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Werris Creek Coal Mine
2017 Independent Noise Audit

Report Number 630.12027-R01

27 September 2017

Werris Creek Coal Pty Ltd
PO Box 600
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Werris Creek Coal Mine

2017 Independent Noise Audit

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

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

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

DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
630.12027-R01-v1.0	27 September 2017	Nathan Archer	Chris Jones	Nathan Archer

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1 INTRODUCTION

1.1 Overview

The Werris Creek Coal Mine (WCCM) is operated by Werris Creek Coal Pty Ltd (WCC) and is located approximately 4 km south of Werris Creek and 11 km north-northwest of Quirindi in central northern New South Wales. WCCM operates under Project Approval (PA) 10_0059 which was originally granted on 25 October 2011. PA 10_0059 has subsequently been modified on two occasions as follows:

- Modification 1 (PA 10_0059 MOD1) dated 30 August 2012 allowing for the relocation of some surface infrastructure; and
- Modification 2 (PA 10_0059 MOD2) dated 3 November 2015 allowing for minor overburden emplacement changes, agricultural water supply, coal deshaling plant and SB18.

Unless stated otherwise, PA 10_0059 hereafter refers to the latest modification.

Operations at the WCC are also covered by Environment Protection Licence (EPL) 12290.

1.2 Scope of Works

WCL has commissioned SLR Consulting Australia Pty Ltd (SLR) to undertake a noise audit to satisfy the requirements of Schedule 3 Condition 4 of the PA 10_0059 and Condition E1.1 of EPL 12290, with these conditions outlined in **Table 1** below

Table 1 Statutory Conditions Relating to the Independent Noise Audit

Condition	Requirement	Section Addressed
PA 10_0059		
Schedule 3 Condition 4 (e)	The Proponent shall, carry out a comprehensive noise audit of the project in conjunction with each independent environmental audit, to the satisfaction of the Secretary.	This document
EPL 12290		
E1.1	The licensee must provide the EPA with a copy of any Noise Audit and Independent Environmental Audit Report required by condition 4 of Schedule 3 and conditions 8 and 9 of Schedule 5 of the Werris Creek Mine Extension Project Approval (No. 10_0059). If the Noise Audit and Independent Environmental Audit Report do not incorporate the following information or assessments, then the licensee must also provide a separate report to the EPA that incorporates the following:	This document
E1.1(a)	An assessment of noise emissions from the premises against the noise limits established by the Project Approval (No. 10_0059), as well as against the long term noise goal and noise acquisition criteria established within Project Approval No. 10_0059 that has been completed in accordance with the procedures defined in the NSW Industrial Noise Policy and any relevant Application Notes published by the EPA;	Section 4
E1.1(b)	(b) An evaluation of current mine noise impacts at all non-project related receptors and the noise mitigation practices that have been implemented at the premises against the best available economically achievable technology and current best practice principles for minimising noise emissions; and	Section 5
E1.1(c)	(c) Where noise impacts at any affected non-project related receptor exceeds the long term noise goal established by	Section 4.2.3

Condition	Requirement	Section Addressed
	condition 4 of Schedule 3 of Project Approval 10_0059, the licensee must provide documented evidence that demonstrates that reasonable attempts have been made to reach a negotiated agreement with all relevant affected receptors within the last 3 years.	
	The reports required by this condition must be submitted to the EPA's Armidale office within 6 weeks of the 30 June 2014, and every three years thereafter.	This document is to be submitted to EPA by 11 August 2017.
	Note: For the purposes of this condition, a privately owned property that is subject to a current and legally binding negotiated agreement between the licensee and the relevant property owner, is considered project related, as is any property or residence held in the ownership of the licensee or its associated companies.	Section 4.1

In accordance with Schedule 5 Condition 8(a) of PA 10_0059 (Independent Environmental Audit), the audit has been “*conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary*”. SLR’s Independent Noise Audit team, including Nathan Archer, received endorsement from the Department of Planning and Environment (DPE) on 5 May 2017 (refer **Appendix A**).

This Independent Noise Audit assesses compliance with the relevant (noise-related) conditions of the PA 10_0059, EPL 12290 and the Statement of Commitments.

The period of this audit covers from the date of the previous audit on 30 May 2014 to the date of the site visit on 14 June 2017.

2 AUDIT METHODOLOGY

2.1 Methodology

The Independent Noise Audit methodology consisted of the following key steps:

- Reviewing all documents provided by WCC prior to the audit;
- Site inspections and interviews with key WCC personnel on 14 and 15 June 2017;
- Review of additional relevant documentation obtained onsite or provided by WCC after the site inspection; and
- WCC review and comment on the draft audit report.

SLR’s Nathan Archer (Noise Specialist) was present on site on 14 and 15 June 2017. The site inspections included visual inspections of the WCC Mine and interviews with key WCC Mine personnel, including Lynden Cini (Environmental Officer). Photographs were taken during the site inspections and a large amount of evidence was viewed (and collected) as part of the audit including reports, correspondence, spreadsheets and forms.

2.2 Assessment of Compliance

The terms used in the audit to describe the level of compliance of the site with the relevant approval documentation are outlined in **Table 2** and **Table 3**. These are requirements of the DPE *Independent Environmental Audit Guidelines* (October 2015).

Table 2 Compliance Assessment Criteria

Assessment	Criteria
Compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.
Not verified	Where the auditor has not been able to collect sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of sufficient verification the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.
Non-compliant	Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
Administrative non-compliance	A technical non-compliance with a regulatory approval that would not impact on performance and that 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	A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection; therefore a determination of compliance could not be made.
Observation	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. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
Note	A statement or fact, where no assessment of compliance is required.

Table 3 Risk Levels for Non-Compliances

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

Appendix B, C and D provide a detailed review of each of the noise related conditions contained within PA 10_0059, EPL 12290 and the Statement of Commitments (as presented in Section 9 of the EA) respectively. **Section 3** summarises the identified non-compliances.

