



# Independent Environmental Audit 2023

Werris Creek Coal Mine

16 August 2023

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## Signature Page

16 August 2023

# Independent Environmental Audit 2023

Werris Creek Coal 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 Werris Creek Coal Mine (WCCM) on behalf of Whitehaven Coal Limited (WCL). The mine is located approximately 4 km south of Werris Creek, New South Wales (NSW). The primary purpose of the audit was to satisfy the Department of Planning, Industry and Environment (DPIE) Ministers' Conditions of Approval (CoA) Project Approval number PA 10\_0059 Modification 4, which requires completion of an independent audit by the end of June 2014, and every 3 years thereafter. The audit period assessed in this IEA is 13 June 2020 through 05 July 2023 (the date the site visit was completed as part of the audit).

The audit included a review of:

- Project Approval – PA 10\_0059 Modification 4 (including management plans and programs);
- Environment Protection Licence – EPL12290;
- Environmental Assessment (EA) Modification 2 (MOD 2) Statement of Commitments; and
- Mining Leases – ML 1671, ML 1672 and ML 1563.

Whitehaven Coal has established the control systems generally required for the stage of development i.e. operational. 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 4360:2004 Risk management and HB 436:2004 Risk Management Guidelines Companion to AS/NZS 4360:2004 and as described in the Department of Planning & Environment publication "Independent Audit – Post Approval Guidelines" issued May 2020. The number of non-conformances 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)	Observation (NC Obs)	Observations (C Obs)
Statutory Instruments	3	Nil	Nil
Implementation of Plans	Nil	Nil	Nil

An action table addressing all findings of the audit has been developed by Whitehaven Coal and will be issued separately to this report.



## 1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned to perform an Independent Environmental Audit (IEA) of the Werris Creek Coal Mine (WCCM), on behalf of Whitehaven Coal Limited (herein referred to as 'WHC'). The mine is located approximately 4 km south of Werris Creek, New South Wales (NSW). The primary purpose of the audit was to satisfy the Department of Planning, Industry and Environment (DPIE)<sup>1</sup> Ministers' Conditions of Approval (CoA) Project Approval number PA 10\_0059 which requires completion of an independent audit by the end of June 2014, and every 3 years thereafter. The audit period assessed in this IEA is 13 June 2020 through 05 July 2023 (the date the site visit was completed as part of the audit).

The audit must:

- (a) be conducted by 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 relevant requirements of this approval and any relevant mining lease or EPL (including any strategy, plan or program required under these approvals);
- (d) review the adequacy of strategies, plans or programs required under these approvals; and, if appropriate; and
- (e) recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under these approvals.

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.

### 1.1 Overview of Operations and Approvals

The Werris Creek Coal Mine is an open pit coal mine which was originally approved by the Minister for Planning under Project Approval number PA 10\_0059 Modification 4 which limits mining until 31 December 2032.

The WCCM lies within the mining leases ML 1671, ML 1672 and ML 1563. WCCM is owned and operated by Werris Creek Coal Pty Limited (WCC), a wholly owned subsidiary of Whitehaven Coal Limited (WHC).

The site holds Environmental Protection Licence (EPL) 12290, which was last varied on 02 September 2022.

#### 1.1.1 *Description of primary processes undertaken during the audit period*

Activities at the site during the audit period included the following:

- Land preparation and clearing;
- Drilling;
- Blasting;
- Earthworks and associated haulage;
- Coal extraction;
- Coal stockpiling;
- Coal haulage;

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<sup>1</sup> Formerly the Department of Planning and Environment (DP&E).

- Rehabilitation including landform establishment, contouring, topsoiling and seeding;
- Water management;
- Maintenance work; and
- Waste management, including tyre burial.

#### *1.1.1.1 Exploration*

Exploration drilling was conducted during the audit period for coal quality, geotechnical and/or hydrogeological evaluation purposes.

#### *1.1.1.2 Land preparation*

During the audit period, clearing of vegetation was conducted to facilitate surface drilling, and other operational works. Prior to the commencement of any clearing activities, flora and fauna pre-clearing surveys are conducted. Once cleared, soil stripping and stockpiling is conducted in the cleared areas. This is followed by the blasting of overburden and interburden material which is subsequently loaded into earthmoving trucks by excavators for hauling to the overburden dumps.

#### *1.1.1.3 Mining operations & stockpile*

Coal excavated from the mining pit is hauled to the Run-Of-Mine (ROM) stockpiles. Coal is segregated at the ROM stockpile based on the expected ash content of the coal. Coal products are processed through the fixed plant crusher using a Front End Loader to feed the primary crusher and subsequently processed through the secondary crusher for marketing as export quality coal.

#### *1.1.1.4 Coal transport*

Processed coal is carted using road trains to the Train Load Out (TLO) facility for loading on to trains. Train loading operations occurred 24 hours per day, 7 days per week dependent on train scheduling. Product coal is transported by road trucks from the coal processing area to the product coal stockpile area at the train load out facility via the private coal haul road. The despatch of product coal from WCC is either transported by rail to the Port of Newcastle or by road to domestic customers.

#### *1.1.1.5 Maintenance activities*

Maintenance of plant and equipment is carried out in a maintenance workshop located to the north of the main administration building. The workshop comprises a steel frame steel clad warehouse extending to approximately 1,200 square metres in area. The interior of the workshop is dedicated to small offices, workbenches, equipment and vehicle repair. Flammable substances were stored within cabinets and ERM observed adequate segregation distances between flammable and oxidising gases used for welding, cutting etc. An oil tank is located to the north-west of the warehouse, situated within a self-bunded shipping container. An equipment and vehicle wash bay is located to the north-west of the warehouse. Wash water from the wash bay is discharged via an open pit to collect gross sediment, then to an oil/water separator system before discharge to the on-site stormwater drainage ditch network. Doorways to the workshop are protected by threshold drains which capture any spills from inside the workshop and discharge them to a nearby oil/water separator unit. Waste oil is stored under cover in the workshop. On-site vehicles are re-fuelled from diesel above ground storage tanks (ASTs) located to the north-east of the maintenance workshop. These ASTs were self-bunded. Concrete hardstand surrounded these ASTs and any spills in the area discharged via drains to the nearby oil/water interceptor. General wastes, scrap metal etc. were observed to be stored in skip bins and are reportedly removed by licenced waste contractors.

Housekeeping inside and the vicinity of the warehouse was considered to be good. Minimal hydrocarbon staining was observed at the site. Hazardous substance storage arrangements were also considered to be good.

### 1.1.1.6 Waste management

Wastes produced at the site include general waste, scrap metal, waste sludge and hydrocarbon impacted wastes, which are removed from site as required by licenced contractors on an as needs basis (typically monthly). Waste segregation was noted to be good during the audit.

Heavy vehicle tyres were also produced at site and under the terms of the EPL buried within the waste rock dump landforms.

### 1.1.1.7 Rehabilitation

Progressive rehabilitation activities have occurred during the audit period and generally comprise reshaping, topsoiling and seeding of the overburden emplacement to achieve the rehabilitation objectives of WCC. It was noted that rehabilitation activities undertaken were observed to be stable and revegetating well.

## 1.2 Audit Objectives

The primary objectives of the audit included:

- assess the environmental performance of the project and assess whether it is complying with the requirements in the CoA and any relevant EPL, Mining Leases (including any assessment, plan or program required under these approvals);
- review the adequacy of any approved strategy, plan, or program required under the abovementioned consents/approvals; 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 included the following:

- the audit was carried out in accordance with DPIE's Independent Audit – Post Approval Requirements 2020 and AS/NZS ISO 19011:2018: Guidelines for auditing management systems;
- reviewing compliance against the documentation identified in CoA (as it relates to the current activities at the Werris Creek Mine) which included;
  - document review of compliance against the CoA, statement of commitments, and other relevant consents/approvals;
  - a site inspection to assess compliance against field implementation of the active CoA; and
  - review of supporting plans developed as part of the CoA and assessment of their adequacy towards effective environmental performance.
- review of monitoring results and trends with comparison of monitoring results against regulatory limits and CoA limits (where applicable);
- confirmation if any additional monitoring is required for identified trends;
- reviewing community complaints including any trends and identifying the source of an established trend;
- review of any regulatory actions including any letters, penalty notices and prosecutions;
- review of previous Independent Environment Report audit report to verify close-out of actions;
- consultation with the relevant agencies such as and stakeholders as required including Department of Planning and Environment (DPE), NSW Resources Regulator, Community Consultation Committee (CCC), New South Wales Environment Protection Authority (NSW EPA) and Liverpool Plains Shire Council. Emails were issued on 22 June 2023);



- draft report with results of compliance assessment to be issued for comment to Whitehaven Coal; and
- final report issued for submission to the DPIE.

The audit covers the period 13 June 2020 through 05 July 2023 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:

- Conditions of Approval PA 10\_0059 Modification 4 including Statements of Commitments;
- Environment Protection Licence – EPL12290;
- Mining Leases – ML 1671, ML 1672 and ML 1563;
  - MLs assessed against original conditions from 13 June 2020 to 1 July 2022; and
  - MLs assessed against Standard Conditions of Part 2, Schedule 8A of *Mining Regulations 2016* from 2 July 2022 to 5 July 2023.
- Management Plans:
  - Mining Operations Plan, December 2015;
  - Water Management Plan, November 2017;
  - Air Quality Greenhouse Gas Management Plan, March 2014;
  - Biodiversity and Offset Management Plan, August 2013;
  - Biodiversity and Offset Management Plan Submission to DPE, OEH and DoEE for approval, September 2016;
  - Blast Management Plan, August 2019;
  - Heritage Management Plan, July 2014;
  - Noise Management Plan, April 2014;
  - Pollution Incident Response Management Plan, September 2022;
  - Waste and Hydrocarbon Management Plan, March 2017; and
  - Rehabilitation Management Plan, July 2022.

## 1.5 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 does 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 does not accept responsibility for any subsequent changes.

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## 2. AUDIT METHODOLOGY

### 2.1 Methodology and Process

The audit comprised a site inspection during the dates 5 to 6 July 2023, interviews with key personnel, and review of records and other related documentation.

The audit process included the following primary components:

- development of a Terms of Reference which included:
  - audit scope and objectives;
  - date and location of audit;
  - members of audit team; and
  - list of reference documents and audit criteria.
- a project inception meeting held on 16 June 2023 to confirm details of the Terms of Reference, site inspection logistics and request for documentation required prior to the site inspection;
- an opening meeting held on 5 July 2023 at site to confirm the audit objectives and scope for the site inspection;
- A debrief/closeout meeting held on 6 July 2023 to discuss initial findings and recommendations; and
- Preparation of the draft audit report (this report).

### 2.2 Agency and Community Consultation

ERM consulted with the agencies and stakeholders as required including Department of Planning and Environment (DPE), NSW Resources Regulator, Community Consultation Committee (CCC), New South Wales Environment Protection Authority (NSW EPA) and Liverpool Plains Shire Council. Emails were issued on 22 June 2023. 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 and Environment (DPE)	Email on 22 June 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<p>Response received on 22 June 2023 outlining the following areas of interest:</p> <ul style="list-style-type: none"> <li>■ The possible reasons or background for a high proportion of blast complaints over the last several years;</li> <li>■ Are the various water sources adequately separated from one another (clean, sediment laden, mine water);</li> <li>■ Is there any circumstance where cleaner water may be unnecessarily contributing to a dirty water catchment e.g. sediment water draining into mine water catchment;</li> <li>■ How well is spontaneous combustion being managed.</li> </ul>	<p>The department's request is addressed to the extent possible within the scope of the IEA.</p> <p>A summary of the audit assessment as pertains to blasting is included in <b>Section 3.4.3</b>.</p> <p>A summary of the audit assessment as pertains to water management is included in <b>Section 3.5</b>.</p> <p>A summary of the audit assessment as pertains to spontaneous combustion is included in the EPL compliance tables (L7.1) in Appendix A . No issues though were observed during the audit.</p>
NSW Resources Regulator	Email on 22 June 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<p>Response received on 29 June 2023 outlining the following areas of interest:</p> <ul style="list-style-type: none"> <li>■ The independent environmental audit is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including implementation of the mining operations plan for the site.</li> <li>■ From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted that the 3 mining leases that comprise the Werris Creek Mine have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.</li> </ul>	<p>The department's request is addressed to the extent possible within the scope of the IEA.</p> <p>The audit has assessed compliance against the conditions of the original mining leases up to 1 July 2022, including implementation of the mining operations plan and from 2 July 2022 against the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions.</p> <p>Audit assessment findings as pertains to rehabilitation are included in <b>Section 1.1.1.7</b> and the compliance assessment tables in Appendix A.</p>

Agency/Stakeholder	Method	Consultation summary	Response	Location Addressed in Report
			<ul style="list-style-type: none"> <li>The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice. It would be appreciated if a copy of the final audit report could be sent to the Regulator at <a href="mailto:nswresourcesregulator@service-now.com">nswresourcesregulator@service-now.com</a> upon completion of the audit.</li> </ul>	
New South Wales Environment Protection Authority (NSW EPA)	Email on 22 June 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	Response received on 26 June 2023, outlining no concerns or issues.	N/A
Liverpool Plains Shire Council	Email on 22 June 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<p>Response received on 22 June 2023 outlining the following areas of interest:</p> <ul style="list-style-type: none"> <li>That there is no pollution to the water table outside of the immediate site; and</li> <li>That the disturbed surfaces are backfilled with soil and vegetated.</li> </ul>	<p>The Council's request is addressed to the extent possible within the scope of the IEA.</p> <p>A summary of the audit assessment as pertains to water management is included in <b>Section 3.5</b>. Audit assessment findings as pertains to rehabilitation are included in <b>Section 1.1.1.7</b> and the compliance assessment tables in Appendix A.</p>
Community Consultation Committee (CCC)	Email on 22 June 2023	Provision of Audit Terms of Reference, introduction to team, outline date of audit and provide opportunity to comment.	<p>Response received on 11 July 2020 from the CCC chair outlining no concerns or issues.</p> <p>From the overall committee perspective there have been no significant or specific issues raised in the last 12 months from an environmental perspective.</p>	N/A

In each case, an email was sent to representatives of each agency requesting feedback on those issues considered most relevant by the 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*.

Responses received requesting focus are addressed as relate to the ToR. These areas are captured in the audit findings.

## 2.3 Classification of Audit Findings

Findings resulting from an assessment of audit evidence were divided into four 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.
- **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.

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 – Post Approval Requirements” issued May 2020.

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

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



### 3. AUDIT FINDINGS

#### 3.1 Previous Audit Follow Up

The last audit was conducted by ERM for the period 1 July 2017 through 12 June 2020. A summary of the 2020 audit findings and their status is summarised below in **Table 3.1**.

