department to consult on the upcoming Maules Creek Coal Mine Independent Environmental Audit.

The Department would like the audit to pay particular attention to the following items:

- Implementation of the Water Management Plan;
- Implementation of the Blast Management Plan; and
- Compliance with air quality criteria

The best contact to get in touch with the Resources Regulator is their service mailbox, this will pass on your query to the relevant officer: [nswresourcesregulator@service-now.com](mailto:nswresourcesregulator@service-now.com)

The best contact within NRAR would be Alex Bowlay (Senior Investigator). His email is [alex.bowlay@nrar.nsw.gov.au](mailto:alex.bowlay@nrar.nsw.gov.au)

If you have any further questions I can be contacted on the details provided below.

Regards

**James Epstein**  
**Senior Compliance Officer**

Energy, Industry and Compliance | Planning & Assessment  
Department of Planning, Industry and Environment  
T 02 6575 3419 | M 0429 395 691 | E [james.epstein@planning.nsw.gov.au](mailto:james.epstein@planning.nsw.gov.au)  
PO Box 3145, Singleton NSW 2330

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**Planning,  
Industry &  
Environment**

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

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

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



Please consider the environment before printing this e-mail.

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**From:** Dean Kerr <dean.kerr@erm.com>  
**Sent:** Wednesday, 30 June 2021 2:37 PM  
**To:** James Epstein <James.Epstein@planning.nsw.gov.au>  
**Cc:** Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>  
**Subject:** Maules Creek IEA 2021 - Stakeholder Consultation

Dear James

Thank you for the call this afternoon regarding the 2021 Maules Creek Coal Mine IEA. As discussed, ERM are currently completing the Independent Environmental Audit (IEA) for Whitehaven Coal on the Conditions of Approval (CoA) Condition 2 to 5 of Schedule 1 of the Maules Creek (MC) Coal Project Approval number 10\_0138.

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

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 completed between 20<sup>th</sup> and 22<sup>nd</sup> of July 2021, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 16<sup>th</sup> July 2021.

As part of the stakeholder consultation process, we will be contacting the following agencies:

- DPIE (yourself)
- NSW Resources Regulator
- NSW EPA
- Narrabri Council
- NRAR
- CCC

Could please provide details for the best contact at NSW Resources Regulator and NRAR for this purpose?

Please feel free to contact me at any time to discuss this matter further.

Kind regards

Dean Kerr  
Senior Environmental Scientist

**ERM**  
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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, 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 <i>L<sub>Aeq</sub> (15 min)</i></th> <th>Night <i>L<sub>A1</sub> (1 min)</i></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"> <li>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.</li> <li>Operational noise includes noise from the mining operations and the use of private roads and rail spurs.</li> </ul> <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 <i>L<sub>Aeq</sub> (15 min)</i>	Night <i>L<sub>A1</sub> (1 min)</i>	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"> <li>1/04/2020 - LAeq15min was exceeded at 22:30. The exceedance was 4 dB above the criteria.</li> <li>23/09/2019 – LAeq1min was exceeded by 1dB at 22.45</li> </ul> <p>An official caution from DPIE was received in May 2020 in relation to the noise exceedance on 1/4/2020.</p>	NC	Continue to measure real time noise levels and activate TARPS as detailed in the NMP.	MCC will continue to measure real time noise levels and activate TARPS as detailed in the NMP. No further action required, item closed.
Land	Day/Evening/Night <i>L<sub>Aeq</sub> (15 min)</i>	Night <i>L<sub>A1</sub> (1 min)</i>									
All private-owned residences	35	45									
Sch 4, C12	<p>The Proponent shall:</p> <p>(a) ensure that:</p> <ul style="list-style-type: none"> <li>all mining trucks and water carts used on the site are commissioned as noise suppressed (or attenuated) units;</li> <li>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</li> </ul>	<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</p>	NC	Historical NC – no further action required	No further action required, item closed.						

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
	<p>to best practice or the application of the best available technology economically achievable;</p> <ul style="list-style-type: none"> <li>where reasonable and feasible, improvements are made to existing noise suppression equipment as better technologies become available; and</li> </ul> <p>(b) monitor and report on the implementation of these requirements annually on its website.</p>	<p>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 relation to exceedance of SPLs.</p> <p>In 2019, 145 individual pieces of mobile plant were tested. SPLs of all plant were less than the predicted levels.</p> <p>In 2020, 133 individual pieces of mobile plant were tested. SPLs of all plant were less than or equal to the predicted levels.</p>			
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"> <li>a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy;</li> <li>a detailed archaeological salvage program for Aboriginal sites/objects within the approved</li> </ul>	<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. 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 MCCM with a warning letter on 9/2/2021 and required MCM to undertake a</p>	NC	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.	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.