3 STATEMENT OF NON-COMPLIANCES

3.1 PA 10_0059 Schedule 3 Condition 4(d) Long Term Noise Goals

In accordance with Schedule 3 Condition 4(d) of PA 10_0059 WCC is required to:

Use its best endeavours to achieve the long term noise goals in Table 4, where this is reasonable and feasible, and report on the progress towards achieving these goals in the annual review.

Whilst the implementation of the Noise Management Plan (NMP) and monthly noise monitoring results show evidence of WCC using best practice noise management to achieve the long term noise goals in PA 10_0059, this is not reported within the Annual Review. The 2015 Annual Review only reported on exceedances of the approved noise limits and provided no trending information or commentary to show progress towards achieving the long term noise goals. Following recommendations during the audit it is noted that the 2016 Annual Review has been amended to include commentary on the progression towards the long term noise goal and has been subsequently accepted and approved by the DPE.

It is recommended that future Annual Reviews present discussion to show how WCC is progressing towards the long term noise goal of 35 dBA. The WCC noise performance with regard to the long term noise goal is discussed further in **Section 4.2.3**.

3.2 EPL 12290 Clause E1.1

In accordance with Clause E1.1 of EPL 12290, WCC is required to submit a Three Yearly Independent Noise Audit to the EPL within 6 weeks of 30 June 2014 and every three years thereafter. Whilst WCC has completed and submitted the required noise audit, no evidence was provided to confirm that the audit had been submitted within the required timeframe. It is recommended that liaison with the EPA be undertaken regarding the future submissions of the Three Yearly Noise Audit.

4 ASSESSMENT OF MINE NOISE PERFORMANCE - EPL CLAUSE E1.1(A)

4.1 Mine Noise Criteria

Table 4 presents the currently applicable noise criteria for all privately owned properties not subject to negotiated agreements with WCC. It is understood that all other locations listed within PA 10_0059 have negotiated agreements in place or have been acquired by WCC.

Table 4 Applicable Noise Criteria

Location	Day LAeq(15min)	Evening/Night LAeq(15min)	Night LA1(1min)	Long Term LAeq(15min)	Acquisition LAeq(15min)
R12 - Quipolly Railway Cottage	38	38	45	35	40
R24 - Hazeldene	37	37	45	35	40
R96 - Talavera	38	38	45	35	40
R98 - Kyooma	36	38	45	35	40
Any other non-project related residence	35	35	45	35	40

4.2 Assessment of WCC Noise Emissions

4.2.1 Monthly Operator Attended Noise Monitoring Results

WCC has implemented the NMP which contains a noise monitoring program (Section 9 of NMP) including monthly operator attended noise monitoring and real time noise monitoring. Monthly operational noise monitoring has been undertaken during the audit period in accordance with the NMP by Spectrum Acoustics and Global Acoustics. The off-site monthly noise monitoring results during the audit period are summarised in **Table 5** and **Table 6** below for the noise monitoring locations listed in **Table 4**.

Table 5 Daytime Werris Creek Coal Mine Intrusive LAeq(15minute) Contributed Noise Level¹ (dBA)

Location	Criteria	Long term goal	Acquisition Criteria	June 14	July 14	Aug 14	Sept 14	Oct 14	Nov 14	Dec 14	Jan 15	Feb 15	Mar 15	Apr 15	May 15	June 15	July 15	Aug 15	Sept 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	June 16	July 16	Aug 16	Sept 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17
R12	38	35	40	IA	IA	IA	IA	IA	IA	23	IA	FA	IA	IA	IA	IA	IA	IA	IA	IA	IA	IA	IA	IA	27	IA	IA	IA	23	IA	IA	IA	IA	IA	IA	IA	IA	IA
R24	37	35	40	IA	23	IA	27	24	28	24	FA	IA	FA	FA	FA	IA	23	27	25	IA	IA	IA	IA	IA	22	IA	IA	IA	22	IA	IA	IA	IA	IA	IA	IA	NM	IA
R96	38	35	40	IA	IA	IA	IA	26	IA	FA	IA	IA	FA	IA	24	IA	28	26	24	25	24	IA	IA	IA	22	IA	22	IA	24	26	22	25	IA	IA	IA	IA	NM	IA
R98	36	35	40	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25	IA	IA	IA	23	22	IA	<25	

Note 1 NM – not measurable; IA – inaudible; FA - faintly audible

Note 2 ≤2 dB exceedance of the relevant PA noise criteria and EPL noise limit.

Table 6 Evening/Night-time Werris Creek Coal Mine Intrusive LAeq(15minute) Contributed Noise Level¹ (dBA)

Location	Criteria	Long term goal	Acquisition Criteria	June 14	July 14	Aug 14	Sept 14	Oct 14	Nov 14	Dec 14	Jan 15	Feb 15	Mar 15	Apr 15	May 15	June 15	July 15	Aug 15	Sept 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	June 16	July 16	Aug 16	Sept 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17
R12	38	35	40	25	33	IA	33	IA	25	IA	IA	IA	IA	IA	IA	FA	25	25	32	IA	IA	IA	IA	IA	25	IA	IA	IA	IA	25	IA	IA	IA	IA	26	28	NM	IA
R24	37	35	40	30	27	25	34	IA	25	IA	IA	IA	IA	FA	FA	IA	31	24	30	IA	IA	IA	IA	IA	27	IA	IA	IA	24	29	IA	IA	25	IA	27	23	30	IA
R96	38 (37) ⁴	35	40	26	28	24	38	29	32	29	28	IA	24	IA	25	IA	28	37	29	IA	23	IA	IA	43 ⁵	IA	21	28	23	IA	20	IA	IA	IA	36	31	IA	IA	
R98	38 (36) ⁴	35	40	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	39	IA	IA	IA	33	27	<25	25	

Note 1 NM – not measurable; IA – inaudible; FA - faintly audible

Note 2 Exceedance of the relevant PA noise criteria and EPL noise limit.

Note 3: Exceedance of the long term noise goal.

Note 4: Criteria in brackets represent the MOD1 PA noise criteria. These were replaced by the MOD 2 criteria on 3 November 2015.