**Table 3.1 Summary of 2020 Audit Findings**

Item No	Assessment Requirement	Comment	Audit Classification	WCC Response/Action	2023 Status
<b>Minister's Conditions of Approval PA 10_0059 MODIFICATION 2</b>					
Sch 3 (8)	The Proponent shall not carry out more than: (a) 1 blast a day on site, unless an additional blast is required following a blast misfire; and (b) 15 blasts a month on site. 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 blasts required to ensure the safety of the mine or its workers. <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>	There were 365 blasts undertaken during the reported audit period. The blasting frequency was of approximately 10 blasts per month. September 2018 had 17 blasts, two blasts over the criteria limits.	NC	Track future blasting to events per month to avoid more than 15 blasts per month.	Deemed as <b>Compliant</b> during this audit
Sch 3 (14)	The Proponent shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	The Site has received 15 odour related complaints during the audit period, primarily relating to a 'burning' smell attributed to spontaneous combustion odours: ■ June 2017 to June 2018 – 10 complaints; ■ June 2018 to June 2019 – 5 complaints; and ■ June 2019 to June 2020 – No complaints.	NC	No actions required. The site has robust odour management process to mitigate odours from spontaneous combustion.	Deemed as <b>Compliant</b> during this audit
Sch 5 (9)	Within 6 weeks of the completion of 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.	The site obtained a letter approving the request to extend the timing for submission of the IEA report and RAR to 31 August 2017. The final versions of the IEA report and RAR were submitted on 29 September 2017.	NC	Whitehaven Coal's IEA consultants were late in submitting their Final Report, which in turn resulted in late submission to the Department and EPA. No actions necessary.	Deemed as <b>Compliant</b> during this audit
<b>Environment Protection Licence (EPL) 12290</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.	An uncontrolled discharge occurred from dams titled EPA10 and EPA14 that commenced on 9 February 2020. The discharge events were 'Special Frequency' events as rainfall exceeded 39.2mm, therefore the discharges themselves were not non-compliances. However, an elevated pH exceedance at EP10 occurred during this discharge event which was reported to the EPA and included in annual returns as required. Investigation of this event did not identify a source of the exceedance and no subsequent monitoring has identified similar results.	NC	Investigation indicates that the exceedance appears to be anomalous. No further action required. Continue to monitor water quality during discharge events.	Deemed as <b>Compliant</b> during this audit
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	One exceedance reported low pH 5.5 for discharge point EPL14 uncontrolled discharge, sampled on 18th February 2020.	NC (duplicate)	As above	Deemed as <b>Compliant</b> during this audit

Item No	Assessment Requirement	Comment	Audit Classification	WCC Response/Action	2023 Status
L7.1	No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997. Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any Offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.	The Site has received 15 odour related complaints during the audit period, primarily relating to a 'burning' smell attributed to spontaneous combustion odours: <ul style="list-style-type: none"> <li>June 2017 to June 2018 – 10 complaints;</li> <li>June 2018 to June 2019 – 5 complaints; and</li> <li>June 2019 to June 2020 – No complaints.</li> </ul> The mine has implemented procedures to minimise emissions of odour from spontaneous combustion through the use of water curtains or sprinklers to suppress hot areas; and uncovering and mining the higher risk workings quickly and soaking any hot coal immediately. Workers utilise personal gas monitors at the boundary of the site in the direction of complaints when they occur to identify whether detectable hydrogen sulphide is present. ERM sighted photographs of multi-gas monitoring units on days when spontaneous combustions complaints had been received. No elevated gas readings were detected at the boundary. It is noted that the higher risk of spontaneous combustion areas of the mine (the former underground workings) have now been mined, reducing the future odour emission risk profile of the mine.	NC	No actions required. The site has robust odour management process to mitigate odours from spontaneous combustion.	Deemed as <b>Compliant</b> during this audit
O5.3	<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.	The scope and content of the PIRMP complies with the requirements of this condition. It was observed that the previous Operations Manager's contact details were in the PIRMP (the change in roles has only occurred within the last few months).	C (Obs)	The operations manager's contact details should be updated in the PIRMP and amended copies issued where relevant.	Deemed as <b>Compliant</b> during this audit
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.	ERM tested the complaints number published on the Werris Creek Mine Whitehaven Coal website. The complaints number was not functional. It is noted that the complaints number on the sign at the entrance to the mine was correct.	NC	Update the website complaints line number to reflect the correct phone number.	Deemed as <b>Compliant</b> during this audit
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').	The submission times for Annual Returns are summarised below: <ul style="list-style-type: none"> <li>2020 – on 29<sup>th</sup> May 2020 (due date 30<sup>th</sup> May 2020);</li> <li>2019 – on; 30<sup>th</sup> May 2019 (due date 30<sup>th</sup> May 2019); and</li> <li>2018 – on 31<sup>st</sup> May 2018 (due date 30<sup>th</sup> May 2018).</li> </ul> The late submission of an Annual Return in 2018 related to a misunderstanding at Site level regarding the submission date. Management reported that they have historically worked to an 'end of May' deadline, when the statutory submission date is on 30 <sup>th</sup> May each year.	NC	Communicate with Environmental Team at Whitehaven confirming Annual Return submission date is 30 <sup>th</sup> May each year. Update calendars accordingly.	Deemed as <b>Compliant</b> during this audit
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.	ERM sighted copies of Annual Returns for 2017 to 2020 and evidence of submission and EPA acceptance. Only the Annual Return provided for 2020 was signed by the General Manager	C (Obs)	Ensure a signed copy of the annual return is maintained for records.	Deemed as <b>Compliant</b> during this audit

## 3.2 Complaints Summary

Complaints registers for the auditing period were available online and for review. Complaints over the reporting period include:

- A total of 3 complaints were recorded during 2020 during the period 13 June – 31 December. All 3 related to vibrations from blasts;
- A total of 15 complaints were recorded during 2021. Of these 10 related to blast, 3 related to vibrations, and 2 related to weeds;
- A total of 4 complaints were recorded during 2022. Of these 3 related to blast (1 also raised lighting), 1 related to noise; and
- A total of 3 complaints were recorded during 2023 up until 5 July 2023. 1 related to lighting, 1 related to blasting and 1 related to noise.

As relates to the blast complaints, WHC checked blast monitoring records in response to the complaints to check they were compliant with limits and informed complainants of the results.

ERM tested the complaints number published on the Werris Creek Mine Whitehaven Coal website and found it working correctly.

The detailed summaries as prepared by WHC are provided on the Whitehaven Coal website.

## 3.3 Incident Summary

A review of the incidents was undertaken through a review of the WCCM incident management system, as well as the notified exceedances. Below outlines the incidents recorded during the audit period:

- Discharge samples taken at EPL12 (SB11), EPL 12 (SB16) and EPL10 (SB3) on 28 September and 30 September 2022 returned TSS readings above 50 mg/L at 117 mg/L, 112 mg/L and 63 mg/L respectively. These readings were inconsistent with compliant <50 mg/L preliminary samples collected from the dam obtained pre-discharge (20 mg/L, 41 mg/L and 9 mg/L). This occurred 3 times. An investigation found the discharge samples were affected by a sampling issue – leading to unrepresentative readings. In correspondence with the EPA these samples were deemed as a technical limit exceedance. However, based on a compliant preliminary sample and prompt actions undertaken by WCCM the EPA did not request any further action. Following this, WCCM has reviewed and updated the sampling procedure to avoid a similar issue in the future; and
- WHC reported an exceedance of PM10 on 20 August 2020 to the DPE. The exceedance was attributed to a regional dust storm and not the mine. As per Notes to Table 6, d) dust storms are considered extraordinary events and therefore are to be excluded. No further action was taken. No other exceedances of particulate matter, PM10 or dust as per this condition were reported during the audit period.

## 3.4 Environmental Monitoring Performance

### 3.4.1 Noise

Monthly acoustic monitoring was undertaken from 2020 to 2023.

During the audit period, there were no reported exceedances of the EPL noise criteria. There were 2 exceedances of the long-term noise goal at R96 and R98 respectively in May 2021. The long-term noise goal was observed to be achieved as part of subsequent noise monitoring reports after May 2021.

Attended noise monitoring was undertaken at locations labelled "R24 Hazeldene", "R12 Quipolly Railway Cottage", "R96 Talavera", "R98 Kyooma" and "R57 33 Kurrara St, Werris Ck" as required.

Monthly operator attended noise monitoring results have demonstrated that the noise management and mitigation strategies employed by WCC are effective in managing noise impacts from the site.

### 3.4.2 Air quality

Monthly Air Quality Monitoring was undertaken by WCCM, sampling PM<sub>10</sub> and Solid Particles. There was 1 exceedance of the criteria during the reported audit period. The exceedance for Werris Creek TEOM was recorded on 20 August 2020. A Notification regarding the elevated results were provided to the DPIE following receipt of the monitoring results. Subsequent investigations demonstrated WCC was not the cause of the elevated PM<sub>10</sub> levels. High regional dust alerts for the local area (North-West Slopes) were issued by the NSW Office of Environment and Heritage.

The dust exceedance event that occurred on 20 August 2020 was attributed to a regional dust storm resulting from high winds in far western NSW that carried the dust into eastern NSW including Werris Creek. WHC continued to manage dust generation from mining operations and was adequately controlled via extensive use of water carts or operational shutdown.

As per Notes to Table 6, d) dust storms are considered extraordinary events and therefore is to be excluded.

Complaints registers for the auditing period were available online and/or for review. There were no reported odour complaints over the reporting period.

### 3.4.3 Blasting

Blast monitoring occurred during all blast events with no recorded exceedance events reported to the Department during the audit period. Blasting operations continued to be managed inline with the Blast Management Plan.

## 3.5 Water management

### 3.5.1.1 Surface water

Surface water management comprising a series of water storage dams used to collect, store and dispose of pumped mine water and dirty water run-off, sediment basins, and clean/dirty surface water drains were in place and established as per the Water Management Plan (dated 2016). The dams are subject to weekly, monthly and quarterly inspections by a trained WCCM employee. Annual and 5 – yearly inspections are undertaken by a Dam Engineer in accordance with the Dams Safety Act.

Licensed surface water discharge points onsite included sediment basin 2 (SB2 – EPL10), sediment basin 9 (SB9 – EPL12), sediment basin 10 (SB10 – EPL14), sediment basin 18 (SB18-EPL32).

Void Water is managed via 6 void water dams with water recirculated on site for reuse as dust suppression. Excess void water is irrigated to the Plainview irrigation area to the south of the project via void water dam 1.

No significant issues were observed or identified with regards to erosion or sediment run off during the site inspection. During the audit period no evidence of cross contamination and water sources separation management measures were reporting to be working well.

## 3.6 Groundwater

Groundwater monitoring locations are stipulated within Table 7.4 of the approved WMP (dated May 2016). Neither the CoA nor EPL stipulates the frequency of groundwater monitoring to be undertaken. Under the WMP, depending on their location, piezometers and groundwater bores are required to be monitored on a monthly, quarterly, or annual basis. Groundwater monitoring data provided showed that monitoring is typically completed within the WMP timeframes and no water quality issues were identified.

## 3.7 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.

In general, Management Plans were considered to be appropriate for the site's operations at the time of the site visit. The findings of the Management Plan review are outlined in *Table 3.2* and *Appendix A*.



### 3.8 Environmental Protection Licence

The site operates under Environment Protection Licence (EPL) 12789 issued to Werris Creek Coal Operations Pty Ltd. The EPL has been varied twice during the audit period as follows:

- 23 July 2021; and
- 2 September 2022.

The site submitted Annual Returns to the EPA, as required for the audit period. The following non-compliances were noted:

2022 Annual Return:

- U1.1 - By no later than 5PM on 31 October 2022, the licensee must decommission the current inground oil water separator and replace it with an above ground system. WCC reported to the EPA that the project had progressed (within the stated timeframe) the project but had been impacted by delays due to contractor availability and access to site when covid 19 restrictions were in place. In consultation with the EPA the project had been further progressed in 2021/22 as stated in the Annual Return. The Oil Water Separator (OWS) had been selected, costed and budgeted. ERM noted that the required works have since been completed and the EPA notified.

2023 Annual Return:

- L2.1 - Discharge samples taken at EPL12 (SB11), EPL 12 (SB16) and EPL10 (SB3) on 28 September and 30 September 2022 returned TSS readings above 50 mg/L to 117 mg/L, 112 mg/L and 63 mg/L respectively. These readings were inconsistent with compliant <50 mg/L preliminary samples from the dam obtained pre-discharge (20 mg/L, 41 mg/L and 9 mg/L).

An investigation found the discharge samples were affected by a sampling issue. In correspondence with the EPA these samples were deemed as a technical limit exceedance. However, based on a compliant preliminary sample and prompt actions undertaken by WCC the EPA did not request any further action.

Review of the completion dates of the monitoring reports and records of submission to EPA indicated these were typically submitted within the 30-day period, with several occasions of submissions outside the 30-day periods such as the monthly reports for May 2020, May 2021, December 2021, January 2022 and November 2022, WHC stated due to contractor providing the reports late. This is considered a low-risk non-compliance. It is recommended to review contractor engagement timeframe requirements.

Findings identified against the site's EPL are outlined in **Table 3.2** and *Appendix A3*.

### 3.9 Mining Leases

Werris Creek Coal Mine lies within the mining lease (ML) 1671 and ML 1672 issued to Werris Creek Coal Pty Ltd and ML 1563 issued to Creek Resources Pty Ltd and Betalpha Pty Ltd.

The Mining Leases were assessed against original conditions from 13 June 2020 to 1 July 2022 and against Standard Conditions of Part 2, Schedule 8A of Mining Regulations 2016 from 2 July 2022 to 5 July 2023.

A non-compliance was identified that was an administrative related non-compliance. The Annual Review had not been submitted to the NSW Resources Regulator in accordance with Condition 3 of ML1563 and 4 of ML1671 and ML1672.

The Resources Regulator issued an Official Caution for failure to comply with Condition 3.

WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.

The Mining Lease conditions, and the summary of audit findings are provided in **Table 3.2** and *Appendix A4 and A5*.

### 3.10 Compliance with Regulatory Instruments

A compliance check of the CoA, EPL and ML 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 2.3**, a qualitative risk assessment was also completed on the findings as follows:

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

Table 3.2 Summary of 2023 Audit Findings

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
<b>Minister's Conditions of Approval PA 10_0059 MODIFICATION 2</b>				
Nil NC's identified				
<b>Statement of Commitments</b>				
Nil NC's identified				
<b>Environment Protection Licence (EPL) 12290</b>				
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.	Review of the completion dates of the monitoring reports and records of submission to EPA indicated these were typically submitted within the 30-day period, with several occasions of submissions outside the 30-day period such as the monthly reports for May 2020, May 2021, December 2021, January 2022 and November 2022.	NC	Recommend WHC review engagement contracts and engage in regular conversation with the acoustic consultants to ensure the 30-day submission period is met. In view of this, a low risk non-compliance is considered.
U1.1	Oil Water Separator  By no later than 5PM on 31 October 2022, the licensee must decommission the current inground oil water separator and replace it with an above ground system that:  1. Is roofed and bunded (roof can be mobile); and  2. Provides for stormwater bypass if required; and  3. The type of separator selected is based volume generation needs (Coalescing plate separator or Hydrocyclone oil separator) and the best possible treatment for that volume generation available; and  4. Is capable of pre-treating oil, grease, silt, detergents, NFR (Suspended solids), COD (chemical oxygen demand) and pH prior to collection for disposal.  The Decommissioned inground unit must be removed and lawfully disposed of, at a lawful waste facility by 5pm on 31 October 2022	WCC reported to the EPA that the project had progressed (within the stated timeframe) the project but had been impacted by delays due to contractor availability and access to site when covid 19 restrictions were in place. In consultation with the EPA the project had been further progressed in 2021/22 as stated in the Annual Return. The Oil Water Separator (OWS) had been selected, costed and budgeted. ERM noted that the required works have since been completed and the EPA notified.	NC	Works complete, no further action required.
U2	By no later than 5PM on 31 October 2022, the licensee must provide written advice to info@epa.nsw.gov.au confirming the completion of actions required by Condition U1.1.	As works stated in U1.1 not completed by 31 October 2022 WHC were not able to advise of works being completed by required date.	NC (duplicate)	Works complete, no further action required.
<b>Mining Leases – 1563, 1671 &amp; 1672 (13 June 2020 to 1 July 2022)</b>				
Condition 3 (ML1563)	(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (AEMR) with the Director-General.  (2) The AEMR must be prepared in accordance with the Director-General's Guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:	Annual reviews have been submitted to the DPE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.  The Annual Review for 2022 has been submitted, though not yet published.  A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted to the NSW Resources Regulator in accordance with Condition 3 of ML1563.  The Resources Regulator issued an Official Caution for failure to comply with Condition 3.  WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the	NC	Action has already been taken by adding reminder into CMO.  No further action required.