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
	<p>disturbance area, including methodology and procedures/protocols for:</p> <ul style="list-style-type: none"> <li>○ sub-surface testing; staged salvage, based on anticipated mine planning;</li> <li>○ if relevant, historic heritage salvage at the Lawler's Waterhole site;</li> <li>○ pre-disturbance monitoring;</li> <li>○ site assessment and reporting;</li> <li>○ research objectives to inform knowledge of Aboriginal occupation;</li> <li>○ protection, storage and management of salvaged Aboriginal objects;</li> <li>○ addressing relevant statutory requirements under the National Parks and Wildlife Act 1974; and</li> <li>○ long term protection of salvaged Aboriginal objects;</li> <li>● a description of the measures that would be implemented for: <ul style="list-style-type: none"> <li>○ protecting, monitoring and managing Aboriginal sites on the site which are outside of the approved disturbance area;</li> <li>○ maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on the site and within the Biodiversity Offset Strategy areas;</li> <li>○ managing the discovery of any human remains or previously unidentified Aboriginal objects on</li> </ul> </li> </ul>	<p>review of heritage items by 15/2/2021. MCCM 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	Audit Classification	Response/Action	MCC Response and Status
	<p>site, including (in the case of human remains) stop work provisions and notification protocols;</p> <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ 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;</li> </ul> <ul style="list-style-type: none"> <li>● a strategy for the storage and management of any heritage items salvaged on site, both during the project and long term;</li> </ul> <p>(e) include the following for the management of historic heritage:</p> <ul style="list-style-type: none"> <li>● 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;</li> <li>● a description of the measures that would be implemented for: <ul style="list-style-type: none"> <li>○ managing the discovery of human remains or previously unidentified heritage items on site; and</li> <li>○ ensuring workers on site receive suitable heritage inductions prior to carrying out any</li> </ul> </li> </ul>				

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
	<p>development on site, and that suitable records are kept of these inductions.</p> <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>				
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>MCCM 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. This was completed on the day of the audit.</p> <p>In addition, MCCM reported that a toolbox talk was held with the environmental team to</p>	NC	<p>Ensure monthly environmental inspections include all waste storage areas.</p> <p>Investigate the root cause of the issue including why wastes were stored in this area and had not been scheduled for removal by the waste contractor.</p>	<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. 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>

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
		ensure future environmental inspections are led by the environmental team.			
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.</p> <p>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	Historic ANC – no further action required	Completed, action closed.
SoC 27	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.	In 2020 MCCM the Natural Resource Access Regulator (NRAR) commenced proceedings against MCCM for operating water take without an approved Water Access Licence. MCCM entered into an Enforceable Undertaking with NRAR of which the addendum to the Water Management Plan	NC	Implement the obligations in the Enforceable Undertaking as required	MCC will continue to comply with the direction of the NRAR to close out proceedings. No further action required, item closed.

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
		was one commitment. Other commitments relate to construction of high wall dams.			
<b>Environmental Protection Licence 20221</b>					
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"> <li>16/1/2020 – Overtopping of sub-drain to Back Creek</li> <li>8/2/2020 – Release of EPS to Back Creek</li> <li>8/2/2020 – Overtopping of sub drain to Back Creek</li> <li>3/12/2020 - Overtopping of sub drain to Back Creek</li> </ul> <p>On 12 January 2021 the NSW EPA commenced prosecution proceedings against Maules Creek Coal Pty Limited alleging 3 non-compliances with this condition. MCCM 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	Comply with direction of EPA to close out proceedings	MCC will continue to comply with the direction of the EPA to close out proceedings. No further action required, item closed.
L3.1	Noise generated at the premises must not exceed the noise limits in the table below.	<p>The following exceedance of noise criteria were recorded during the audit period:</p> <ul style="list-style-type: none"> <li>23/9/2019 – NM1 (1 Min) by 1 dB</li> <li>1/4/2020 – NM1 (15 Min) by 4 dB</li> </ul>	NC	Duplicate - Refer to condition L3.3	MCC will continue to measure real time noise levels and activate TARPS as detailed in the NMP. No further action required, item closed.

Locality and Location	Day-LAeq(15 minute)	Evening - LAeq(15 minute)	Night - LAeq (15 minute)	Night - LA1 (1 minute)

Item No	Assessment Requirement				Comment	Audit Classification	Response/Action	MCC Response and Status																				
	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><b>POINT 25,27,28,29,30</b></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</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"> <li>23/9/2019 – NM1 (1 Min) by 1 dB</li> <li>1/4/2020 – NM1 (15 Min) by 4 dB</li> </ul>	NC	Continue to measure real time noise levels and activate TARPS as detailed in the NMP.	MCC will continue to measure real time noise levels and activate TARPS as detailed in the NMP. No further action required, item closed.
Time period	Measurement parameter	Measurement frequency	Noise level dB(A)																									
Day	LAeq (15 minute)	Monthly	35																									
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Night	LAeq (15 minute)	Monthly	35																									
Night	Night-LA1 (1 minute)	Monthly	45																									