Note 5: Exceedance of acquisition criteria occurred under non-complying meteorological conditions. Refer to Section 4.2.2 for discussion.

4.2.2 Evaluation of Compliance with the PA and EPL Noise Criteria

As shown in **Table 5** and **Table 6** (and reported in the Annual Reviews), monthly noise monitoring identified the following exceedances of the noise criteria during the audit period:

- 1 dB exceedance of the evening/night-time noise criteria of 37 dBA at R96 (Talavera) on 29 September 2014.
- 1 dB exceedance of the evening noise criteria of 38 dBA at R98 (Kyooma) on 27 September 2016.

In addition, the 2015 Annual Review reported the following exceedance:

- 2 dB exceedance of the evening noise criteria of 35 dBA at R57 (Kurrara Street) on 4 August 2015.

In accordance with the INP, noise emissions from a development are deemed to be in non-compliance when "the monitored noise level is more than 2 dB above the statutory noise limit specified in the consent or licence condition". As shown above, all exceedances of the intrusive LAeq(15minute) noise criteria were not greater than 2 dB and therefore WCCM is deemed to be compliant with the relevant intrusive LAeq(15minute) noise limits during the audit period.

As shown in **Table 6**, a 5 dB exceedance of the noise criteria and 3 dB exceedance of the acquisition criteria were measured at R96 Talavera in March 2016; however, this occurred under non-complying meteorological conditions as reported in the monthly noise monitoring report:

.... the measured noise levels from WCC operations were higher than the relevant noise criteria at the Talavera monitoring location during the evening time period, however, this occurred during non-complying meteorological conditions with wind speeds greater than 3m/s (4.3m/s). Operational noise from WCC was therefore compliant throughout whole monitoring period (Spectrum Acoustics 2016).

It is noted that despite the exceedance being under non-complying conditions, WCC still undertook appropriate actions to reduce noise emissions from the site as follows:

The evening survey at Talavera commenced at 6:54pm. mining operations were modified shortly after this time as a result of noise readings at the mine operated unattended noise loggers. The modifications were made to reduce noise emissions from the mine (Spectrum Acoustics 2016).

No exceedances of the LA1(1minute) noise criteria were reported during the audit period.

4.2.3 Evaluation of Compliance with the Long-term Noise Goal

Clause E1.1(c) requires that "Where noise impacts at any affected non-project related receptor exceeds the long term noise goal ... the licensee must provide documented evidence that demonstrates that reasonable attempts have been made to reach a negotiated agreement with all relevant affected receptors within the last 3 years".

As shown in **Table 5** and **Table 6**, during the audit period five exceedances of the long term noise goal were recorded during the monthly attended noise monitoring surveys.

It is considered that the measured noise emissions at non-project related residences do not consistently exceed the long-term noise goal. Furthermore there is no trend towards more frequent noise exceedances. As such it is considered that the current noise management practices, in particular the real time noise monitoring and NCOs are providing adequate noise management to continue to reduce noise levels to the long term goal. Given the above, with regard to EPL clause E1.2, WCC is not required to prepare a report detailing a Noise Reduction Action Plan.

4.3 Noise Complaints

Table 7 presents a summary of the noise complaints received by WCC since 2012.

Table 7 Noise Complaint History

Noise Source	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017 ¹
Mine	15	2	2	0	1	1
Train load out	6	9	2	1	0	0

1 – As at end of audit period.

Table 7 shows that noise complaints have decreased significantly over time indicating the improved noise performance of the site over time.

4.4 Summary

In general the following is noted with regard to WCCM noise emissions:

- The existing NMP is effectively implemented with operator attended noise monitoring conducted in accordance with the noise monitoring program on a monthly basis and real-time noise levels, audio and weather being effectively monitored daily;
- Noise emissions from the WCCM are compliant with the relevant noise criteria at all the nearest residential receiver locations during the monthly attended noise monitoring surveys;
- Noise emissions from WCCM are generally below the long term noise goal at the nearest non project related residential receivers; and
- Where real time noise monitoring indicates that noise levels are above the long term noise goals, appropriate reactive noise management measures are taken to modify activities to maintain noise levels below the long term noise goal.

5 EVALUATION OF CURRENT MINE NOISE IMPACTS AND MITIGATION PRACTISES - EPL CLAUSE E1.1(B)

Section 8 of the existing approved NMP describes the noise mitigation and management measures which are currently implemented at the site. Additional noise mitigation and management practises are reported in each Annual Review relevant to the audit period. These practices combine at-source noise reduction (eg attenuation packages installed on trucks, enclosed conveyor, silent horns, etc), a real-time noise monitoring program which enables “live” management of WCC noise emissions, daily noise reduction mine planning (including modifying or delaying operations), physical bunding and negotiated agreements.

The effectiveness of WCC noise mitigation practises is evaluated using the following indicators:

- Results of monthly operator-attended noise monitoring;
- Number of noise-related complaints; and
- General trends of night-time ambient noise levels measured at the real-time monitoring locations.

As evidenced in **Section 4** above, the monthly operator attended noise monitoring results and reduction in the number of noise related complaints show general compliance with relevant conditions and improvement in the noise performance of the site. These practises are consistent with “*best available economically achievable technology and current best practice principles for minimising noise emissions*”.

6 SUMMARY AND RECOMMENDATIONS

SLR has determined a high degree of compliance with PA 10_0059 and EPL 12290. Monthly operator attended noise monitoring results and a reduction in the number of noise related complaints has demonstrated that the noise management and mitigation strategies employed by WCC are effective in managing noise impacts from the site.

Given that the monthly attended noise monitoring surveys have consistently demonstrated compliance with the PA 10_0059 and EPL 12290 noise limits and ongoing real time noise monitoring is being effectively actioned to manage noise emissions, it is recommended that consideration could be given to the reduction in the frequency of attended noise monitoring required for the site during the next review of the NMP. It would be reasonable for the current frequency of off-site noise monitoring be reduced from monthly to quarterly.