Item No	Assessment Requirement	Comment	Audit Classification	Response/Action
	<p>(a) the accepted Mining Operations Plan;</p> <p>(b) development consent requirements and conditions;</p> <p>(c) Department of Environment and Conservation and Department of Infrastructure, Planning and Natural Resources licences and approvals;</p> <p>(d) any other statutory environmental requirements;</p> <p>(e) details of any variations to environmental approvals applicable to the lease area; and</p> <p>(f) where relevant, progress towards final rehabilitation objectives.</p> <p>(3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>(4) The lease holder shall as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies and the local council.</p>	compliance management system, CMO, to ensure that this requirement is not overlooked again.		
Condition 4 (ML1671)	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <p>(i) report against compliance with the MOP;</p> <p>(ii) report on progress in respect of rehabilitation completion criteria;</p> <p>(iii) report on the extent of compliance with regulatory requirements; and</p> <p>(iv) have regard to any relevant guidelines adopted by the Director-General;</p>	<p>Annual reviews have been submitted to the DPIE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.</p> <p>A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been NSW Resources Regulator submitted in accordance with Condition 4 of ML1671.</p> <p>The Resources Regulator issued an Official Caution for failure to comply with Condition 4.</p> <p>WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.</p>	NC (duplicate)	<p>Action has already been taken by adding reminder into CMO.</p> <p>No further action required.</p>
Condition 4 (ML1672)	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <p>(i) report against compliance with the MOP;</p> <p>(ii) report on progress in respect of rehabilitation completion criteria;</p> <p>(iii) report on the extent of compliance with regulatory requirements; and</p> <p>(iv) have regard to any relevant guidelines adopted by the Director-General;</p>	<p>Annual reviews have been submitted to the DPIE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.</p> <p>A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted NSW Resources Regulator in accordance with Condition 4 of ML1672.</p> <p>The Resources Regulator issued an Official Caution for failure to comply with Condition 4.</p> <p>WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.</p>	NC (duplicate)	<p>Action has already been taken by adding reminder into CMO.</p> <p>No further action required.</p>

#### Mining Leases – 1563, 1671 & 1672 (2 July 2022 to 5 July 2023)

Nil NC's identified

## 4. CONCLUSION

An audit of Development Consent CoA, Mining Lease and Environmental Protection Licence 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)	Observation (NC Obs)	Observations (C Obs)
Statutory Instruments	3	Nil	Nil
Implementation of Plans	Nil	Nil	Nil

An action response table has been developed by Whitehaven Coal 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**

<b>Document details</b>	
Document title	Appendix A1 – Project Approval
Document subtitle	Compliance with Project Approval 10_0059
Project No.	0692336_01
Date	22 June 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal

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.	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 project.	Various management plans associated with water; biodiversity; greenhouse gasses; air quality; noise; blasting; vegetation; heritage etc.  Annual Reviews 2020 and 2021  Observations made during the site visit	ERM's assessment of the Site's operations indicates that the Proponent has implemented 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 project	C	N/A
<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 6.</li> </ul>	Various management plans associated with water; biodiversity; greenhouse gasses; air quality; noise; blasting; vegetation; heritage etc.  Annual Reviews 2020 and 2021  Quarterly Environmental Monitoring Reports 2020 to 2023  Observations made during the site visit	Based on the observations made during the Site visit; interviews with on-site and WHC corporate management; and ERM's review of relevant monitoring reports; management plans etc., it is considered that the Proponent has carried 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	C	N/A
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.	Not applicable	No material inconsistencies which had an impact on the results of this audit were identified.	NT	N/A
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; and (b) the implementation of any actions or measures contained in these documents.	Not applicable  Interviews with environmental personnel	No such requests have been submitted by the Secretary during the audit period.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
LIMITS ON APPROVAL					
Mining Operations					
5.	The Proponent may carry out mining operations on site until the end of December 2032. <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 Executive Director, Mineral Resources in DRE. 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 those additional undertakings have been carried out satisfactorily.</i>	Noted	Note	Noted	N/A
Coal Extraction					
6.	The Proponent shall not extract more than 2.5 million tonnes of ROM coal from the site in a calendar year.	Annual Reviews 2020 and 2021  Annual coal movement records 2020 – 2023 (up to June for 2023)	The Proponent has not extracted more than 2.5 million tonnes of ROM coal from the site in a calendar year during the audit period.	C	N/A
Coal Stockpiling					
7.	The Proponent shall not stockpile more than 250,000 tonnes of product coal on the site.	Annual Reviews 2020 to 2022  Storage reconciliation xls  Interviews with environmental personnel	The Proponent has not stockpiled more than 250,000 tonnes of product coal on the site in a calendar year during the audit period.	C	N/A
Coal Transport					
8.	The Proponent shall not transport: (a) more than 50,000 tonnes of product coal from the site by public road in any calendar year; (b) any product coal from the site by public road to the Muswellbrook, Singleton, Mid-Western Regional, Cessnock or Newcastle local government areas without the written approval of the Secretary; and (c) any coal to the Whitehaven CHPP.	Werris Creek Coal Mine Rail and Truck Movement records 2020 to 2023	The site has shipped less than 1,000 tonnes per annum of coal by road. No coal from the site is sent to the Whitehaven CHPP.	C	N/A
SURRENDER OF EXISTING DEVELOPMENT CONSENT					
9.	By the end of October 2012, or as otherwise agreed by the Secretary, the Proponent shall surrender the existing development consent (DA 172-7-2004) for the Werris Creek mine 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.	Correspondence between Department of Planning and Infrastructure and WHC, dated 25 <sup>th</sup> September 2012, Reference dy06012	ERM reviewed a letter dated 25 <sup>th</sup> September 2012, Reference dy06012, signed off by Danny Young of the Department of Planning and Infrastructure confirming that the Proponent had surrendered the existing development consent (DA 172-7-2004) for the Werris Creek mine in accordance with section 104A of the EP&A Act.	C	N/A
STRUCTURAL ADEQUACY					
10.	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 (where necessary) for the proposed building works; and • Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.	Verbal management disclosures  Google Earth Aerial Photography  Sample of occupancy and building certificates.	Site management reported that there have been no new buildings or structures constructed on-site during the audit period. ERM reviewed a sample of building certificates from 2006 confirming compliance with this condition (outside of the audit period). ERM reviewed aerial photography which confirmed that no visible new buildings had been constructed during this part of the audit period. The layout on these aerial photographs aligned with ERM's observations during the site visit.	C	N/A
DEMOLITION					

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
11.	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.	Verbal management disclosures Google Earth Aerial Photography Interviews with environmental personnel	Site management reported that there have been no buildings or structures demolished on-site during the audit period.  ERM reviewed aerial photography which confirmed that no visible buildings had been demolished during this part of the audit period. The layout on these aerial photographs aligned with ERM's observations during the site visit.	NT	N/A
<b>OPERATION OF PLANT AND EQUIPMENT</b>					
12.	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.	Pulse preventative maintenance records Site observations	The preventative maintenance system utilised by the Site is called 'Pulse'. The system records all preventative maintenance tasks and creates electronic work orders for the maintenance team as required.  ERM reviewed Pulse records for a randomly selected dozer and pump system (pump 410). ERM also reviewed a sample of calibration records for blast monitors.  The work orders were detailed (including environmental noise control systems on the dozer) and included evidence that the required preventative maintenance had been completed on time.  No inspections by regulatory bodies raised preventative maintenance as a concern. ERM did not observe any examples of poorly maintained plant during the site inspection.	C	N/A
<b>STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM</b>					
13.	With the approval of the Secretary, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis.  <i>Notes:</i> • While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and • 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.	WHS Revision of Strategies, Plans and Programs MS Excel Register  Review of selection of management plans (MOP; Water Management Plan)	The Site has developed numerous management plans and updated them progressively as the mining operation has expanded within the mining lease footprints and potential risks and interactions with the environment have evolved. Management retain a record of all updates to management plans in a WHS Revision of Strategies, Plans and Programs MS Excel Register. The register includes: • Document review date; • A record of whether a revision was required; • The review submission date; • Review approval; • The date the document was submitted to the Secretary; and • When the document was approved by the secretary.  In all management plans, non-compliances with the relevant topic (e.g. water; blasting; biodiversity) trigger an update to the management plan.	C	N/A
14.	Until they are replaced by an equivalent strategy, plan or program approved under this approval, the Proponent shall implement the existing strategies, plans or programs that apply under DA 172-7-2004.	All in scope Strategies, Plans and Programs  DA was surrendered (2012)	No evidence to suggest that approved Strategies, Plans and Programs have not been implemented in accordance with DA requirements was observed during this assessment.	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																																				
COMMUNITY ENHANCEMENT																																									
15.	The Proponent shall establish and operate a Community Enhancement Fund for the project to the satisfaction of the Secretary. This fund must: (a) be established and operated in consultation with Council and the CCC; (b) be directed towards providing benefits to the local communities affected by the project; (c) provide for the expenditure of at least \$300,000 (indexed to CPI) over 6 calendar years (2012 to 2017), and include at least \$200,000 of expenditure within the town of Werris Creek; and (d) be operating from the end of April 2012, unless the Secretary agrees otherwise.	Previous IEA - 2020	The previous audit (2020 IEA) closed out the verification of this condition as complete and compliant.	C	N/A																																				
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><i>Table 1: Noise criteria</i></p> <table><tr><th><i>Location</i></th><th><i>Day</i> <i>dB(A) L<sub>Aeq</sub>(15 min)</i></th><th><i>Evening &amp; Night</i> <i>dB(A) L<sub>Aeq</sub>(15 min)</i></th><th><i>Night</i> <i>dB(A) L<sub>A1</sub> (1 min)</i></th></tr><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></table> <p><i>Notes:</i></p> <ul style="list-style-type: none"><li>• To interpret the locations referred to in Table 1, see the applicable figure in Appendix 3; and</li><li>• 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.</li></ul> <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>	<i>Location</i>	<i>Day</i> <i>dB(A) L<sub>Aeq</sub>(15 min)</i>	<i>Evening &amp; Night</i> <i>dB(A) L<sub>Aeq</sub>(15 min)</i>	<i>Night</i> <i>dB(A) L<sub>A1</sub> (1 min)</i>	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	Annual reviews 2020 and 2021.  EPL Monitoring reports 2020 to 2023.	No exceedances of noise criteria limits occurred during the reported audit period.	C	N/A
<i>Location</i>	<i>Day</i> <i>dB(A) L<sub>Aeq</sub>(15 min)</i>	<i>Evening &amp; Night</i> <i>dB(A) L<sub>Aeq</sub>(15 min)</i>	<i>Night</i> <i>dB(A) L<sub>A1</sub> (1 min)</i>																																						
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R22	36	37	45																																						
R98	36	38	45																																						
All other privately-owned residences	35	35	45																																						
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> <p><i>Table 1: Noise criteria</i></p> <table><tr><th><i>Location</i></th><th><i>Day/Evening/Night</i> <i>dB(A) L<sub>Aeq</sub> (15min)</i></th></tr><tr><td>All privately-owned land</td><td>40</td></tr></table> <p><i>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.</i></p>	<i>Location</i>	<i>Day/Evening/Night</i> <i>dB(A) L<sub>Aeq</sub> (15min)</i>	All privately-owned land	40	Annual reviews 2020 and 2021.  EPL Monitoring reports 2020 to 2023.	Not requested for acquisition from the landowner, as there were no exceedances of noise acquisition criteria during the reported audit period.	NT	N/A																																
<i>Location</i>	<i>Day/Evening/Night</i> <i>dB(A) L<sub>Aeq</sub> (15min)</i>																																								
All privately-owned land	40																																								

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations				
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> <p><i>Table 3: Land subject to additional noise mitigation measures</i></p> <table><tr><th>Location</th></tr><tr><td>R10, R11, R12, R21, R96</td></tr></table> <p><i>Note: To interpret the locations referred to in Table 3, see the applicable figure in Appendix 3.</i></p>	Location	R10, R11, R12, R21, R96	<p>Annual reviews 2020 and 2021.</p> <p>EPL Monitoring reports 2020 to 2023.</p> <p>Interviews with environmental personnel</p>	<p>Not requested - Advised by Site Environmental Manager.</p> <p>WCC have previously implemented a number of mitigation strategies to minimise the effects of noise on the community, including:</p> <ul style="list-style-type: none"><li>- Property acquisitions</li><li>- Private agreements</li><li>- Installation and maintenance of an acoustic and visual amenity bund</li><li>- Installation and maintenance of a mine infrastructure area bund.</li></ul>	NT	N/A		
Location									
R10, R11, R12, R21, R96									
Operating Conditions									
4.	<p>The Proponent shall:</p> <ul style="list-style-type: none"><li>(a) implement best practice noise management to minimise the operational, low frequency, rail and road traffic noise of the project;</li><li>(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;</li><li>(c) minimise the noise impacts of the project during temperature inversions; and</li><li>(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;</li><li>(e) carry out a comprehensive noise audit of the project in conjunction with each independent environmental audit,</li></ul> <p>to the satisfaction of the Secretary.</p> <p><i>Table 4: Long-term noise goal</i></p> <table><tr><th>Location</th><th>Day/Evening/Night dB(A) L<sub>Aeq</sub> (15min)</th></tr><tr><td>All privately-owned land</td><td>35</td></tr></table> <p><i>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.</i></p>	Location	Day/Evening/Night dB(A) L <sub>Aeq</sub> (15min)	All privately-owned land	35	<p>Annual reviews 2020 and 2021.</p>	<p>WHC has carried out measures to fulfil the requirements of the condition.</p> <p>During the reporting period a number of operational strategies were in place to respond to potential noise impacts from mining operations including:</p> <ul style="list-style-type: none"><li>- Continuous noise monitoring;</li><li>- Attended noise monitoring;</li><li>- Noise control operators engaged;</li><li>- Sound filtering and interpretation to isolate the masking effects of extraneous noise sources from birds, insects, and other environmental noise sources during monitoring.</li><li>- Modification of operations, including shutting down plant items, to reduce offsite impacts.</li><li>- Night time surface operations and dump locations planned to minimise noise where possible.</li></ul> <p>As relates to (d) Review of Spectrum Acoustics' compliance reports indicated two exceedances of the long-term noise goal at R96 and R98 respectively in May 2021, with no comments on the exceedance provided in the monitoring report. Long-term noise goal observed to be achieved through subsequent noise monitoring reports after May 2021.</p>	C	N/A
Location	Day/Evening/Night dB(A) L <sub>Aeq</sub> (15min)								
All privately-owned land	35								
Noise Management Plan									
5.	<p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"><li>(a) be prepared in consultation with EPA by a suitably qualified expert whose appointment has been approved by the Secretary;</li><li>(b) be submitted to the Secretary for approval by the end of April 2012;</li><li>(c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including:<ul style="list-style-type: none"><li>• a real-time noise management system that employs both reactive and proactive mitigation measures; and</li><li>• rail spur management plan, that has been prepared in consultation with ARTC and the rail freight company; and</li></ul></li><li>(d) include a Noise Monitoring Program that:<ul style="list-style-type: none"><li>• uses a combination of real-time and supplementary attended noise monitoring measures to evaluate the performance of the project;</li><li>• is capable of monitoring temperature inversion strengths at an appropriate sampling rate;</li><li>• evaluates and reports on the effectiveness of the real-time noise management system;</li><li>• includes a protocol for determining exceedances of the relevant conditions of this approval.</li></ul></li></ul>	<p>Noise Management Plan (16 April 2014).</p> <p>Annual reviews 2020 and 2022.</p>	<p>WCC was granted Project Approval (PA 10_0059) on 25th October 2011 from DoP for the Life of Mine (LOM) extension project.</p> <p>The NMP summarises the results of the predictive noise impact assessment and outlines the control measures to be implemented as a part of the continued operations at the WCCM to minimise the potential for noise impacts on the local community and the environment. The NMP also contains an updated Noise Monitoring Program, developed to quantify the noise impacts of the operation and to assess compliance against the revised noise criteria.</p>	C	N/A				

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>Real time is based on noise control operator undertaking review of noise levels each 5minute period to determine if noise levels exceed trigger Protocol.</p> <p>Management of potential noise impacts from train movements on the Rail Spur including:</p> <ul style="list-style-type: none"><li>• Speed limit of 15km/h on the Rail Spur</li><li>• STOP Boards located at the boundary with R20 maximising the distance that the idling train is from the residence while waiting for a rail path on the Great Northern Rail Line</li><li>• Train movement along the Rail Spur is via push-pull locomotive at either end of the train. This procedure will be revised once the rail loop is constructed. If for safety it is possible to propel trains, the additional noise generated assessed in the LOM EA NIA determined that the increased distance between the rail loop and the closest Kurrara St residents in Werris Creek would not result in any additional noise impacts</li><li>• Consultation over RSMP controls undertaken with ARTC and the two rail transport contractors that operate at WCCM.</li></ul> <p>The NMP has been prepared with regards to:</p> <ul style="list-style-type: none"><li>• the Life of Mine (LOM) Project Approval 10_0059 which was approved by the Department of Planning and Infrastructure (DoPI) on 25th October 2011 under delegation from the Minister for Planning and Infrastructure;</li><li>• the Project Modification (PA 10_0059 MOD1) which was approved by DoPI on 30th August 2012 under delegation from the Minister for Planning and Infrastructure;</li><li>• Environment Protection License (EPL 12290) issued by the NSW Environment Protection Authority (EPA);</li><li>• the final “Environmental Assessment for Werris Creek Coal Mine Life of Mine Project” (R.W Corkery &amp; Co, 2010); and</li><li>• “Response to Submissions for the Environmental Assessment for Werris Creek Coal Mine Life of Mine Project” (R.W. Corkery &amp; Co, 2011).</li></ul>		