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status																
	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.																				
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.	<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 waste contractor. The material surrounding the IBC's was scraped down and taken to the bioremediation area.</p> <p>In addition, MCCM reported that a toolbox talk was held with the environmental team to ensure future environmental inspections are led by the environmental team.</p>	NC	Duplicate – Refer to CoA Sc 3 C 70	<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. 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>																
M2.2	<p>Air Monitoring Requirements</p> <p><b>POINT 18</b></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><b>POINT 19</b></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>	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>PM10 is continuously monitored via the TEOM and monitored every 6 days via the HVAS.</p> <p>During the audit period, some data was not captured due to data interruption, power failure/ calibration error and was reported to the EPA.</p>	ANC	No further action required.	Completed, action closed.
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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	<p><b>POINT 20,21,22,23</b></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	Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19				
Pollutant	Units of measure	Frequency	Sampling Method										
Particulates - Deposited Matter	grams per square metre per month	Monthly	AM-19										
<b>Coal Lease 768</b>													
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:</p> <p>i. environment means components of the earth, including:</p> <p>(A) land, air and water, and</p> <p>(B) any layer of the atmosphere, and</p> <p>(C) any organic or inorganic matter and any living organism, and</p> <p>(D) human-made or modified structures and areas,</p> <p>and includes interacting natural ecosystems that include components referred to in paragraphs (A)- (C).</p> <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	NC		Noted, action closed.								

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
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"> <li>i. identify areas that will be disturbed by mining operations;</li> <li>ii. detail the staging of specific mining operations;</li> <li>iii. identify how the mine will be managed to allow mine closure;</li> <li>iv. identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;</li> <li>v. reflect the conditions of approval under: <ul style="list-style-type: none"> <li>• the <i>Environmental Planning and Assessment Act 1979</i></li> <li>• the <i>Protection of the Environment Operations Act 1997</i></li> <li>• and any other approvals relevant to the development including the conditions of this lease; and</li> <li>• have regard to any relevant guidelines adopted by the Director-General.</li> </ul> </li> </ol> <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"> <li>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> / <i>Coal Mine Health and Safety Act 2002</i> and <i>Mine Health and Safety Regulation 2007</i> / <i>Coal Mine Health and Safety Regulation 2006</i> or the <i>Occupational Health and Safety Act 2000</i>; and</li> <li>ii. the Director-General had been notified in writing of the terms of the order or direction prior to the</li> </ol>	<p>The Resource Regulator issued two Penalty Notices to MCCM in 2020:</p> <ul style="list-style-type: none"> <li>■ 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.</li> <li>■ August 2020 – Erosion and sediment control practices and measures not undertaken in accordance with the MOP leading to rilling and erosion.</li> </ul> <p>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.</p> <p>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	Historic NC – no further action required.	Completed, action closed.

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action	MCC Response and Status
	<p>operations constituting the breach being carried out.</p> <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>				
<b>Mining Lease ML 1701</b>					
3(a)	The lease holder must comply with an Approved Mining Operations Plan (MOP) in carrying out any significant surface	Refer Coal Lease 768 Condition 3 above.	NC	Duplicate -Refer Coal Lease 768 Condition 3 above.	Completed, action closed.

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	<p>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>				
<b>Mining Lease ML 1719</b>					
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> <ul style="list-style-type: none"> <li>(i) identifies areas that will be disturbed;</li> <li>(ii) details the staging of specific mining operations, mining purposes and prospecting;</li> <li>(iii) identifies how the mine will be managed and rehabilitated to achieve the post mining land use;</li> <li>(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</li> <li>(v) reflects the conditions of approval under: <ul style="list-style-type: none"> <li>• the Environmental Planning and Assessment</li> </ul> </li> </ul>	Refer Coal Lease 768 Condition 3 above.	NC	Duplicate - Refer Coal Lease 768 Condition 3 above.	Completed, action closed.

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	<p>Act 1979;</p> <ul style="list-style-type: none"> <li>• the Protection of the Environment Operations Act 1997; and</li> <li>• any other approvals relevant to the development including the conditions of this mining lease.</li> </ul> <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 <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a></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> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> <p>(f) The lease holder must prepare a Rehabilitation Report to the satisfaction of the Minister. The report must:</p> <ul style="list-style-type: none"> <li>i. provide a detailed review of the progress of rehabilitation against the performance measures and criteria established in the approved MOP;</li> <li>ii. be submitted annually on the grant anniversary date (or at</li> </ul>				

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	<p>such other times as agreed by the Minister); and</p> <p>iii. be prepared in accordance with any relevant annual reporting guidelines published on the Department's website at <a href="http://www.resources.nsw.gov.au/environment">www.resources.nsw.gov.au/environment</a>.</p> <p><i>Note: The Rehabilitation Report replaces the Annual Environmental Management Report.</i></p>				