APPENDIX A – SLR ENDORSEMENT



Contact: Heidi Watters
Phone: (02) 6570 3401
Fax: (02) 6575 3415
Email: heidi.watters@planning.nsw.gov.au
MP 10_0059

Mr Lynden Cini
Environmental Officer
Werris Creek Coal
1435 Quirindi Road
WERRIS CREEK NSW 2341

Dear Mr Cini,

Werris Creek Coal (MP 10_0059) – Independent Environmental Audit

I refer to your letter dated 4 May 2017 seeking the endorsement of the Secretary of the Department of Planning and Environment (the Department) of a suitably qualified, experienced and independent team to undertake an independent environmental audit (IEA) for the Werris Creek Mine, as required by Schedule 5, Condition 8 of Project Approval 10_0059 (the Approval).

The Secretary endorses SLR Consulting to conduct the 2017 IEA of the Werris Creek Mine with the following audit team:

- Chris Jones – Lead Auditor
- Nathan Archer – Audit support and noise specialist

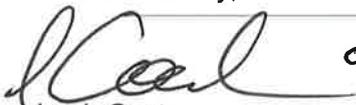
The Secretary also requests the audit team include a Surface and Groundwater Specialist, to be endorsed by the Secretary, as per Schedule 5 Condition 9 of the approval, prior to conducting the audit.

In preparing the IEA, the audit team must ensure the IEA is conducted in accordance with Schedule 5, Condition 8 of the Approval, and the Department's *Post-approval requirements for State Significant Developments – Independent Audit Guideline* (October 2015).

In accordance with Schedule 5, Condition 9 of the Approval, a copy of the IEA report must be submitted to the Secretary, together with responses to any recommendations (RAR) contained in the IEA report within six weeks of the site inspection component of this audit. Please submit the IEA report and RAR to compliance@planning.nsw.gov.au

Should you wish to discuss the above please contact Heidi Watters on 02 6575 3401 or by email at heidi.watters@planning.nsw.gov.au

Yours sincerely,

 05/05/2017

Leah Cook
Team Leader – Compliance
As nominee for the Secretary

APPENDIX B – PA 10_0059 NOISE COMPLIANCE REGISTER

Project Approval 10_0059

Proponent Werris Creek Coal Pty Limited

Date of Approval: 25 October 2011 (Mod 1 approved August 2012; Mod 2 approved November 2015)

Authority Department of Planning and Infrastructure

Condition Number	Condition	Compliance Status	Evidence	Recommended Action																																				
Schedule 3 - Environmental Performance Conditions																																								
NOISE																																								
Noise Criteria																																								
1	<p>The Proponent shall ensure that the noise generated by the project (including noise generated on the Werris Creek Rail Spur) does not exceed the criteria in Table 1 at any residence on privately-owned land.</p> <p>Table 1: Noise criteria</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Location</th> <th>Day dB(A) $L_{Aeq}(15\text{ min})$</th> <th>Evening & Night dB(A) $L_{Aeq}(15\text{ min})$</th> <th>Night dB(A) $L_{A1}(1\text{ min})$</th> </tr> </thead> <tbody> <tr> <td>R10, R11</td> <td>39</td> <td>39</td> <td>45</td> </tr> <tr> <td>R21</td> <td>39</td> <td>37</td> <td>45</td> </tr> <tr> <td>R12</td> <td>38</td> <td>38</td> <td>45</td> </tr> <tr> <td>R96</td> <td>38</td> <td>38</td> <td>45</td> </tr> <tr> <td>R7, R8, R9, R24</td> <td>37</td> <td>37</td> <td>45</td> </tr> <tr> <td>R22</td> <td>36</td> <td>37</td> <td>45</td> </tr> <tr> <td>R98</td> <td>36</td> <td>38</td> <td>45</td> </tr> <tr> <td>All other privately-owned residences</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table>	Location	Day dB(A) $L_{Aeq}(15\text{ min})$	Evening & Night dB(A) $L_{Aeq}(15\text{ min})$	Night dB(A) $L_{A1}(1\text{ min})$	R10, R11	39	39	45	R21	39	37	45	R12	38	38	45	R96	38	38	45	R7, R8, R9, R24	37	37	45	R22	36	37	45	R98	36	38	45	All other privately-owned residences	35	35	45	Compliant	<p>Exceedances during the audit period were less than 2dB.</p> <p>2017 - none identified during 2017 monitoring.</p> <p>2016 - R98 Kyooma monitoring site during the evening of the 27th September 2016. On this occasion, the measured Werris Creek Mine noise was 39 dB(A) Leq, exceeding the criteria of 38 dB(A) Leq. The approved noise management plan states that Kyooma is subject to negotiated agreement.</p> <p>2015-16 - Attended noise monitoring identified one exceedance of the noise criteria at WCC during the 2015-16 reporting period, at the R57 Kurrara St monitoring site during the evening of the 4th August 2015. On this occasion, the measured Werris Creek Mine noise was 37 dB(A) Leq, exceeding the criteria of 35 dB(A) Leq. It should be noted that while the NSW Industrial Noise Policy specifies that an exceedance of no more than 2 dB(A) above a statutory noise limit specified in a licence condition is not considered a non-compliance, WCC undertook an investigation into this measurement as if it was, with appropriate notifications to the EPA and DP&E. WCC subsequently received a Formal Warning Letter from the EPA in relation to this incident.</p> <p>2014-15 - The noise exceedance events are discussed below: • On 29th September 2014, R96 ("Talavera") recorded a mining related noise of 38dB(A) located 2.5km east of the closest active mining area at WCC. The resulting exceedance at R96 was +1dB(A) above the evening/night period noise criteria of 37dB(A). weather conditions were noise enhancing with a source to receiver north westerly wind 328o @ 1.8m/s with a temperature inversion (+10.5 oC/100m). • On 16th October 2014, R97 (vacant land) recorded a mining related noise of 38dB(A) located 1.5km east of the closest active mining area at WCC. The weather conditions were noise enhancing with a light south easterly wind (153 o) @ 2.0m/s with a temperature inversion (+7.9oC/100m). The EPA responded stating that this was not an EPL 12290 noise exceedance because there was no residence on the property.</p>	
Location	Day dB(A) $L_{Aeq}(15\text{ min})$	Evening & Night dB(A) $L_{Aeq}(15\text{ min})$	Night dB(A) $L_{A1}(1\text{ min})$																																					
R10, R11	39	39	45																																					
R21	39	37	45																																					
R12	38	38	45																																					
R96	38	38	45																																					
R7, R8, R9, R24	37	37	45																																					
R22	36	37	45																																					
R98	36	38	45																																					
All other privately-owned residences	35	35	45																																					
	<p>Notes:</p> <ul style="list-style-type: none"> To interpret the locations referred to in Table 1, see the applicable figure in Appendix 3; and Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. <p>However, these criteria do not apply if the Proponent has an agreement with the relevant owner/s of these residences/land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>		<p>Section 9.1 and appendix E of the approved NMP outlines methodology in accordance with INP. It is noted that much of this information has been culled from the proposed Noise Management Plan.</p> <p>Section 8.1 of the approved Noise Management Plan identifies those receivers which have agreement with WCC for higher noise levels with those agreements being to the satisfaction of the DoPI (Now DPE) and the EPA.</p> <p>Section 7.1 of the revised Noise Management Plan identifies the receivers with the private agreements. While the revised Noise Management Plan does not state that these have been agreed with the then DoPI, this is inferred from the previous Noise Management Plan.</p>	<p>The revised Noise Management Plan should include more detail on the monitoring procedure in accordance with the INP. A lot of important and relevant information has been removed from the Noise Management Plan.</p>																																				
Noise Acquisition Criteria																																								
2	<p>If the noise generated by the project causes sustained exceedances of the criteria in Table 2 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 5 - 6 of schedule 4.</p>																																							