BLASTING																				
Blasting Criteria																				
6.	The Proponent shall ensure that blasting on site does not cause exceedances of the criteria in Table 5.			Annual reviews 2020 and 2021.	No exceedances of ground vibration limits occurred during the audit period.	C	N/A													
<div>Table 5: Blasting Criteria</div> <table><thead><tr><th>Location</th><th>Airblast Overpressure (dB(Lin Peak))</th><th>Ground Vibration (ppv(mm/s))</th><th>Allowable Exceedance</th></tr></thead><tbody><tr><td>Any residence on privately-owned land</td><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>120</td><td>10</td><td>0%</td></tr><tr><td></td><td>-</td><td>50</td><td>0%</td></tr></tbody></table>				Location				Airblast Overpressure (dB(Lin Peak))	Ground Vibration (ppv(mm/s))	Allowable Exceedance	Any residence on privately-owned land	115	5	5% of the total number of blasts over a period of 12 months	All public infrastructure	120	10	0%		-
Location	Airblast Overpressure (dB(Lin Peak))	Ground Vibration (ppv(mm/s))	Allowable Exceedance																	
Any residence on privately-owned land	115	5	5% of the total number of blasts over a period of 12 months																	
All public infrastructure	120	10	0%																	
	-	50	0%																	

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	However, these criteria do not apply if the Proponent has a written agreement with the relevant owner, and has advised the Department in writing of the terms of this agreement.				
<b>Blasting Hours</b>					
7.	The Proponent shall only carry out blasting on 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.	Annual reviews 2020 and 2021.  WCCM Blast records	WCCM fires all blasts in the middle of the day generally between 12:00pm and 2:00pm, when atmospheric mixing is generally highest.	C	N/A
<b>Blasting Frequency</b>					
8.	The Proponent shall not carry out more than: (a) 1 blast a day on site, unless an additional blast is required following a blast misfire; and (b) 15 blasts a month on site.  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 blasts required to ensure the safety of the mine or its workers. <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>	Annual reviews 2020 and 2021 (2022).  EPL Monitoring reports 2020 to 2023.  Blast Management Plan.  WCCM Blast records	No exceedances of blast limits occurred during the reported audit period.	C	N/A
<b>Property Inspection</b>					
9.	If the Proponent receives a written request from the owner of any privately-owned land within 2 kilometres of the approved open cut pit on site for a property inspection to establish the baseline condition of any buildings and/or structures on their land, or to have a previous property inspection report updated, then within 2 months of receiving this request the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary to: • establish the baseline condition of the buildings and/or structures on the land or update the previous property inspection report; and • identify any measures that should be implemented to minimise the potential blasting impacts of the projects on these buildings and/or structures; and (b) give the landowner a copy of the new or updated property inspection report.	Annual reviews 2020 and 2021  Property Inspection Report (Kelley Covey Group) dated 22/11/2022.  Appointment of Experts – Property Inspections and Investigations endorsement email from DPE dated 16/11/2022.	A requested property inspection was undertaken on 12 September 2022 in accordance with this condition. The property was at 2 Hill St., Werris Creek. (a) The inspection was undertaken by Kelley Covey Group – Consulting Civil, Structural, Hydraulic, Fire & Environmental Engineers. (b) The Inspection Report was provided to the landowner on 29/11/2022.	C	N/A
<b>Property Investigations</b>					
10.	If the owner of any privately-owned land claims that the buildings and/or structures on their land have been damaged as a result of blasting on site, then within 2 months of receiving this claim the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to investigate the claim; and (b) give the landowner a copy of the property investigation report.  If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Proponent shall repair the damage to the satisfaction of the Secretary. If 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.	Annual reviews 2020 and 2021.  Property Inspection Report (Kelley Covey Group) dated 22/11/2022.  Appointment of Experts – Property Inspections and Investigations endorsement email from DPE dated 16/11/2022.	The property inspection report concluded: The majority of the cracking observed inside the property is likely the result of general foundational movement. The cracking is fine, emanating from relative weak points and relatively linear. This is consistent with general foundational movement resulting from seasonal wetting and drying. The jagged cracks observed in the bedroom and living room is likely the result of vibrations. Based on the proximity of the dwelling from the blasting site and the average recorded ground vibrations of 0.44mm/s from observation stations close to the blast sites, it is unlikely that blasting at the mine site has directly caused the cracking in these rooms. The scope of works for rectifications to vibration related damage is as follows: 1. Patch and paint the observed cracks in the bedroom and living room. WHC advised they undertook the rectification works.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Operating Conditions</b>					
11.	<p>The Proponent shall:</p> <ul style="list-style-type: none"> <li>(a) implement best practice blasting management on site to: <ul style="list-style-type: none"> <li>• protect the safety of people and livestock in the surrounding area;</li> <li>• protect private or public property in the surrounding area;</li> <li>• minimise the dust and fume emissions of the blasting; and</li> </ul> </li> <li>(b) minimise the duration and frequency of any road closures for blasting;</li> <li>(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.</li> </ul>	<p>Annual reviews 2020 and 2021.</p> <p>Blast Management Plan</p> <p>Blast Records</p>	<p>A number of controls were applied to reduce the potential for impacts, including:</p> <ul style="list-style-type: none"> <li>- buffer management through acquisition of a number of adjacent properties through private negotiation</li> <li>- blasts designed with consideration of the predicted vibration of the shot, geology, ground conditions, explosives selection, initiation sequence/timing, powder factor, history/experience, and the sleeping time of the shot</li> <li>- maintenance of the predicted blast vibration objective for Werris Creek of 0.8 mm/s</li> <li>- explosive product selection and loading, to reduce the risk of auto-ignition and/or blast fume generation</li> <li>- stemming height and quality monitored by, the shot-firer to minimise the risk of elevated air overpressure from rifling</li> <li>- initiation sequence strategies are used to minimise vibration and air overpressure impacts</li> <li>- sleeping shots minimised to avoid potential deterioration of product</li> <li>- WCC aims to fire all blasts in the middle of the day generally between 12:00pm and 2:00pm, when atmospheric mixing is generally highest</li> <li>- blast notification prior to every blast</li> <li>- pre-blast weather assessment conducted</li> <li>- road closures of the Werris Creek Road when proximity of blasts occurred within 200 meters</li> <li>- blast fume rating recorded</li> <li>- structural inspections - In response to claims of property damage due to blasting operations</li> </ul>	C	N/A
12.	<p>The Proponent shall not carry out blasting on site that is within 500 metres of:</p> <ul style="list-style-type: none"> <li>(a) Werris Creek Road without the approval of RMS;</li> <li>(b) the Main Northern Railway without the approval of ARTC; and</li> <li>(c) any land outside the site that is not owned by the Proponent unless: <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 Secretary 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 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> </li> </ul>	<p>Annual reviews 2020 and 2021.</p> <p>Blast Management Plan.</p> <p>RMS and ARTC Deeds (approvals) for blasting within 500m of WC Rd.</p>	<p>1 Blast was conducted within 500m of Werris Creek Rd during audit period – 25-03-2023</p> <p>When blasts are planned within 500m of Werris Creek Road and the Main Northern Rail Line, road and rail closures are undertaken as summarised below:</p> <p>Blasts Within 500m:</p> <ul style="list-style-type: none"> <li>- Werris Creek Road will be closed, however, the Main Northern Rail Line will remain open.</li> <li>- Signage on Werris Creek Road day of the blast</li> <li>- Notification of road closure will be provided 7 days ahead of a required road closure to Liverpool Plains Shire Council (LPSC) and local emergency services.</li> <li>- Sentries will be placed on Werris Creek Road. The sentries will close the road when advised by the Shot-firer. Once the blast is completed the sentries will inspect the road for debris, remove (in the unlikely event of occurrence) and re-open the road within 15 minutes of closure.</li> </ul>	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<ul style="list-style-type: none"><li>- If weather conditions change following road closure, such that they are no longer favourable for blasting, the road will be reopened as soon as practicable to allow stopped traffic to pass.</li></ul> Blasts Within 200m: <ul style="list-style-type: none"><li>- Werris Creek Road and the Main Northern Rail Line will be closed.</li><li>- Closure procedures for Werris Creek Road will be as above.</li><li>- A short-notice possession of the rail line will be organised with the Australian Rail Track Corporation (ARTC) who will reschedule rail pathways around the blast.</li><li>- ARTC recognised Protection Officers will escort WCC personnel to inspect the rail line.</li></ul> WHC stated have not blasted within 200m of the road. Photos of correspondence with ARTC, and RMS did not respond to request then approved by DPIE.		
<b>Blast Management Plan</b>					
13.	The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with EPA, RMS and ARTC; (b) be submitted to the Secretary for approval by the end of April 2012; (c) describe the mitigation measures that would be implemented to ensure compliance with the relevant conditions of this approval; (d) describe the measures that would be implemented to ensure that the public can get up-to-date information on the proposed blasting schedule on site; and (e) include a blast monitoring program for evaluating the performance of the project, including: <ul style="list-style-type: none"><li>• compliance with the applicable criteria; and</li><li>• minimising the fume emissions from the site.</li></ul>	Blast Management Plan.	<p>The Blast Management Plan (BMP) has been prepared in consultation with the relevant Government Departments, as required under Condition 13 (a), Schedule 2 of PA 10_0059.</p> <p>The BMP was submitted to the Secretary on 27<sup>th</sup> April 2012.</p> <p>Blasts design mitigations may include:</p> <ul style="list-style-type: none"><li>- Reducing bench heights or ensuring adequate relief in deep holes.</li><li>- Selecting explosives products appropriate to the blast design and ground conditions.</li><li>- Following manufacturer's recommendations for priming, timing and sleep time of bulk explosives.</li><li>- Increasing the level of control and QA/QC checks on deeper shots.</li><li>- Providing appropriate separation of blast holes and explosive decks.</li><li>- Reducing the powder factor or modifying the timing, depth or size of a blast.</li><li>- Reviewing forecasted weather conditions and proposed deign pattern proximity to Werris Creek Road prior to design.</li></ul> <p>Prior to every blast, the Blast Notification Webpage on the Whitehaven Coal website will be updated to include the blast date and time.</p> <p>Monitoring is undertaken in accordance with Condition 3(13) (e) of the Modified PA and Condition L5.8 of EPL 12290.</p>	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations												
AIR QUALITY & GREENHOUSE GAS																	
Odour																	
14.	The Proponent shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	Annual reviews 2020 and 2021.  Complaints register 2020 to 2023.  Air Quality and Greenhouse Gas Management Plan.  Interviews with environmental personnel	No offensive odour complaints or issues noted within audit period.	C	N/A												
Greenhouse Gas Emissions																	
15.	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.	Air Quality and Greenhouse Gas Management Plan	GHG measures that have been implemented to minimise the release of greenhouse gas emissions by WCCM as part of the Project: <ul style="list-style-type: none"><li>Relocation of the Mine Infrastructure Area (MIA) to the north to reduce the haul lengths of trucks transporting ROM Coal to the Crushing Plant. This initiative will particularly reduce haul lengths later in the life of the mine</li><li>Relocated Coal Crushing Plant electrical switch room will be upgraded and will include a power correction factor to improve energy efficiency of the crushing plant outside of peak crushing</li><li>Larger mining equipment (1 x Hitachi EX5600 replace 1 x Hitachi EX1900 and 10 x CAT XQ793 replacing 11 x CAT 785) replacing older and smaller equipment will improve productivity (bcm) for the same diesel consumption</li><li>Energy efficient external lighting around the MIA connected to main electricity supply replacing mobile lighting plants consuming diesel</li><li>New workshop with brand new compressed air system (no leaks) and new air compressor</li><li>Completion of western dump extension will shorten overburden haul lengths and flatten the haul profile</li></ul> Emission inventory reporting for GHG.	C	N/A												
16.	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 exceed the criteria listed in Tables 6, 7 and 8 at any residence on privately-owned land or on more than 25 percent of any privately-owned land.  <i>Table 6: Long-term criteria for particulate matter</i> <table><tr><th>Pollutant</th><th>Averaging Period</th><th>Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>a 90 µg/m³</td></tr><tr><td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>Annual</td><td>a 30 µg/m³</td></tr></table> <i>Table 7: Short-term criterion for particulate matter</i> <table><tr><th>Pollutant</th><th>Averaging Period</th><th>Criterion</th></tr></table>	Pollutant	Averaging Period	Criterion	Total suspended particulate (TSP) matter	Annual	a 90 µg/m³	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	a 30 µg/m³	Pollutant	Averaging Period	Criterion	Annual reviews 2020 and 2021.  EPL Monitoring reports 2020 to 2023.	WHC reported an exceedance of PM <sub>10</sub> on 20 August 2020 to the DPE. The exceedance was attributed to a regional dust storm not the mine. No further action was taken.  As per Notes to Table 6, d) dust storms are considered extraordinary events and therefore is to be excluded.  No other exceedances of particulate matter, PM <sub>10</sub> or dust as per this condition were reported during the audit period.	C	N/A
Pollutant	Averaging Period	Criterion															
Total suspended particulate (TSP) matter	Annual	a 90 µg/m³															
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	a 30 µg/m³															
Pollutant	Averaging Period	Criterion															

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations																										
	<div>Particulate matter &lt; 10 µm (PM<sub>10</sub>)24 hour<sup>a</sup> 50 µg/m³</div> <div>Table 8: Long-term criteria for deposited dust</div> <table><tr><th>Pollutant</th><th>Averaging Period</th><th>Maximum increase in deposited dust level</th><th>Maximum total deposited dust level</th></tr><tr><td>c Deposited dust</td><td>Annual</td><td>b 2 g/m²/month</td><td>a 4 g/m²/month</td></tr></table> <div>Notes to Tables 6-8:<ul style="list-style-type: none"><li>• a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);</li><li>• b Incremental impact (i.e. incremental increase in concentrations due to the project on its own);</li><li>• c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method.</li><li>• d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Secretary in consultation with EPA.</li></ul></div>	Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level	c Deposited dust	Annual	b 2 g/m²/month	a 4 g/m²/month																						
Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level																												
c Deposited dust	Annual	b 2 g/m²/month	a 4 g/m²/month																												
Air Quality Acquisition Criteria																															
17.	<div>If particulate matter emissions generated by the project exceed the criteria in Tables 9, 10, and 11 at any residence on privately-owned land, or on more than 25 percent of any privately owned land, then upon 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.</div> <div>Table 9: Long term land acquisition criteria for particulate matter</div> <table><tr><th>Pollutant</th><th>Averaging period</th><th>d Criterion</th></tr><tr><td>Total suspended particulate (TSP) matter</td><td>Annual</td><td>a 90 µg/m³</td></tr><tr><td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>Annual</td><td>a 30 µg/m³</td></tr></table> <div>Table 10: Short term land acquisition criteria for particulate matter</div> <table><tr><th>Pollutant</th><th>Averaging period</th><th>da Criterion</th></tr><tr><td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>24 hour</td><td>a 150 µg/m³</td></tr><tr><td>Particulate matter &lt; 10 µm (PM<sub>10</sub>)</td><td>24 hour</td><td>b 50 µg/m³</td></tr></table> <div>Table 11: Long term acquisition criteria for deposited dust</div> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase<sub>2</sub> in deposited dust level</th><th>Maximum total<sub>1</sub> deposited dust level</th></tr><tr><td>c Deposited dust</td><td>Annual</td><td>b 2 g/m<sub>2</sub>/month</td><td>a 4 g/m<sub>2</sub>/month</td></tr></table> <div>Notes to Tables 9-11:<ul style="list-style-type: none"><li>• a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);</li><li>• b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);</li><li>• c Deposited dust is to be assessed as insoluble solids as defined by Standards Australia, AS/NZS 3580.10.1:2003: Methods for Sampling and Analysis of Ambient Air - Determination of Particulate Matter - Deposited Matter - Gravimetric Method; and</li><li>• d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Secretary.</li></ul></div>	Pollutant	Averaging period	d Criterion	Total suspended particulate (TSP) matter	Annual	a 90 µg/m³	Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	a 30 µg/m³	Pollutant	Averaging period	da Criterion	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	a 150 µg/m³	Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	b 50 µg/m³	Pollutant	Averaging period	Maximum increase <sub>2</sub> in deposited dust level	Maximum total <sub>1</sub> deposited dust level	c Deposited dust	Annual	b 2 g/m <sub>2</sub> /month	a 4 g/m <sub>2</sub> /month	<div>Annual reviews 2020 and 2021.</div> <div>EPL Monitoring reports 2020 to 2023.</div>	Not applicable during audit period.	NT	N/A
Pollutant	Averaging period	d Criterion																													
Total suspended particulate (TSP) matter	Annual	a 90 µg/m³																													
Particulate matter < 10 µm (PM <sub>10</sub> )	Annual	a 30 µg/m³																													
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Particulate matter < 10 µm (PM <sub>10</sub> )	24 hour	a 150 µg/m³																													
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Pollutant	Averaging period	Maximum increase <sub>2</sub> in deposited dust level	Maximum total <sub>1</sub> deposited dust level																												
c Deposited dust	Annual	b 2 g/m <sub>2</sub> /month	a 4 g/m <sub>2</sub> /month																												