Condition Number	Condition	Compliance Status	Evidence	Recommended Action				
	<p>Table 2: Noise acquisition criteria</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Day/Evening/Night dB(A) L_{day}(7:00-22:00)</th> </tr> </thead> <tbody> <tr> <td>All privately-owned land</td> <td>40</td> </tr> </tbody> </table> <p>Note: Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.</p>	Location	Day/Evening/Night dB(A) L _{day} (7:00-22:00)	All privately-owned land	40	Compliant	No noise levels above 40 dBA reported in Annual Reviews.	
Location	Day/Evening/Night dB(A) L _{day} (7:00-22:00)							
All privately-owned land	40							
Additional Noise Mitigation Measures								
3	<p>Upon receiving a written request from the owner of the land listed in Table 3, the Proponent shall implement additional noise mitigation measures (such as double glazing, insulation, and/or air conditioning) at any residence on the land in consultation with the owner. These measures must be reasonable and feasible.</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>	Compliant	<p>Outlined in Section 8.12 of the approved Noise Management Plan and Section 6.2 of the revised Noise Management Plan.</p> <p>Based on records in Annual Reviews and discussions with the Environmental Officer, there have been no additional requests.</p>					
	<p>Table 3: Land subject to additional noise mitigation measures</p> <table border="1"> <thead> <tr> <th>Location</th> </tr> </thead> <tbody> <tr> <td>R10, R11, R12, R21, R96</td> </tr> </tbody> </table> <p>Note: To interpret the locations referred to in Table 3, see the applicable figure in Appendix 3.</p>	Location	R10, R11, R12, R21, R96					
Location								
R10, R11, R12, R21, R96								
Operating Conditions								
4	<p>The Proponent shall:</p> <p>(a) implement best practice noise management to minimise the operational, low frequency, rail and road traffic noise of the project;</p> <p>(b) regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise the noise impacts of the project during temperature inversions; and</p> <p>(d) use its best endeavours to achieve the long-term noise goals in Table 4, where this is reasonable and feasible, and report on the progress towards achieving these goals in the annual review;</p> <p>(e) carry out a comprehensive noise audit of the project in conjunction with each independent environmental audit, to the satisfaction of the Secretary.</p>	Administrative Non-Compliance	<p>(a) Reviewed Noise Management Plan. Evidence of decreased noise complaints over the audit period over successive Annual Review periods.</p> <p>(b) Noise Control Operators (NCOs) in operation during night-time period, evidence of revised operations during night-time period when noise issues identified.</p> <p>(c) See section 8.5 & 10.1 of Noise Management Plan.</p> <p>(d) Evidence of best practice through monitoring, NCO's and implementation of changes to operations based on NCO's monitoring and measurements. However, there is no evidence of reporting the progress towards the achievement of the long term noise goals in the annual review. No trending information is provided to show the long term noise levels of the project. Only exceedances of the approved are reported.</p> <p>(e) This audit. Separate Noise Report has been prepared as part of this audit.</p> <p>OCE Shift change diary detailing noise levels, shut downs etc.</p>	<p>(d) it is recommended that the future Annual Reviews should present trended noise data to show how WCC is progressing towards the long term noise goal of 35 dBA. The current versions only state where noise criteria have been exceeded.</p> <p>It should be noted that the 2016 Annual Review was amended to reflect some commentary on historical trends in relation to the long term goal of 35 dBA. Inclusions reviewed and approved by DPE.</p>				
	<p>Table 4: Long-term noise goal</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Day/Evening/Night dB(A) L_{day}(7:00-22:00)</th> </tr> </thead> <tbody> <tr> <td>All privately-owned land</td> <td>35</td> </tr> </tbody> </table>	Location	Day/Evening/Night dB(A) L _{day} (7:00-22:00)	All privately-owned land	35			
Location	Day/Evening/Night dB(A) L _{day} (7:00-22:00)							
All privately-owned land	35							
Noise Management Plan								
5	<p>5. 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 EPA by a suitably qualified expert whose appointment has been approved by the Secretary;</p> <p>(b) be submitted to the Secretary for approval by the end of April 2012;</p> <p>(c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including:</p> <ul style="list-style-type: none"> a real-time noise management system that employs both reactive and proactive mitigation measures; and rail spur management plan, that has been prepared in consultation with ARTC and the rail freight company; and <p>(d) include a Noise Monitoring Program that:</p> <ul style="list-style-type: none"> uses a combination of real-time and supplementary attended noise monitoring measures to evaluate the performance of the project; is capable of monitoring temperature inversion strengths at an appropriate sampling rate; evaluates and reports on the effectiveness of the real-time noise management system; includes a protocol for determining exceedances of the relevant conditions of this approval. 	Compliant	<p>CURRENT APPROVED PLAN</p> <p>a) WCC EMS - Noise Management Plan dated 16 April 2014. The Noise Management Plan contains direct reference to relevant communication with EPA and expert approval from the Director- General (Appendix A of Noise Management Plan). Letter from the then DP&I to WCC dated 29/4/14 Werris Creek Mine Extension Project (MP 10_005) Approval of revised Air and Noise Management Plans.</p> <p>b) Letter to DPI from WCC dated 30/4/14 Werris Creek Coal Life of Mine Management Plan Submission (Appendix A of Noise Management Plan)</p> <p>c) WCC EMS - Noise Management Plan dated 16 April 2014, Sections 8.3, 8.4, 8.19. Relevant communication via email sighted: - from Pacific National's Leanne Perry dated 21/6/12 - from Mountain Industries Phil Carey dated 21/5/12 - from ARTC's John Brown dated 5/10/12.</p> <p>d) WCC EMS - Noise Management Plan dated 16 April 2014, Section 9.</p>					
Schedule 4 - ADDITIONAL PROCEDURES								
NOTIFICATION OF LANDOWNERS								

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
1	<p>By the end of December 2011, the Proponent shall:</p> <ul style="list-style-type: none"> • (a) notify in writing the owners of: <ul style="list-style-type: none"> • any residence on the land listed in Table 3 of schedule 3 that they are entitled to ask the Proponent to install additional noise mitigation measures at their residence at any stage during the project; and • any privately-owned land within 2 kilometres of the approved open cut mining pit that they are entitled to ask the proponent for a property inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; and • (b) 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 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. 	Compliant	Covered in previous audit.	
2	<p>As soon as practicable after obtaining monitoring results showing:</p> <ul style="list-style-type: none"> • (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 • (b) an exceedance of the relevant air quality criteria schedule 3, the Proponent shall send a copy of the NSW Health fact sheet entitled "Mine Dust and You" (as may be updated from time to time) to the affected landowners. 	Compliant	2016 Annual Review - evidence provided of notification of landowner of exceedance.	
Independent Review				
3	<p>If an owner of privately-owned land considers the project to be exceeding the relevant 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> <ul style="list-style-type: none"> • (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to: <ul style="list-style-type: none"> • consult with the landowner to determine his/her concerns; • conduct monitoring to determine whether the project is complying with the relevant criteria in schedule 3; and • if the project is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and • (b) give the Secretary and landowner a copy of the independent review. 	Not triggered	Based on a review of Annual Reviews and discussions with the Environmental Officer this condition has not been triggered.	
4	<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 in schedule 3, then the Proponent shall:</p> <ul style="list-style-type: none"> • (a) implement all reasonable and feasible mitigation measures, in consultation with the landowner and appointed independent person, and conduct further monitoring until the project complies with the relevant criteria; and • (b) secure a written agreement with the landowner to allow exceedances of the relevant criteria; to the satisfaction of the Secretary. <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 5-6 below.</p>	Not triggered	Based on a review of Annual Reviews and discussions with the Environmental Officer this condition has not been triggered.	
Land Acquisition				

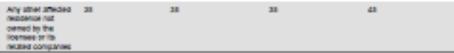
Condition Number	Condition	Compliance Status	Evidence	Recommended Action
5	<p>Within 3 months of receiving a written request from a landowner with acquisition rights, the Proponent shall make a binding written offer to the landowner based on:</p> <ul style="list-style-type: none"> (a) the current market 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: <ul style="list-style-type: none"> • existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and • presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of 'additional noise mitigation measures' in condition 4 of schedule 3; (b) the reasonable costs associated with: <ul style="list-style-type: none"> • relocating within the Liverpool Plains Shire local government area, or to any other local government area agreed to by the Secretary; • 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 (c) reasonable compensation for any disturbance caused by the land acquisition process. <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 will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> • consider submissions from both parties; • determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; • prepare a detailed report setting out the reasons for any determination; and • provide a copy of the report to both parties. <p>Within 14 days of receiving the independent valuer's report, the 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 and any other relevant submissions. 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>	Not triggered	<p>No requests received.</p> <p>Based on a review of Annual Reviews and discussions with the Environmental Officer this condition has not been triggered.</p>	
6	<p>The Proponent shall pay all reasonable costs associated with the land acquisition process described in condition 4 above, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of the plan at the Office of the Registrar-General.</p>	Not triggered		

APPENDIX C – EPL 12290 COMPLAINT REGISTER

EPL 12290

Anniversary Date: 1 April

Authority Office of Environment and Heritage

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
2. Discharges to Air and Water and Applications to Land				
3. Limit Conditions				
L4 Noise limits				
L4.1	Noise generated from the premises must not exceed the noise limits in the table below.	Compliant	<p>Exceedances during the audit period were less than 2dB.</p> <p>2016 - R98 Kyooma monitoring site during the evening of the 27th September 2016. On this occasion, the measured Werris Creek Mine noise was 39 dB(A) Leq, exceeding the criteria of 38 dB(A) Leq.</p> <p>2015-16 - Attended noise monitoring identified one exceedance of the noise criteria at WCC during the 2015-16 reporting period, at the R57 Kurrara St monitoring site during the evening of the 4th August 2015. On this occasion, the measured Werris Creek Mine noise was 37 dB(A) Leq, exceeding the criteria of 35 dB(A) Leq. It should be noted that while the NSW Industrial Noise Policy specifies that an exceedance of no more than 2 dB(A) above a statutory noise limit specified in a licence condition is not considered a non-compliance, WCC undertook an investigation into this measurement as if it was, with appropriate notifications to the EPA and DP&E. WCC subsequently received a Formal Warning Letter from the EPA in relation to this incident.</p> <p>2014-15 - The noise exceedance events are discussed below:</p> <ul style="list-style-type: none"> On 29th September 2014, R96 ("Talavera") recorded a mining related noise of 38dB(A) located 2.5km east of the closest active mining area at WCC. The resulting exceedance at R96 was +1dB(A) above the evening/night period noise criteria of 37dB(A). weather conditions were noise enhancing with a source to receiver north westerly wind 328o @ 1.8m/s with a temperature inversion (+10.5 oC/100m). On 16th October 2014, R97 (vacant land) recorded a mining related noise of 38dB(A) located 1.5km east of the closest active mining area at WCC. The weather conditions were noise enhancing with a light south easterly wind (153o) @ 2.0m/s with a temperature inversion (+7.9oC/100m). The EPA responded stating that this was not an EPL 12290 noise exceedance because there was no residence on the property. 	
				