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Operating Conditions</b>					
18.	<p>The Proponent shall:</p> <ul style="list-style-type: none"> <li>(a) implement best practice air quality management on site to minimise the off-site odour, fume and particulate matter emissions of the project, including the dust emissions associated with the transport coal produced on site by road or rail;</li> <li>(b) minimise any visible air pollution generated by the project;</li> <li>(c) minimise any surface disturbance on site; and</li> <li>(d) regularly assess the real-time air quality monitoring and meteorological forecasting data and relocate, modify and/or stop operations on site to ensure compliance with the relevant conditions of this approval, to the satisfaction of the Secretary.</li> </ul>	<p>Annual reviews 2020 and 2021.</p> <p>Air Quality and Greenhouse Gas Management Plan (AQGHGMP).</p>	<p>During the reported audit period, various controls were implemented to manage dust including:</p> <ul style="list-style-type: none"> <li>• Use of water carts across the site with an additional contractor water cart also utilised during rehabilitation activities</li> <li>• Overburden, coal and soil loading activities are not undertaken during periods of adverse weather (high winds or dry conditions), with SMS triggers employed to provide a near-real time operational response</li> <li>• Blasting activities restricted to suitable weather conditions and include notification to key stakeholders and residents</li> <li>• All personnel are instructed that all vehicles must utilise existing tracks on-site and must be driven to the conditions to minimize trafficable dust generation</li> <li>• The extent of disturbed areas (pre-strip clearing and rehabilitation) are minimized to that required for mining operations, with these areas stabilized and revegetated as soon as practicable once no longer required for ongoing operations</li> <li>• Water sprays are used on the coal feed hopper, crusher and at all conveyor transfer and discharge points</li> <li>• A designated pump and sprinkler installed during the reporting period to minimize dust entrainment off the SAIL stockpile in adverse weather conditions</li> <li>• Water Sprinklers added to the TLO to aid in dust suppression</li> <li>• Modification of operations, including shutting down plant items, to reduce offsite impacts</li> <li>• Installed bird deterrents were maintained on depositional dust gauges to reduce contamination</li> </ul> <p>In management plan based on wind speed, manage operations examples of real time triggers from weather station data including txt messages provided.</p>	C	N/A
<b>Air Quality and Greenhouse Gas Management Plan</b>					
19.	<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> <ul style="list-style-type: none"> <li>(a) be prepared in consultation with EPA, and submitted to the Secretary by the end of April 2012;</li> <li>(b) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including a real-time air quality management system that employs both reactive and proactive mitigation measures;</li> <li>(c) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site; and</li> <li>(d) include an air quality monitoring program, that: <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>• evaluates and reports on the effectiveness of the real-time air quality management system; and</li> <li>• includes a protocol for determining any exceedances of the relevant conditions of this approval.</li> </ul> </li> </ul>	<p>Air Quality and Greenhouse Gas Management Plan (AQGHGMP).</p>	<p>WCC submitted a draft for approval on 26<sup>th</sup> March 2012.</p> <p>An update AQGHGMP dated 31<sup>st</sup> March 2014 was subsequently prepared and submitted with the DPIE approving the plan on 29<sup>th</sup> April 2014.</p> <p>The AQGHGMP summarises the results of the predictive air quality assessment and outlines the control measures to be implemented as a part of the continued operations at the mine to minimise the potential for air quality and greenhouse gas impacts on the local community and the environment. The AQGHGMP also contains an updated Air Quality Monitoring Program, developed to quantify the air quality impacts of the operation and to assess compliance against the revised air quality criteria.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
METEOROLOGICAL MONITORING					
20.	For the life of the project, the Proponent shall ensure that there is a suitable meteorological station operating in the vicinity of the site that: (a) complies with the requirements in the <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> guideline; and (b) is capable of continuous real-time measurement of temperature lapse rate, in accordance with the <i>NSW Industrial Noise Policy</i> , or as otherwise approved by EPA.	Noise Management Plan. Blast Management Plan. Air Quality and Greenhouse Gas Management Plan (AQGHGMP)	WCC maintains an on-site weather station identified as “M2” (EPL 12290 EPA ID #9) located on the top level of the overburden emplacement (at final rehabilitated landform surface RL445.5m) as well as “M3” (EPL 12290 EPA ID #31) lower level temperature sensor (base of overburden emplacement area at RL373.5m).  Met station has been observed during site visits, position observed to meet requirements of Approved methods.	C	N/A
SOIL AND WATER					
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.					
Water Supply					
21.	The Proponent shall ensure that it has sufficient water for all stages of the project, and if necessary, adjust the scale of mining operations to match its available water supply, to the satisfaction of the Secretary.	Water Management Plan.	6.3.9 Site Water Usage The Environmental Officer will monitor void water usage based on flow meters, void water dam storage levels and water cart load counts. In addition, WCC will engage a hydrogeologist (or similar expertise) to analyse void dewatering records and rainfall levels to update the water model for WCC on an annual basis, and determine the twelve-month total incidental groundwater make for the open cut pit. This will include an assessment of the availability of surplus water for offsite agricultural use over the upcoming year, with particular reference to the security of water supply over the LOM.  7.2 Water Usage Monitoring WCC maintains a network of inline flow meters, void water dam storage level boards and water cart fill points to record the void water transfer within the water management system onsite. Each month the Environmental Officer records the flow meters and storage levels of void water dams to determine water usage onsite. These locations are subject to change in response to mining operations and are provided as a guide only. The pit dewatering pipelines are key water inputs and dust suppression are the key output from the water management system.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Surface Water Discharges</b>					
22.	The Proponent shall ensure that all surface water discharges from the site comply with the discharge limits (both volume and quality) set for the project in any EPL.	Water Management Plan.  Annual Reviews 2020 and 2021  Annual Returns 2020 - 2023	<p>6.4.2 Dirty Water Discharge</p> <p>EPL 12290 permits WCC to undertake discharges from the licensed discharge points (LDPs) of SB2 (EPL10), SB9 (EPL12), SB10 (EPL14) and SB18 (EPL32). WCC categorises two types of discharges, a discharge due to rainfall runoff and overflowing via the spillway is called a wet weather discharge, while a controlled discharge occurs when the dam water is pumped out.</p> <p>WCC can exceed the Total Suspended Solid limit if over 39.2mm of rainfall is received over a 5-day period, resulting in a wet weather discharge. WCC treats dirty water when required by using polymer based flocculants to lower Total Suspended Solids, reducing turbidity and dosing dams with pool acid to maintain pH within discharge limits. A controlled discharge of settled and (if necessary) treated dirty water would be undertaken in accordance with the EPL 12290 when storage levels within respective LDPs (SB2, SB9 and SB10) are greater than 50%. This would provide the capacity to contain more rainfall events and reduce wet weather discharges.</p> <p>All laboratory results undertaken prior to a controlled discharge are reviewed against exceedance criteria for compliance.</p> <p>Discharge samples taken at EPL12 (SB11), EPL 12 (SB16) and EPL10 (SB3) on 28th September and 30th September 2022 returned TSS readings above 50mg/L at 117, 112 and 63 mg/L respectively. These readings were inconsistent with compliant &lt;50mg/L preliminary samples from the dam obtained pre-discharge (20, 41 and 9mg/L). This occurred 3 times.</p> <p>An investigation found the discharge samples were affected by a sampling issue – leading to unrepresentative readings. In correspondence with the EPA these samples were deemed as a technical limit exceedance.</p> <p>However, based on a compliant preliminary sample and prompt actions undertaken by WCCM the EPA did not request any further action.</p> <p>Following this, WCCM has reviewed and updated the sampling procedure to avoid a similar issue in the future.</p>	C	N/A
<b>Void Water Irrigation</b>					
22A.	The Proponent shall not provide any water for the purpose of irrigation or stock watering, unless the activity has been approved by the Secretary as part of the Water Management Plan.	Water Management Plan.	<p>4.2 Agricultural Use of Void Water Offsite</p> <p>On the basis of the water balance model predictions, the volume of void water generated is predicted to exceed the capacity of the void water dams under median and high rainfall scenarios.</p> <p>In order to alleviate the storage capacity shortfall, the Modified PA permits WCC to make this water available to the owners or users (under lease) of land adjoining or surrounding WCCM for irrigation and/or other agricultural use (i.e. stock watering).</p> <p>In order to demonstrate that the void water could be utilised for agricultural purposes without adversely</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>impacting on the local environment, SEEC (2015) undertook an assessment to investigate the use of excess void water from WCCM, via irrigation on agricultural land surrounding WCC. SEEC utilised the EPA endorsed Effluent Reuse Irrigation Model (ERIM) to demonstrate the feasibility of irrigating the void water to surrounding agricultural lands.</p> <p>ERIM uses water and nutrient balances to calculate the amount of water and nutrients that should be applied, and at what times, to meet crop requirements whilst ensuring runoff and percolation are minimised.</p>		
<b>Water Management Plan</b>					
23.	<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 DPI Water and EPA by suitably qualified and experienced persons whose appointment has been approved by the Secretary, and submitted to the Secretary by the end of April 2012.</p> <p>In addition to the standard requirements for management plans (see condition 2 of schedule 5), this plan must include:</p> <p>(a) Site Water Balance that:</p> <ul style="list-style-type: none"> <li>includes details of: <ul style="list-style-type: none"> <li>sources of water supply;</li> <li>water use on site;</li> <li>water management on site;</li> <li>reporting procedures, which provide for the update of the site water balance in each annual review; and</li> </ul> </li> <li>describes what measures would be implemented to minimise potable water use on site;</li> </ul> <p>(b) a Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> <li>detailed baseline data of the surface water flows and quality in the waterbodies that could be affected by the project;</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; and</li> <li>water storages;</li> </ul> </li> <li>a plan for identifying, extracting, handling, and the long-term storage of potentially acid forming material on site;</li> <li>detailed plans, including design objectives and performance criteria, for: <ul style="list-style-type: none"> <li>design and management of the final void;</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;</li> </ul> </li> <li>a program to monitor the effectiveness of the water management system;</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;</li> </ul> <p>(c) a Groundwater Management Plan, which includes:</p> <ul style="list-style-type: none"> <li>detailed baseline data of groundwater levels and quality surrounding the site;</li> <li>groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;</li> <li>a program to monitor: <ul style="list-style-type: none"> <li>groundwater inflows to the open cut mining operations;</li> <li>the impacts of the project on any groundwater bores on privately-owned land;</li> <li>the seepage/leachate from water storages or backfilled voids on site; and</li> </ul> </li> <li>a program to validate the groundwater model for the project, and calibrate it to site specific conditions; and</li> <li>a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse groundwater impacts of the project; and</li> </ul> <p>(d) an Irrigation Management Plan, which includes:</p> <ul style="list-style-type: none"> <li>a detailed methodology for the transfer (including for pipeline and/or road transportation) and application of void water for each irrigation site;</li> <li>detailed consideration of the irrigation activities guided by the Environmental Guideline “Use of Effluent by Irrigation, DEC 2014”, including site specific soil analysis and consideration of the short and long term impacts of salinity and sodicity on soils;</li> </ul>	<p>Water Management Plan (WMP)</p> <p>Annual reviews 2020 and 2021</p>	<p>The first draft of the WMP was sent for approval on 26<sup>th</sup> March 2012 and has been prepared in consultation with the DP&amp;E, DPI-W, and EPA.</p> <p>An updated WMP (current plan) dated 10<sup>th</sup> March 2017 was submitted and approved on 20<sup>th</sup> July 2017. The DP&amp;E and DPI-Water were noted to have consulted on the plan while the EPA declined to comment.</p> <p>The plan includes the requirements of the condition stated in (a) to (d).</p>	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <li>parameters for the sustainable application of void water to maximise water uptake and minimise deep percolation to groundwater and/or run-off from the application site;</li> <li>identification of the appropriate approvals held under the <i>Water Management Act 2000</i>;</li> <li>a program to monitor void water quality and soil characteristics; and</li> <li>a description of the procedures to be implemented to measure and report on the quantity of water supplied to each individual user and the quantity of void water used against the parameters identified.</li> </ul>				

#### Void Water Dam 1

23a.	Within 2 months of the completion of construction works for the expanded Void Water Dam 1, the Proponent shall submit a “works as-executed” report to the Secretary and EPA, certified by a practising engineer, confirming that the expanded dam has been constructed to its design specifications.	Water Management Plan (WMP).	<p>WMP: 6.3.6 Void Water Dam Storage Management.</p> <p>Void Water Dams 1, 3 &amp; 4 have been prescribed by the NSW Dam Safety Committee (DSC) with Significant Sunny Day and Flood Consequence categories requiring the design, construction and operation to be in accordance with DSC and ANCOLD guidelines. An independent dam engineer will be engaged on an annual basis to undertake a review of dam structure and operation of these void water dams. Any actions identified by the dam engineer will be implemented by WCC and reported in the Annual Review. Void Water Dams 1 and 2 are licenced monitoring points 16 and 27 respectively under EPL 12290.</p> <p>Completion of void water dam 1 and works as executed report completed prior to this audit period.</p>	C	N/A
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### BIODIVERSITY

#### Biodiversity Offset Strategy

24.	<p>The Proponent shall implement the biodiversity offset strategy for the project described in the EA, summarised in Table 12, and shown conceptually on the figure in Appendix 4 to the satisfaction of the Secretary.</p> <p><i>Table 12: Summary of the Biodiversity Offset Strategy</i></p> <table><tr><th><b>Offset Areas</b></th><th><b>Minimum Size (hectares)</b></th></tr><tr><td>Eurunderee</td><td>363.93</td></tr><tr><td>Hillview</td><td>57.32</td></tr><tr><td>Marengo</td><td>284.12</td></tr><tr><td>Railway View</td><td>243.69</td></tr><tr><td>Mine Site</td><td>215.86</td></tr><tr><td>Greenslopes/Banool</td><td>123</td></tr><tr><td><b>TOTAL</b></td><td><b>1,287.92</b></td></tr></table> <p><i>Notes:</i></p> <ul style="list-style-type: none"><li>• To identify the areas referred to in Table 12, see the applicable figure in Appendix 4;</li><li>• The strategy includes the enhancement of existing fauna habitat within these areas, and where necessary the targeted establishment of naturally scarce fauna habitat; and</li><li>• Greenslopes/Banool must have at least 74 hectares of Box Gum Woodland EEC.</li></ul>	<b>Offset Areas</b>	<b>Minimum Size (hectares)</b>	Eurunderee	363.93	Hillview	57.32	Marengo	284.12	Railway View	243.69	Mine Site	215.86	Greenslopes/Banool	123	<b>TOTAL</b>	<b>1,287.92</b>	<p>Biodiversity and Offset Management Plan 2013</p> <p>Biodiversity and Offset Management Plan 2016 (Submitted to but unapproved by DPE, OEH, DoEE)</p> <p>EPBC Compliance Reports 2017 to 2019</p> <p>Annual Review 2020 and 2021</p>	<p>Whitehaven Coal sent a letter to DP&amp;I on 22/6/2012 seeking approval for BOMP. The BOMP was approved by the DP&amp;I on 30/8/2013.</p> <p>The BOMP was also prepared to address Biodiversity Offset Strategy requirements of this condition.</p> <p>Section 8.8 of the BOMP outlines the management strategy of these areas.</p> <p>Section 6.4 of the Werris Creek Coal Mine Annual Reviews discusses the management of the offset areas. During the reporting period, WHC and DP&amp;E signed the NSW Conveyancing Act 1919 Section 88E Instruments to secure the WCCM BOAs. These instruments were then registered with NSW Land Registry Services on 20th July 2018 and 2nd August 2018, which completed securement of WCC BOAs and finalises compliance with PA 10_0059 Schedule 3 Condition 27 and EPBC Act Approval 2010/5571 Condition 1.</p>	C	N/A
<b>Offset Areas</b>	<b>Minimum Size (hectares)</b>																				
Eurunderee	363.93																				
Hillview	57.32																				
Marengo	284.12																				
Railway View	243.69																				
Mine Site	215.86																				
Greenslopes/Banool	123																				
<b>TOTAL</b>	<b>1,287.92</b>																				
25.	<p>By the end of June 2012, unless the Secretary agrees otherwise, the Proponent shall update the biodiversity offset strategy for the project, in consultation with OEH, and to the satisfaction of the Secretary. The updated strategy must include the specific details of the Additional Offset Area (see Table 12).</p>	<p>Biodiversity and Offset Management Plan 2013</p> <p>Biodiversity and Offset Management Plan 2016</p> <p>EPBC Compliance Reports 2017 to 2019</p>	<p>Outside the period of this audit, previous audit detail compliance as below.</p> <p>The biodiversity offset strategy is discussed in the Biodiversity Offset Management Plan (BOMP). The version history on this document indicates that a Draft of the BOMP was submitted for review by the DoP &amp; OEH by 28 June 2012. The updated strategy must include the specific details of the Additional Offset Area</p> <p>This requirement fell outside of this Audit scope timeframe. The previous IEA indicated compliance with this CoC.</p>	NT	N/A																