L4.2	<p>For the purpose of the condition above:</p> <p>a) Day is defined as the period from 7am to 6pm on any day.</p> <p>b) Evening is defined as the period 6pm to 10pm on any day.</p> <p>c) Night is defined as the period from 10pm to 7am on any day.</p> <p>Note: For the purpose of the noise criteria for this condition, 5dBA must be added to the measurement level if the noise is substantially tonal or impulsive in character.</p>	Compliant	<p>Noise reports consider the appropriate daytime, evening and night-time periods.</p> <p>Noise reports state that data from times where WCC operations were audible were analysed using the "Evaluator" software for tonal, impulsive or low frequency components as per definitions in the NSW Industrial Noise Policy. The reports reviewed did not identify any noise warranting the 5dB character penalty.</p>	

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
L4.3	<p>The noise limits set out in the Noise Limits table 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, or</p> <p>b) Temperature inversion conditions up to 12°C/100m and wind speeds greater than 2 metres/second at 10 metres above ground level; or</p> <p>c) Temperature inversion conditions greater than 12°C/100m.</p> <p><i>Note: For the purpose of this condition, data recorded by the meteorological station identified as EPA Identification Point no. 9 and the lower level temperature sensor identified as EPA Identification Point No. 31 must be used to determine meteorological conditions.</i></p> <p><i>Note: Temperature inversion conditions (vertical temperature gradient in degrees C/100m) are to be determined as $[(TM2 - TM3 - 0.7) * 1.25]$, where TM2 is the temperature from sensor M2 (10m weather station at top of rehabilitated overburden emplacement) and TM3 is the temperature from sensor M3 (lower weather station at base of rehabilitated overburden emplacement). Reference: Spectrum Acoustics letter report Ref. 04035/4580 of 7 November 2012 to Werris Creek Coal.</i></p>	Compliant	<p>Noise monitoring results are analysed in conjunction with weather data monitored at the WCC Mine.</p> <p>Noise monitoring reports state that the Meteorological data used is supplied by the mine from the automatic weather station M2 located on top of the overburden emplacement. Temperature inversion strength is extrapolated from gauges with 80m vertical separation.</p>	
L4.4	<p>Noise impacts where wind speed exceeds 3 metres per second at 10 metres above the ground must be addressed by:</p> <p>a) documenting noise complaints received to identify any higher level of impacts or wind patterns;</p> <p>b) where levels of noise complaints indicate a higher level of impact then actions to quantify and ameliorate any enhanced impacts where wind speed exceeds 3 metres per second at 10 metres above the ground must be developed and implemented.</p>	Compliant	<p>Werris Creek Coal Annual Reviews and associated monthly noise monitoring reports. 2014 to 2017 complaints register was provided.</p> <p>All noise complaints are documented in the complaints registers. All complaints are actioned by the Environmental Officer and NCO. Where relevant complaints have recorded the weather conditions during the complaint.</p>	
L4.5	<p>The noise limits set by condition L4.1 of the licence do not apply where a current legally binding agreement exists between the proponent and the occupant of a residential property that:</p> <p>a) agrees to an alternative noise limit for that property; or</p> <p>b) provides an alternative means of compensation to address noise impacts from the premises.</p> <p>A copy of any agreement must be provided to the EPA before the proponent can take advantage of the agreement.</p>	Compliant	<p>Section 8.1 of the approved Noise Management Plan identifies those receivers which have agreement with WCC for higher noise levels with those agreements being to the satisfaction of the DPE and EPA.</p> <p>Section 7.1 of the revised Noise Management Plan identifies the receivers with the private agreements. While the revised Noise Management Plan does not state that these have been agreed with DPE this is inferred from the previous Noise Management Plan.</p>	Noise monitoring reports to be appended to Annual Reviews. Greater discussion on trends against previous periods.
L4.6	<p>Determining Compliance</p> <p>To determine compliance:</p> <p>a) with the Leq(15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:</p> <p>i) approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or</p> <p>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</p> <p>iii) within approximately 50 metres of the boundary of a National Park or a Nature Reserve.</p> <p>b) with the LA1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling façade.</p> <p>c) with the noise limits in the Noise Limits table, the noise measurement equipment must be located:</p> <p>i) at the most affected point at a location where there is no dwelling at the location; or</p> <p>ii) at the most affected point within an area at a location prescribed by part (a) or part (b) of this condition.</p> <p><i>Note: A non-compliance of the Noise Limits table will still occur where noise generated from the premises in excess of the appropriate limit is measured:</i></p> <p><i>i) at a location other than an area prescribed in part (a) and part (b); and/or</i></p> <p><i>ii) at a point other than the most affected point at a location.</i></p>	Compliant	<p>The sighted noise monitoring reports detail this condition and state that monitoring is undertaken in accordance with these requirements.</p>	
O4 Other operating conditions				
O4.1	All reversing beepers fitted to vehicles on the premises must be a mid-high frequency broadband type as described in the EIS.	Compliant	Reversing beepers heard during site visit. Based on areas shown during the inspection this appears to be compliant.	
M9 Other Monitoring and Recording Conditions				

Condition Number	Condition	Compliance Status	Evidence	Recommended Action
M9.1	To assess compliance with the noise limits presented in the Noise Limits table, attended noise monitoring must be undertaken in accordance with the condition titled Determining Compliance, outlined above, and: a) at the locations labelled "R24 Hazeldene", "R12 Quipolly Railway Cottage", "R96 Talavera", "R98 Kyooma" and "R57 33 Kurrara St, Werris Ck" (non project related residence number 57) on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380); b) occur monthly in a reporting period; c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of: i) 1 hour during the day; and ii) 1 hour during the evening or night.	Compliant	Noise monitoring reports for the audit period have been reviewed and has been conducted in accordance with the required conditions.	Monitoring results for R57 should be included in the EPL monitoring data presented on the website. Given that ongoing, nightly real-time noise monitoring is undertaken by dedicated noise control officers (NCOs) and assessed on an ongoing basis with operations being modified to reduce noise levels to within the applicable noise criteria, it is recommended that consideration could be given to reducing the frequency of attended noise monitoring to quarterly. It is unclear to the auditor as to why the EPL requires 60 minute noise monitoring surveys to assess compliance with the criteria which is LAeq15minute.
R4 Other reporting conditions				
R4.1	A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of the monthly monitoring. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include: a) an assessment of compliance with noise limits presented in the Noise Limits table; and b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in the Noise Limits table.	Compliant	Noise monitoring reports for the audit period have been reviewed and has been conducted in accordance with the required conditions.	
8 Special Conditions				
E1.1	E1 Three Yearly Independent Noise Audit E1.1 The licensee must provide the EPA with a copy of any Noise Audit and Independent Environmental Audit Report required by condition 4 of Schedule 3 and conditions 8 and 9 of Schedule 5 of the Werris Creek Mine Extension Project Approval (No. 10_0059). If the Noise Audit and Independent Environmental Audit Report do not incorporate the following information or assessments, then the licensee must also provide a separate report to the EPA that incorporates the following: (a) An assessment of noise emissions from the premises against the noise limits established by the Project Approval (No. 10_0059), as well as against the long term noise goal and noise acquisition criteria established within Project Approval No. 10_0059 that has been completed in accordance with the procedures defined in the NSW Industrial Noise Policy and any relevant Application Notes published by the EPA; (b) An evaluation of current mine noise impacts at all non-project related receptors and the noise mitigation practices that have been implemented at the premises against the best available economically achievable technology and current best practice principles for minimising noise emissions; and (c) Where noise impacts at any affected non-project related receptor exceeds the long term noise goal established by condition 4 of Schedule 3 of Project Approval 10_0059, the licensee must provide documented evidence that demonstrates that reasonable attempts have been made to reach a negotiated agreement with all relevant affected receptors within the last 3 years. The reports required by this condition must be submitted to the EPA's Armidale office within 6 weeks of the 30 June 2014, and every three years thereafter.	Administrative Non-Compliance	This was completed in 2014 and 2017. 2014 met this requirement. 2017 report prepared to meet these requirements. However no evidence has been able to be provided of submission of the Three Yearly Noise Audit within 6 weeks of 30 June 2014.	Liaison with the EPA regarding the future submissions of the Three Yearly Noise Audit.
E1.2	If the reports required by E1.1 above indicate that non-project related receptors continue to receive impacts that exceed the long term noise goal established by condition 4 of Schedule 3 of Project Approval 10_0059, then the licensee must provide the EPA with a report detailing the actions it will take during the next three year period, to further reduce noise impacts from the mine. The report must: (a) Provide details of any trials, tests or research that it will commission in an attempt to develop new or innovative noise mitigation technologies or management practices; (b) Detail the nature of any works that will be carried out at the premises or at the relevant receptor locations to further reduce noise impacts; (c) Provide timelines and provisional costings for the proposed actions or works; (d) Provide an analysis where possible of the potential noise reductions that the proposed actions are likely to achieve; and (e) Define any additional noise monitoring programs that might be required to measure/validate the performance of the proposed mitigation actions. The report required by this condition must be submitted to the EPA by 31 August 2014 and every three years thereafter until noise emissions from the premises meet the long term noise goal established by condition 4 of Schedule 3 of Project Approval 10_0059.	Not triggered	This was not triggered. The 2014 report did not find continual exceedances. The 2017 audit found that there is no consistent exceedances of the long term noise goal with just 5 exceedances of the long term noise goal during the audit period. As such it is considered that the current noise management practices, in particular the real time noise monitoring and NCOs are providing adequate noise management to continue to reduce noise levels to the long term goal.	

APPENDIX D – STATEMENT OF COMMITMENTS COMPLIANCE REGISTER

EA Statement of Commitments 2017

Desired Outcome	Action	Timing	Compliance Status	Evidence	Recommended Action
7. Noise					
Attenuate mining noise sources to ensure compliance with Project Specific Noise Criteria.	7.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Prior to mining through the "Old Colliery" Hill	Not triggered	Mining through Old Colliery Hill has not yet commenced.	
	7.2 Implement noise mitigation and management measures in accordance with an approved Noise Management Plan (NMP).	Ongoing	Compliant	Evidence noted from field inspection, NCO's and Annual Reviews. Evidence of implementing Noise MP.	
	7.3 Employ a dedicated Noise Control Operator (NCO) to continually monitor real time noise levels and inform the Open Cut Examiner (OCE) if the dominant noise source is mining.	Ongoing	Compliant	Evidence noted from field inspection, NCO's and Annual Reviews. Evidence of implementing Noise MP.	
	7.4 Modify or partially suspend mining operations to achieve the nominated noise criteria when elevated noise levels a result of mining noise	On advice from NCO of elevated mining noise	Compliant	Evidence noted from field inspection, NCO's and Annual Reviews. Evidence of implementing Noise MP.	
Monitor and manage noise generated by the LOM Project	7.5 Implement noise monitoring in accordance with an approved NMP for the Mine.	As defined within the NMP	Compliant	Evidence noted from field inspection, NCO's and Annual Reviews. Evidence of implementing Noise MP.	