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
26.	The Proponent shall ensure that the biodiversity offset strategy and/or rehabilitation strategy is focused on the re-establishment and/or enhancement of: (a) the following endangered ecological communities: • White Box-Yellow Box-Blakely's Red Gum Woodland EEC; and • White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland CEEC; and (b) habitat for threatened fauna species, including the: • Regent Honeyeater, Swift Parrot, Brown Treecreeper, Hooded Robin, Little Lorikeet, and Barking Owl; and • Eastern Bent-wing Bat, Eastern False pipistrelle, Yellow-bellied Bent-wing Bat and Greater Broad-nosed Bat.	Biodiversity and Offset Management Plan 2013	Biodiversity Offset Management Plan (BOMP) scope aligns with the requirements of this Condition of Consent.	C	N/A
<b>Long Term Security of Offsets</b>					
27.	The Proponent shall make suitable arrangements to provide appropriate long-term security for the offset areas (excluding the rehabilitation areas) by December 2012, or other date agreed by the Secretary, to the satisfaction of the Secretary.	Email from Whitehaven Coal confirming registrations complete for securing of Werris Creek biodiversity offset lands in accordance with EPBC 2010/5571  Letter from Land Register Services to Whitehaven Coal dated 02/08/18	Outside period of this audit, previous audit detailed compliance as below.  Whitehaven Coal and the then DPE concluded negotiation and agreed on the wording of positive and negative covenants to be registered on individual land titles that make up the WCCM BOA. The s88E covenant instruments were signed by WHC and DPE and submitted to NSW Land and Property information for registration during 2018.	NT	N/A
<b>Biodiversity Offset Management Plan</b>					
28.	The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Secretary. This plan must: (a) be prepared in consultation with OEH, and submitted to the Secretary for approval by the end of December 2012; (b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site; (c) describe the short, medium, and long term measures that would be implemented to: • manage the remnant vegetation and habitat on the site and in the offset area/s (if and when applicable); and • implement the biodiversity offset strategy (if and when applicable), including detailed performance and completion criteria; (d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary); (e) include a detailed description of the measures that would be implemented over the next 3 years, including the procedures to be implemented for: • enhancing the quality of existing vegetation and fauna habitat; • restoring native vegetation and fauna habitat on the biodiversity areas and rehabilitation area through focusing on assisted natural regeneration, targeted vegetation establishment and the introduction of naturally scarce fauna habitat features (where necessary); • landscaping the land on site that faces public roads to minimise the visual and lighting impacts of the project; • maximising the salvage of resources within the approved disturbance area - including vegetative, soil and cultural heritage resources – for beneficial reuse in the enhancement of the biodiversity areas or rehabilitation area; • collecting and propagating seed; • minimising the impacts on fauna on site, including undertaking pre-clearance surveys; • managing any potential conflicts between the proposed restoration works in the biodiversity areas and any Aboriginal heritage values (both cultural and archaeological); • managing salinity; • controlling weeds and feral pests; • controlling erosion; • managing grazing and agriculture on site; • controlling access; and • bushfire management; (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; (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 (h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.	Biodiversity and Offset Management Plan 2013 WCC-EPBC Compliance Report 2021 WCC-EPBC Compliance Report 2022 WCC-EPBC Compliance Report 2023 Annual Review 2020 and 2021	The current approved Biodiversity Offset Management Plan (BOMP) is dated August 2013. The most recent Biodiversity Offset Management Plan (submitted to WHC Submission to DPE, OEH and DoEE in September 2016) has not been approved by the regulators to date. Compliance with each part of this condition of consent is described below:  a) Original submission December 2012. Outside period of this audit.  b) Described in Section 8.3 of the BOMP (2013) and Section 4.6 of the BOMP (2016). The MOP incorporates the requirements of a Rehabilitation Management Plan (RMP). The MOP outlines the objectives, domains, completion criteria, methodology, targets, contingency management and conceptual decommissioning relating to rehabilitation management. The rehabilitation objectives in the MOP are consistent with the BOMP and focus on the restoration of native woodland vegetation, specifically the endangered ecological community Grassy White Box Woodland.  c) Described in Section 8.0, 8.5 and 7.1 of the BOMP (2013). Described in Section 6 of the BOMP (2016).  d) Inspections undertaken quarterly. Section 7.1 of the BOMP (2013) and Sections 6.14, 6.15 and 6.16 of the BOMP (2016).  e) Described in Section 8.0 of the BOMP (2013), Section 4 of the BOMP (2016) and Section 6.4 of the Annual Review.  f) Described in Section 9.0 of the BOMP (2013) and Sections 6.14, 6.15 and 6.16 of the BOMP (2016). Section 6.4 of the Annual Review also discusses monitoring and EPBC Compliance Reports are published annually.  g) Discussed in Section 6.0 of the BOMP (2013) and Section 6.16 on the BOMP (2016).  h) Section 2 of the Plan. include details of who would be responsible for monitoring, reviewing, and implementing the plan.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			Annual Reviews detail the progressive implementation of the BOMP.		
<b>Conservation Bond</b>					
29.	<p>Within 6 months of the approval of the biodiversity offset strategy, the Proponent shall lodge a conservation 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.</p> <p>The sum of the bond shall be determined by:</p> <ul style="list-style-type: none"> <li>(a) calculating the full cost of implementing the offset strategy (other than land acquisition costs); and</li> <li>(b) employing a suitably qualified quantity surveyor to verify the calculated costs,</li> </ul> <p>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 DRE.</p>	Not Verified by ERM in this Audit Period	The bond was lodged outside of the current Audit period. A letter from DPI was sighted in the previous 2017 IEA which confirmed that the Bond had been lodged in January 2014 and agreed on 4/2/14.	NT	N/A
<b>HERITAGE</b>					
<b>Historic Heritage</b>					
30.	<p>By the end of April 2012, the Proponent shall:</p> <ul style="list-style-type: none"> <li>(a) undertake primary historical investigations and provide a report prepared by an experienced heritage consultant approved by the Secretary on the archaeological potential of the former Werris Creek Colliery site, remaining buildings and surrounds;</li> <li>(b) provide recommendations for the management, salvage or recording of any archaeological features on the site and a timetable for the implementation of these recommendations;</li> <li>(c) include in this report detailed archival recording, including photographic recording and location plans of any structures relating to the former Werris Creek Colliery; and</li> <li>(d) provide a copy of this report to the Department, Heritage Council of NSW and Council,</li> </ul> <p>to the satisfaction of the Secretary.</p>	Not Verified by ERM in this Audit Period	<p>This condition of consent was triggered outside of the current audit period.</p> <p>A Report was prepared by Advitech Environmental Archaeological Investigation and Heritage. The report covered the key requirements of this condition including consultation.</p> <p>Recommendations for the management, salvage or recording of any archaeological features on the site and a timetable for the implementation of these recommendations are addressed in Heritage Management Plan.</p>	NT	N/A
<b>Human Remains</b>					
31.	This approval does not allow the Proponent to disturb any human remains found on the site.	Not Triggered	This requirement is considered in the heritage management plan but has not been triggered during this Audit period.	NT	N/A
<b>Heritage Management Plan</b>					
32.	<p>The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</li> <li>(b) be prepared in consultation with OEH and the Aboriginal stakeholders (in relation to the management of Aboriginal heritage values);</li> <li>(c) be submitted to the Secretary for approval by the end of June 2012, unless the Secretary agrees otherwise;</li> <li>(d) include the following for the management of Aboriginal Heritage: <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, relocating, monitoring and/or managing the axe-grinding grooves known as the “Narrawolga site”;</li> <li>○ managing the discovery of any human remains or previously unidentified Aboriginal objects on site;</li> <li>○ maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on site and within any Aboriginal heritage conservation areas;</li> <li>○ ongoing consultation with the Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage both on site and within any Aboriginal heritage conservation areas; and</li> <li>○ ensuring any workers on site receive suitable heritage inductions and that suitable records are kept of these inductions;</li> </ul> </li> <li>• a strategy for the storage of any heritage items salvaged on site, both during the project and in the long-term;</li> </ul> </li> <li>(e) include the following for the management of historic heritage: <ul style="list-style-type: none"> <li>• a detailed plan for the implementation of any measures resulting from the further investigations into the former Werris Creek Colliery site and buildings;</li> </ul> </li> </ul>	Heritage Management Plan 2014	<p>The original Heritage Management Plan was sent to the DPE in October 2012 for approval. The Heritage Management Plan disclosed on the WHC website is dated July 2014.</p> <ul style="list-style-type: none"> <li>a) Appendix A - endorsement of Advitech on December 2011 to prepare the Heritage MP.</li> <li>b) Appendix A - Consultation records from 2012.</li> <li>c) Original Heritage Management Plan sent to the DPE in October 2012.</li> <li>d) Management measures described in Section 8 and 10.</li> <li>e) Section 8 and Section 10.</li> </ul> <p>The only significant amendment to the heritage management plan between the version issued in 2012 and the current plan relate to the relocation of the Narrawolga Axe Grinding Groove Rocks to the Willow Tree Visitor Information Centre on 15th April 2015.</p> <p>The project involved detailed consultation with the Liverpool Plains Shire Council and Nungaroo Local</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<ul style="list-style-type: none"> <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 any workers on site receive suitable heritage inductions and that suitable records are kept of these inductions.</li> </ul> </li> </ul> <p><i>Note: It is accepted that the detailed plan for the implementation of any measures resulting from further investigations into the former Werris Creek Colliery site will not be submitted with the initial Heritage Management Plan. They should be progressively added to the plan once they are completed.</i></p>		Aboriginal Lands Council, with assistance provided by ageotechnical engineer and archaeologists to minimise the risk of damage to the Groove Rocks and meet regulatory and documentation requirements		
<b>TRANSPORT</b>					
<b>Roadworks</b>					
33.	<p>Prior to the use of the Northern Site Access Road, the Proponent shall:</p> <ul style="list-style-type: none"> <li>(a) construct the intersection of the Northern Site Access Road (see the figure in Appendix 2) to the satisfaction of Council;</li> <li>(b) tar seal Escott Road from Werris Creek Road to the coal haul road to the satisfaction of Council;</li> <li>(c) upgrade the intersection of Escott Road and Werris Creek Road to a CHR type intersection to the satisfaction of RMS and Council;</li> <li>(d) install appropriate rail crossings at the rail loop on Escott Road; and</li> <li>(e) install appropriate advance warning signs and lighting on Escott Road and at the intersection of the Northern Site Access Road to the satisfaction of Council.</li> </ul>	Not Triggered.	Not Triggered. WHC stated the works never undertaken.	NT	N/A
34.	Within 3 months of the commencement of coal transport from the Northern Site Access Road, the Proponent shall close the existing mine entrance on Werris Creek Road (see Figure 1 of Appendix 2) to coal transport (unless required in an emergency).	Not Triggered.	Not Triggered. As above.	NT	N/A
<b>Road Maintenance</b>					
35.	For the life of the project, the Proponent shall continue to provide funding towards the maintenance of Taylors Lane, in accordance with the existing road maintenance contributions agreement with Council.	Not Triggered.	Not Triggered. As above.	NT	N/A
<b>Monitoring of Coal Transport</b>					
36.	<p>The Proponent shall:</p> <ul style="list-style-type: none"> <li>(a) keep accurate records of the amount of coal transported from the site (on a monthly basis); and</li> <li>(b) make these records available on its website at the end of each calendar year.</li> </ul>	Werris Creek Coal Mine Rail and Truck Movements 2011 to 2023	ERM sighted the basis of the coal movement records disclosed on the Werris Creek WHC website.	C	N/A
<b>VISUAL</b>					
<b>Visual Amenity</b>					
37.	<p>The Proponent shall:</p> <ul style="list-style-type: none"> <li>(a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project, including: <ul style="list-style-type: none"> <li>progressively rehabilitating overburden emplacement areas (particularly the outer batters), including partial rehabilitation of temporarily inactive areas and proposed topsoil storage stockpiles;</li> <li>constructing a 15 metre high visual/amenity bund along the northeastern perimeter of the northern extent of the open-cut pit, and</li> <li>planting trees at the foot of the overburden emplacement area along the eastern boundary of the site, in front of the visual/amenity bund, and to the north and east of the product coal stockpile and rail load-out facility;</li> </ul> </li> <li>(b) establish and maintain an effective vegetative screen along the boundary of the site adjoining public roads;</li> <li>(c) ensure no outdoor lights shine above the horizontal; and</li> <li>(d) ensure that all external lighting associated with the development complies with <i>Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i>, to the satisfaction of the Secretary.</li> </ul>	<p>Lighting Management Procedure</p> <p>Complaints Register</p> <p>Audit of external lighting associated with the development against the <i>Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i></p>	<p>(a) and (b) The MOP indicates that the rehabilitation of the mine and revegetation is progressing in accordance with this CoC. A &gt; 15 metre high visual/amenity bund along the northeastern perimeter of the northern extent of the open-cut pit and trees at the foot of the overburden emplacement area along the eastern boundary of the site, in front of the visual/amenity bund, and to the north and east of the product coal stockpile and rail load-out facility were observed, including vegetative screen along site boundary.</p> <p>(c) A magnetic lighting management procedure was observed attached to lights across the facility.</p> <p>One complaint has been received regarding light emissions at nearby premise. Investigation of the complaint indicated that a light had been moved not in accordance with the Light Management Procedure. – due to movement of light. NCO noise monitors monitor lighting on visible light from the mine daily and record results.</p> <p>(d) An audit against <i>Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting</i> was sighted during the site visit. No non-compliances were observed in the audit results.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations				
Additional Visual Impact Mitigation									
38.	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 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 these mining operations from the residences on their properties. These mitigation measures must be reasonable and feasible, and must be implemented within a reasonable timeframe. 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. <i>Notes:</i> <ul style="list-style-type: none"><li>• 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;</li><li>• 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).</li></ul>	Not triggered.	Not triggered.	NT	N/A				
WASTE									
39.	The Proponent shall: (a) implement all reasonable and feasible measures to minimise the waste generated by the project; (b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and (c) monitor and report on effectiveness of the waste minimisation and management measures in the annual review.	Annual Reviews 2020 to 2021 MOP 2015 – 2022 Site Observations	The mine implemented recycling programmes in 2016 the efficacy of which are reported upon during each Annual Review. The overall trend of waste production is downward since the recycling programmes were implemented.  Section 2.4.11 of the MOP discusses waste management confirming that all wastes are removed by suitably licenced waste contractors. Hydrocarbon impacted soils are 'land farmed' on an on-site until they can be disposed of as general solid waste.  No evidence of inappropriately stored wastes was observed during the site visit.	C	N/A				
BUSHFIRE MANAGEMENT									
40.	The Proponent shall: (a) ensure that the project is suitably equipped to respond to any fires on site; and (b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area.	Annual Reviews 2020 to 2021 Biodiversity Offset Management Plan	(a) Bushfire management across the site includes: <ul style="list-style-type: none"><li>• Four water carts;</li><li>• Hydrants around the site;</li><li>• Biodiversity offset lands have fire breaks.</li><li>• Fire management is incorporated into the offset strategy.</li><li>• Emergency Response Team is trained in fire response.</li></ul> Fuel load management and maintenance of fire breaks are discussed as performance metrics in Environmental Performance Sections of the Annual reviews  (b) Not triggered	C	N/A				
REHABILITATION									
Rehabilitation Objectives									
41.	The Proponent shall rehabilitate the site to the satisfaction of DRE. This rehabilitation must be generally consistent with the proposed rehabilitation strategy described in the EA (and shown conceptually in the figure in Appendix 5), and comply with the objectives in Table 13.  <i>Table 13: Rehabilitation objectives</i> <table><thead><tr><th>Feature</th><th>Objective</th></tr></thead><tbody><tr><td>Mine Site (as a whole)</td><td><ul style="list-style-type: none"><li>• Safe, stable and non-polluting;</li><li>• Constructed landforms sympathetic to natural landforms (including landform micro-relief) as far as practicable;</li><li>• Final land uses compatible with surrounding land uses; and</li><li>• Minimise visual impact of final landforms as far as reasonable and feasible.</li></ul></td></tr></tbody></table>	Feature	Objective	Mine Site (as a whole)	<ul style="list-style-type: none"><li>• Safe, stable and non-polluting;</li><li>• Constructed landforms sympathetic to natural landforms (including landform micro-relief) as far as practicable;</li><li>• Final land uses compatible with surrounding land uses; and</li><li>• Minimise visual impact of final landforms as far as reasonable and feasible.</li></ul>	Annual Reviews 2020 to 2021 MOP 2015 – 2022 Rehabilitation Management Plan 29-07-2022 Forward Program 09-03-2023	The rehabilitation at the mine is an ongoing process, which based on ERM's observations and a review of relevant Annual Reviews from the audit period appears to be being undertaken generally in accordance with EA rehabilitation strategy; the EA Mod, the MOP and now the Rehabilitation Management Plan and Forward Program.	C	N/A
Feature	Objective								
Mine Site (as a whole)	<ul style="list-style-type: none"><li>• Safe, stable and non-polluting;</li><li>• Constructed landforms sympathetic to natural landforms (including landform micro-relief) as far as practicable;</li><li>• Final land uses compatible with surrounding land uses; and</li><li>• Minimise visual impact of final landforms as far as reasonable and feasible.</li></ul>								



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>Woodland areas and other vegetated land</p> <ul style="list-style-type: none"> <li>• Establishment of at least 280 hectares of White Box-Yellow Box-Blakely's Red Gum Woodland EEC; and</li> <li>• Restore ecosystem function, including maintaining or establishing self-sustaining ecosystems that is comprised of: <ul style="list-style-type: none"> <li>- local native plant species; and</li> <li>- at least 180 hectares of shrubby woodland.</li> </ul> </li> </ul> <p>Amenity Bunds and Overburden Emplacements</p> <ul style="list-style-type: none"> <li>• Early revegetation and planting with local native woodland species; and</li> <li>• Free draining.</li> </ul> <p>Final Void</p> <ul style="list-style-type: none"> <li>• Minimise the size and depth of the final void as far as is reasonable and feasible, with its floor a minimum of 5 metres above the predicted long-term groundwater level.</li> </ul> <p>Project infrastructure</p> <ul style="list-style-type: none"> <li>• To be decommissioned and removed, unless the Executive Director, DRE agrees otherwise.</li> </ul> <p>Community</p> <ul style="list-style-type: none"> <li>• Minimise the adverse socio-economic effects associated with mine closure.</li> </ul>				
<b>Progressive Rehabilitation</b>					
42.	The Proponent shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance.	<p>MOP 2015 Rehabilitation Management Plan 29-07-2022 Forward Program 09-03-2023 Site observations and management disclosures</p>	Progressive rehabilitation is undertaken as soon as landform has met design. Observations made during the site walkover indicated that several areas were under active rehabilitation. No materially failing sections of rehabilitation were observed during the site visit and revegetation works were becoming established.	C	N/A
<b>Rehabilitation Management Plan</b>					
43.	<p>The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of DRE. This plan must:</p> <p>(a) be prepared in consultation with the Department, DPI Water, OEH, Council and the CCC;</p> <p>(b) be submitted to DRE by the end of April 2012</p> <p>(c) be prepared in accordance with any relevant DRE guideline;</p> <p>(d) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;</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 conditions of this approval, and address all aspect of rehabilitation including mine closure, final landform, and final land use;</p> <p>(g) include a program to monitor and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and</p> <p>(h) build to the maximum extent practicable on the other management plans required under this approval.</p>	<p>MOP 2015 – 2022 Rehabilitation Management Plan 29-07-2022 Forward Program 09-03-2023 Annual Reviews 2020 to 2021 WCC-EPBC Compliance Report 2021 WCC-EPBC Compliance Report 2022 WCC-EPBC Compliance Report 2023</p>	<p>The MOP ended in 2022 and replaced by the current new format Rehabilitation Management Plan.</p> <p>a) Consultation for the previous MOP (Rehabilitation Management Plan) outlined within Section 1.5.2. Under the current Rehabilitation Management Plan consultation is detailed in Section 4.4.</p> <p>b) Outside current audit period. Confirmed by previous audits.</p> <p>c) The previous MOPs were prepared in accordance with the MOP Guideline. Current Rehabilitation Management Plan in line with current requirements.</p> <p>d) Table 4.2 covers this in sufficient detail.</p> <p>e) Criteria outlined in Section 6.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			<p>f) Section 7 of the MOP outlines Rehabilitation Implementation. Covered within multiple sections of the MOP.</p> <p>g) Criteria outlined in Section 6 and 8. Reporting is within the 'Rehabilitation Monitoring Reports' and there is a basic summary within the Annual Reviews. The monitoring program for rehabilitation and offset areas reviews some of the key criteria which are outlined in the MOP.</p> <p>h) Section 1.3 references management plans at WCC.</p>		

## SCHEDULE 4 – ADDITIONAL PROCEDURES

### NOTIFICATION OF LANDOWNERS

1.	<p>By the end of December 2011, the Proponent shall:</p> <p>(a) notify in writing the owners of:</p> <ul style="list-style-type: none"> <li>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</li> <li>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</li> </ul> <p>(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.</p>	Not applicable.	This condition falls outside of the Audit period. Previous IEAs have reported this condition as compliant. ERM has not independently verified this condition.	NT	N/A
2.	<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 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.</p>	<p>Annual Reviews 2020 and 2021</p> <p>Annual Returns 2020 - 2023</p> <p>Interviews with environmental personnel.</p>	No exceedances were recorded during the audit period.	NT	N/A

### 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> <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 landowner to determine his/her concerns; • conduct monitoring to determine whether the project is complying with the relevant criteria in schedule 3; and</li> <li>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</li> </ul> <p>(b) give the Secretary and landowner a copy of the independent review.</p>	Interviews with environmental personnel.	Not Triggered. WHC stated no requests to the Secretary for independent reviews.	NT	N/A
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> <p>(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</p> <p>(b) secure a written agreement with the landowner to allow exceedances of the relevant 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, 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 applicable.	Not Triggered	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>LAND ACQUISITION</b>					
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> <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 'additional noise mitigation measures' in condition 4 of schedule 3;</li> </ul> <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>relocating within the Liverpool Plains Shire local government area, or to any other local government area agreed to by the Secretary;</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 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"> <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 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> <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>	Not applicable.	Not Triggered	NT	N/A
6.	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.	Not applicable.	Not Triggered.	NT	N/A

## 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. This strategy must:</p> <p>(a) be submitted to the Secretary for approval by the end of April 2012;</p> <p>(b) provide the strategic framework for the 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>	Not applicable.	<p>This condition was triggered outside of the audit period. The previous IEA stated that:</p> <p>a) Environmental Management Strategy document has been submitted but has not been approved. First sent 30 April 2012. b) Section 8; c) Section 3; d) Section 2 e) Section 12; f) Section 8 and 9.</p> <p>ERM has not independently verified this information.</p>	NT	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	(f) include: • copies of any strategies, plans and programs approved under the conditions of this approval; and • a clear plan depicting all the monitoring required to be carried out under the conditions of this approval.				
<b>Management Plan Requirements</b>					
2.	The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include: (a) detailed baseline data; (b) a description of: • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; (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: • impacts and environmental performance of the project; • effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a protocol for managing and reporting any: • incidents; • complaints; • non-compliances with statutory requirements; and • exceedances of the impact assessment criteria and/or performance criteria; and (g) a protocol for periodic review of the plan.	Selected management plans, strategies etc. reviewed as part of the audit scope	Management plans were originally developed using data collected during the EIA and to comply with conditions of approval.  ERM's review of management plans indicate that they have generally been developed in accordance with these criteria.	C	N/A
<b>Annual Review</b>					
3.	By the end of March each year, the Proponent shall review the environmental performance of the project to the satisfaction of the Secretary. This review must: (a) describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next 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 past 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.	Emails submitted to the Department with Annual Reviews attached dated 30/03/2021, 31/03/2022 and 31/04/2023.	Annual review receipts show they were submitted by the required time.  Note: the 2022 Annual review submitted on 31/04/2023 was not approved and published at time of audit. Criteria (a) to (f) are covered in the scope of the Annual Reviews.	C	N/A
<b>Revision of Strategies, Plans and Programs</b>					
4.	Within 3 months of: (a) the submission of an annual review under condition 3 above; (b) the submission of an incident report under condition 6 below; (c) the submission of an audit under condition 8 below; or (d) any modification to the conditions of this approval (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to revisions of any plan then within four weeks of the review the revised document must be submitted to the Secretary and any other relevant agencies for approval. <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>	Review of a selection of plans, strategies etc. Annual Reviews 2020 and 2021 Interviews with environmental personnel.	All relevant strategies, plans etc. contain a trigger to review and update if required following these criteria. Each Annual Review contains an action to "Completion of review and, if necessary, revision of Environmental Management Plans".  WHC stated none in audit period that required a plan update.	C	N/A
<b>Community Consultative Committee</b>					
5.	The Proponent shall operate a Community Consultative Committee (CCC) for the Werris Creek Coal Mine for the life of the project, in general accordance with the <i>Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects</i> (Department of Planning, 2007, or its latest version), and to the satisfaction of the Secretary. <i>Notes:</i> • The CCC is an advisory committee. The Department and other relevant agencies are responsible for ensuring that the Proponent complies with this approval; and • In accordance with the guideline, the Committee should be comprised of an independent chair and appropriate representation from the Proponent, Council, recognised environmental groups and the local community.	Quarterly CCC minutes 2020 to 2023	CCC minutes are available for review on the Whitehaven Coal website. The CCC has been set up to operate generally in accordance with the <i>Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects</i> . The CCC has met approximately every four months during the audit period. The original approval of the CCC occurred outside of the audit period.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>REPORTING</b>					
<b>Incident Reporting</b>					
6.	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.	Interviews with environmental personnel. Annual Reviews 2020 and 2021	WHC stated, no incident that has caused, or threatens to cause, material harm to the environment in audit period.	C	N/A
<b>Regular Reporting</b>					
7.	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.	Annual Reviews 2020 - 2021 Coal movement records 2020 - 2023 Monthly EPL monitoring reports 2020 - 2023 EPBC Compliance reports 2020 - 2023 Independent Environmental Audits and Independent Noise Audits 2011 - 2020	The following monitoring reports are published on the Whitehaven Coal Website: <ul style="list-style-type: none"> <li>Annual Reviews</li> <li>Coal movement records</li> <li>Monthly EPL monitoring reports</li> <li>EPBC Compliance reports</li> <li>Independent Environmental Audits</li> <li>Independent Noise Audits</li> </ul>	C	N/A
<b>INDEPENDENT ENVIRONMENTAL AUDIT</b>					
8.	By the end of June 2014, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must: (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: <ul style="list-style-type: none"> <li>environmental performance of the project; and</li> <li>whether it is complying with the requirements in this approval, any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals); and</li> </ul> (d) recommend appropriate measures or actions to improve the environmental performance and rehabilitation of the project.  <i>Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Secretary.</i>	Independent Environmental Audit reports	Independent Environmental Audits conducted as required as evidenced by reports published on website. Audit reports fulfilled requirements of (a) to (d) as stipulated by this condition.	C	N/A
9.	Within 6 weeks of the completion of 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.	Independent Environmental Audit report 22-07-2020 Email from WHC submitting IEA on 24-07-2020	The previous IEA report stated the audit occurred on 12 June 2020 and the report was issued on 22 July 2020. The report was then submitted on 24 July 2020 to the Secretary.	C	N/A
<b>ACCESS TO INFORMATION</b>					
10.	The Proponent shall: (a) make copies of the following publicly available on its website: <ul style="list-style-type: none"> <li>the EA;</li> <li>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 conditions of this approval or any approved plans or programs;</li> <li>a complaints register, which is to be updated on a monthly basis;</li> <li>minutes of any CCC meetings;</li> <li>the last five annual reviews;</li> <li>any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;</li> <li>any other matter required by the Secretary; and</li> </ul> (b) keep this information up-to-date, to the satisfaction of the Secretary.	EA; Current statutory approvals for the project Approved strategies, plans and programs Monitoring reports Complaints register Minutes of any CCC meetings Annual reviews IEAs	All required documentation is disclosed on the website.	C	N/A



Document details	
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Date	30 June 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal Limited

Table A.2: Statement of Commitments

Action No	Action	Timing	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>1. Environmental Management System</b>						
Desired Outcome: A systematic set of documents are in place to guide the planning and implementation of all environmental management strategies.						
1.1	Incorporate the environmental procedures in an on-site management system.	As required.	Various management systems, plans and strategies which make up the Whitehaven Coal Environmental Management System	ERM sighted evidence that Whitehaven has developed and implemented an environmental management system that manages the key environmental aspects of the mine.	C	N/A
1.2	Implement the following management plans; <ul style="list-style-type: none"> <li>Mining Operations Plan (Rehabilitation Management Plan)</li> <li>Heritage Management Plan</li> <li>Site Water Management Plan</li> <li>Noise Management Plan</li> <li>Blast Management Plan</li> <li>Air Quality and Greenhouse Gas Management Plan</li> <li>Biodiversity and Offset Management Plan</li> <li>Waste and Hydrocarbon Management Plan</li> </ul>	Ongoing	Mining Operations Plan (Rehabilitation Management Plan) Heritage Management Plan Site Water Management Plan Noise Management Plan Blast Management Plan Air Quality and Greenhouse Gas Management Plan Biodiversity and Offset Management Plan Waste and Hydrocarbon Management Plan	ERM sighted all of the plans detailed in this condition and evidence of their implementation during the site walkover.	C	N/A
1.3	Incorporate relevant environmental data / information in Annual Environmental Management Reports.	Annually	Annual Reviews	ERM reviewed the Annual Reviews for 2020 and 2021. 2022 had been submitted but not yet approved and published at time of audit.	C	N/A
<b>2. Groundwater</b>						
Desired Outcome: Effective management of the potential contamination and/or reduction in availability of groundwater resources.						
2.1	Implement impact mitigation measures in accordance with an approved Site Water Management Plan.	As defined by the Site Water Management Plan.	Water Management Plan (WMP).	According to the WMP: 6.3.4 Former Underground Workings Water Management Active dewatering of the former underground workings ceased in July 2013 as mining advanced through the former dewatering bore. Dewatering of the former underground workings continues passively as seepage into the open cut pit and is managed as part of pit dewatering activities. WCC must balance dewatering of the underground to minimise the risk of inrush into the pit and boggy working conditions while maintaining water in the underground to prevent spontaneous combustion developing into underground fires. WCC actively uses water curtains and sprinklers to saturate the ground above the former underground workings to exclude oxygen and cool the ground temperature to below that which the coal seam would spontaneously combust. Pit misting system utilised to manage void water volume via evaporation, observed operational during site visit.	C	N/A
2.2	Undertake groundwater monitoring in accordance with an approved Site Water Management Plan.	As defined by the Site Water Management Plan.	Water Management Plan.	According to the WMP: 7.4 Groundwater Monitoring Program WCC has established the groundwater-monitoring network.	C	N/A
2.3	Implement additional assessment, land owner notification and contingency or compensatory measures in accordance with an approved Site Water Management Plan.	As defined by the Site Water Management Plan.	Not applicable.	Not Triggered	NT	N/A
Desired Outcome: Prevent Accumulation of void water within the final landform which may impact on final land form and land use.						

Action No	Action	Timing	Reference/ Evidence	Comments	Compliance Status	Recommendations
2.4	Backfill overburden into the final void above the equilibrium water level.	Following the cessation of mining.	Not applicable.	There is not a final void in place at the moment. Not triggered.	NT	N/A

### 3. Surface Water

Desired Outcome: Effective management of the potential contamination and/or reduction in availability of surface water resources.

3.1	Construct and maintain surface water management infrastructure of the Mine in accordance with an approved <i>Site Water Management Plan</i> .	Ongoing.	Water Management Plan.	According to WMP: 6 Management Strategies and Measures. 6.2 Surface Water Management WCC undertakes several controls and infrastructures to manage the surface water.	C	N/A
3.2	Implement impact mitigation measures in accordance with an approved <i>Site Water Management Plan</i> .	As defined by the Site Water Management Plan.	Water Management Plan.	According to WMP: 6 Management Strategies and Measures. In order to mitigate any potential water impacts from the WCC LOM Project, a number of surface water and groundwater management controls will be implemented throughout the life of the operation. WCC details all the management controls in section 6.	C	N/A
3.3	Undertake surface water monitoring in accordance an approved Site Water Management Plan.	As defined by the Site Water Management Plan.	Water Management Plan.	According to WMP: 7.1 Surface Water Management Plan. Surface water monitoring at WCC is structured for discharge monitoring (dirty water controlled or wet weather), and routine (quarterly) monitoring of clean, dirty and void water dams and offsite streams. Non-routine monitoring also occurs on an ad hoc basis to determine immediate water quality of dams onsite.	C	N/A

Desired Outcome: Prevention of void water discharge off site.

3.4	Operate void water dams with sufficient freeboard to prevent discharge during high rainfall events.	Ongoing.	Water Management Plan. Interviews with environmental personnel.	According to WMP: 6.3.6 Void Water Dam Storage Management 6.3.8 High Water Level Alarms WCC currently uses four dedicated void water dams, an additional temporary storage and a former council gravel quarry pit for surface storage of void water. There is also high water level alarms in three of the void water dams.	C	N/A
3.5	Complete an irrigation assessment for specific irrigation campaigns in accordance with EPA requirements.	Prior to commencement of off-site irrigation.	Water Management Plan. Audit site visit (taken photos)	A letter from SLR on 7 <sup>th</sup> May 2020 shows there was a final irrigation application on 18 <sup>th</sup> March 2019.	C	N/A
3.6	Provide each irrigation assessment to the EPA for review and approval.	Prior to commencement of off-site irrigation.	Water Management Plan. Audit site visit (taken photos)	ERM sighted the irrigation assessments and EPA approval.	C	N/A

### 4. Rehabilitation

Desired Outcome: Avoid, minimise, mitigate or offset impacts (in that hierarchical order) on native vegetation (including the two identified EECs), native fauna (including threatened species) and their habitat.

4.1	Implement the impact avoidance, minimisation, mitigation and offset measures of an approved Biodiversity Offset Strategy and Biodiversity and Offset Management Plan (BOMP) for the Mine in consultation with the OEH, DPE and DoE.	Ongoing.	Biodiversity and Offset Management Plan 2013 Biodiversity and Offset Management Plan 2016 (Submitted to but unapproved by DPE, OEH, DoEE) EPBC Compliance Reports	Whitehaven Coal sent a letter to DP&I on 22/6/2012 seeking approval for BOMP. The BOMP was approved by the DP&I on 30/8/2013. Section 6.4 of the Werris Creek Coal Mine Annual Reviews discusses the management of the offset areas. EPBC Compliance report discuss the implantation of the Off-set strategy.	C	N/A
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Action No	Action	Timing	Reference/ Evidence	Comments	Compliance Status	Recommendations
4.2	<p>Include detail on the following activities in the BOMP.</p> <ul style="list-style-type: none"> <li>• Identification and demarcation of areas to be cleared.</li> <li>• Retention of felled trees for subsequent use during rehabilitation activities</li> <li>• Identification of biological resources within the disturbance area including habitat resources such as hollows, stag trees and coarse woody debris, and the availability of endemic seed.</li> <li>• Seed collection.</li> <li>• Monitoring and inspection programs.</li> <li>• Noxious weed management.</li> </ul>	As defined within the BOMP.	<p>Biodiversity and Offset Management Plan 2013</p> <p>Biodiversity and Offset Management Plan 2016 (Submitted to but unapproved by DPE, OEH, DoEE)</p>	All items in this condition were included in the scope of the BOMP.	C	N/A

Desired outcome: The creation of a stable final landform on the Pit Top Area (and surrounding long-term disturbance areas, ie, ventilation shaft areas, Reject Emplacement Area and brine storage ponds), available for the proposed future uses(s) of agriculture, and/or nature conservation.

4.3	Complete rehabilitation in accordance with an approved Rehabilitation Management Plan (RMP) or Mining Operations Plan (MOP).	Ongoing.	<p>MOP 2015 – 2022</p> <p>Rehabilitation Management Plan 29-07-2022</p> <p>Forward Program 09-03-2023</p>	Observations made during the site visit and the content of the MOP indicate that the Site is being progressively rehabilitated. The site is currently within 3 hectares of the MOP targets.	C	N/A
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## 5. Heritage

Desired Outcome: Maintain Aboriginal heritage values on site.

5.1	Implement the Heritage Management Plan for the Mine in consultation with OEH and DPE.	Ongoing.	Heritage Management Plan 2014	<p>The original Heritage Management Plan was sent to the DPE in October 2012 for approval. The Heritage Management Plan disclosed on the WHC website is dated July 2014.</p> <p>The only significant amendment to the heritage management plan between the version issued in 2012 and the current plan relate to the relocation of the Narrawolga Axe Grinding Groove Rocks to the Willow Tree Visitor Information Centre on 15th April 2015.</p> <p>The project involved detailed consultation with the Liverpool Plains Shire Council and Nungaroo Local Aboriginal Lands Council, with assistance provided by a geotechnical engineer and archaeologists to minimise the risk of damage to the Groove Rocks and meet regulatory and documentation requirements</p>	C	N/A
5.2	Relocate the Narrawolga Axe Grinding Grooves to the Willow Tree Visitor Information Centre (at Willow Tree), as nominated in the Mine Heritage Management Plan, and in accordance with a care agreement transferring the responsibility from Werris Creek Coal to Nungaroo LALC.	Completed 15 April 2015. NT is current audit period.	Heritage Management Plan 2014	<p>The Narrawolga Axe Grinding Groove Rocks were relocated to the Willow Tree Visitor Information Centre on 15th April 2015.</p> <p>The project involved detailed consultation with the Liverpool Plains Shire Council and Nungaroo Local Aboriginal Lands Council, with assistance provided by a geotechnical engineer and archaeologists to minimise the risk of damage to the Groove Rocks and meet regulatory and documentation requirements</p>	NT	N/A

## 6. Transport Aspects

Desired Outcome: Product haulage by public road is conducted in an appropriate and safe manner.

6.1	Adhere to the restricted hours of operation.	Ongoing.	Interviews with environmental personnel.	Less than 1000T of coal has left the site by road per year during the audit period. No evidence to suggest that shipments have occurred outside of restricted hours was noted during this assessment.	C	N/A
6.2	Prevent spillage from the trucks through the continuation of a 'covered load' policy.	Ongoing.	<p>Driver Induction</p> <p>Site observations</p>	Drivers who transport coal off-site are required to cover their loads. No coal loads left the site during this assessment.	C	N/A
6.3	Consult with DPE prior to undertaking any haulage of coal to the Gunnedah CHPP (to confirm compliance with PA 10_0059).	Prior to commencement of	Not applicable	Not triggered.	NT	N/A



Action No	Action	Timing	Reference/ Evidence	Comments	Compliance Status	Recommendations
		haulage to the Gunnedah CHPP.				
<b>7. Noise</b>						
Desired Outcome: 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	Noise Management Plan	Bund on northern extent of Pit observed during site inspection	C	N/A
7.2	Implement noise mitigation and management measures in accordance with an approved Noise Management Plan (NMP).	Ongoing.	Noise Management Plan	There was no need to implement noise mitigation during the reported audit period, as there were no noise criteria exceedances.	C	N/A
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.	Noise Management Plan (NMP). WCC Noise Control Operation Procedure	According to the NMP a NCO commenced in March 2012. The WCC Noise Control Operation Procedure indicates a continuous noise monitoring proforma on 29 <sup>th</sup> April 2016.	C	N/A
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.	Not Applicable	There were no noise criteria exceedances.	C	N/A
Desired outcome: 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.	Noise Management Plan	WCC has implemented noise monitoring in accordance to the NMP.	C	
<b>8. Blasting</b>						
Desired Outcome: Minimise impacts from blasting on surrounding receptors and infrastructure.						
8.1	Undertake blasting in accordance with an approved Blast Management Plan (BMP).	Ongoing.	Blast Management Plan.	WCC has implemented noise monitoring in accordance to the BMP.	C	N/A
8.2	Continue to monitor blasting impacts in accordance with BMP.	All blasts.	Blast Management Plan.	WCC continues monitoring blasting impacts in accordance to the BMP.	C	N/A
<b>9. Air Quality</b>						
Desired Outcome: Minimise impacts to air quality relating to the Project.						
9.1	Undertake all surface disturbance, mining, processing, transportation and other air emissions activities in accordance with an approved Air Quality and Greenhouse Gas Management Plan (AQGHGMP) for the Mine.	Ongoing.	Air Quality and Greenhouse Gas Management Plan (AQGHGMP).	WCC has undertaken all surface disturbance, mining, processing, transportation and other air emissions activities in accordance to the AQGHGMP.	C	N/A
Desired Outcome: Monitor and manage dust emissions generated by the LOM Project.						
9.2	Undertake air quality monitoring in accordance with an approved AQGHGMP for the Mine.	As defined within the AQGHGMP.	Air Quality and Greenhouse Gas Management Plan (AQGHGMP).	WCC has undertaken air quality monitoring in accordance to the AQGHGMP.	C	N/A
<b>10. Visibility</b>						
Desired Outcome: Screen the operation visually from the surrounding local area.						
10.1	Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Prior to mining through the 'Old Colliery' Hill	Observations made during the site visit	A > 15 metre high visual/amenity bund was observed along the northeastern perimeter of the northern extent of the open-cut pit.	C	N/A
10.2	Maintain screening vegetation and constructed landforms in accordance with an approved RMP (or MOP).	Ongoing.	Observations made during the site visit MOP 2015 – 2022	Maintenance of vegetation is ongoing. No evidence of non-compliance was observed.	C	N/A

Action No	Action	Timing	Reference/ Evidence	Comments	Compliance Status	Recommendations
			Rehabilitation Management Plan 29-07-2022			
10.3	Continue to position and direct floodlights visible offsite to not shine above horizontal and generally orientated in a westerly direction away from Werris Creek Road and adjacent communities.	During night-time operations.	Lighting Management Procedure Complaints Register	A magnetic lighting management procedure was observed attached to lights across the facility. One complaint has been received regarding light emissions at nearby premise. Investigation of the complaint indicated that a light had been moved not in accordance with the Light Management Procedure. – due to movement of light. NCO noise monitors monitor visible light from the mine daily and record results.	C	N/A
10.4	Ensure fixed lights visible from offsite locations will comply with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting.	During night-time operations.	Audit of external lighting associated with the development against the Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting	An audit against Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting was sighted during the site visit. No non-compliances were observed in the audit results.	C	N/A
10.5	Maintain a lighting camera located adjacent to R62 on southern edge of Werris Creek orientated towards the Mine.	Ongoing (or until advised by resident)	Observations made during the site visit	ERM sighted the lighting camera during the audit.	C	N/A
10.6	Maintain the Mine Site in a clean and tidy condition at all times.	Ongoing.	Observations made during the site visit	Housekeeping at the mine was excellent.	C	N/A

#### 11. Soils, Land Capability and Agricultural Suitability

Desired outcome: Create a final landform that is safe, stable and is amenable to a combination of agricultural and native flora/fauna conservation activities.

11.1	Undertake final landform construction and rehabilitation in accordance with an approved RMP or MOP.	Ongoing.	Observations made during the site visit. MOP 2015 – 2022 Rehabilitation Management Plan 29-07-2022	Final landform has not yet been achieved. Rehabilitation observed was of good quality.	C	N/A
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#### 12. Waste

Desired outcome: Manage waste appropriately on site.

12.1	Prepare and implement waste management activities in accordance with an approved Waste and Hydrocarbon Management Plan (WHMP).	Ongoing.	Waste and Hydrocarbon Management Plan 07-03-2017. Interviews with environmental personnel. Observations made during the site visit.	WHC undertake waste management activities in accordance with WHMP.	C	N/A
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#### 13. Hazards

Desired Outcome: Manage bushfire hazards appropriately.

13.1	Prepare and implement fire prevention, management and suppression measures in accordance with a Fire Management Strategy which forms part of an approved BOMP.	Ongoing.	Annual Reviews 2020 and 2021 BOMP 2013 and 2016	Bushfire management across the site includes: <ul style="list-style-type: none"> <li>Four water carts;</li> <li>Hydrants around the site;</li> <li>Biodiversity offset lands have fire breaks.</li> <li>Fire management is incorporated into the offset strategy.</li> <li>Emergency Response Team is trained in fire response.</li> </ul> Fuel load management and maintenance of fire breaks are discussed as performance metrics in Environmental Performance Sections of the Annual reviews.	C	N/A
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Desired Outcome: The storage and handling of hazardous materials is appropriately managed.

Action No	Action	Timing	Reference/ Evidence	Comments	Compliance Status	Recommendations
13.2	Prepare and implement hydrocarbon management activities in accordance with an approved WHMP.	Ongoing.	Waste and Hydrocarbon Management Plan 07-03-2017. Interviews with environmental personnel. Observations made during the site visit.	WHC undertake hydrocarbon management activities in accordance with WHMP.	C	N/A
<b>14. Community Contributions</b>						
Desired Outcome: Provide for ongoing support to the Werris Creek local community and Liverpool Plains Shire Council.						
14.1	Maintain the Community Consultative Committee or similar and include local community representatives.	Ongoing.	CCC minutes 2017 to present	CCC minutes have been published online throughout the audit period.	C	N/A
14.2	Complete and distribute regular newsletters regarding project progress and operations.	Ongoing.	CCC minutes and monitoring reports up to July 2023. Newsletters and Fact sheets	CCC minutes and monitoring reports up to July 2023 and newsletters and fact sheets on website.	C	N/A
14.3	Continue to provide funding towards maintenance of Taylors Lane through Section 94 contributions.	Ongoing.	Not applicable	Coal haulage tonnage has not approached 20kT trigger value. Not Triggered	NT	N/A
14.4	Implement the Community Enhancement Fund with the Liverpool Plains Shire Council and Community Consultative Committee.	Ongoing.	Werris Creek Coal Mine Annual Review 2017 CCC minutes 2017	Written evidence of the requisite spend via the Community Enhancement Fund was observed during the site visit. The spend occurred during the six calendar years from 2012 to 2017 (overlapping this Audit period by six months). Approximately \$30k was spent at Spring Ridge and \$336,000 was spent in Werris Creek.  The local council (Liverpool Plains Shire Council) were the recipients of the funds for community projects and the spend was discussed in relevant CCC meetings.  Details of the projects funded were discussed in the Werris Creek Coal Mine Annual Review 2017 which is submitted to the Department.	C	N/A



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**APPENDIX A3 - EPL**

Compliance with Environment Protection Licence (EPL) 12290

Document details	
Document title	Appendix A3 - EPL
Document subtitle	Compliance with Environment Protection Licence (EPL) 12290
Project No.	0692336_01
Date	30 June 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal

Item	Assessment Requirement		Reference/ Evidence	Comments	Compliance	Recommendations									
1 ADMINISTRATIVE CONDITIONS															
A1 What the licence authorises and regulates															
A1.1	This licence authorises the carrying out of the scheduled development work listed below at the premises specified in A2.  Construct mine entrance/ access/ rail load out roads; site preparation; (clearing/ soil removal) including mining activities, earthworks for processing plant, coal loading & office facility installation; install water management controls.		Site observations EPL 12290 Annual Returns 2020 to 2023	The Site is not undertaking any scheduled activities other than those permitted by its EPL.	C	N/A									
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.  <table><tr><th>Scheduled Activity</th><th>Fee Based Activity</th><th>Scale</th></tr><tr><td>Coal works</td><td>Coal works</td><td>&gt; 2,000,000 – 5,000,000 T annual handing capacity</td></tr><tr><td>Mining for coal</td><td>Mining for coal</td><td>&gt; 2,000,000 T – 3,500,000 of annual production capacity</td></tr></table>		Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 2,000,000 – 5,000,000 T annual handing capacity	Mining for coal	Mining for coal	> 2,000,000 T – 3,500,000 of annual production capacity	Annual Coal Movements 2020 to 2022 and 2023 (January to June)	The site’s production capacity has remained within the scheduled limits.	C	N/A
Scheduled Activity	Fee Based Activity	Scale													
Coal works	Coal works	> 2,000,000 – 5,000,000 T annual handing capacity													
Mining for coal	Mining for coal	> 2,000,000 T – 3,500,000 of annual production capacity													
A1.3	The licensee must not carry on any scheduled activities until the scheduled development works are completed, except as elsewhere provided in this licence.		Site observations	No evidence to suggest this condition is not being complied with was observed.	C	N/A									
A2 Premises or plant to which this licence applies															
A2.1	The licence applies to the following premises:  Premises Details WERRIS CREEK COAL 1435 WERRIS CREEK ROAD WERRIS CREEK NSW 2341  THE LAND BOUND WITHIN THE “PROJECT SITE BOUNDARY” IDENTIFIED IN THE MAP TITLED “FIGURE 1: SCHEDULE OF LAND” OF APPENDIX 1 SCHEDULE OF LAND OF PROJECT APPROVAL 10_0059, DATED 25 OCTOBER 2011 (DOC16/111799).		Mine Licence plans Site observations	Mining operations are completed within the approved site boundary.	C	N/A									
A3 Information supplied to the EPA															
A3.1	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.		Site observations	No evidence to suggest this condition is not being complied with was observed.	C	N/A									

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																								
2 DISCHARGES TO AIR AND WATER AND APPLICATIONS TO LAND																													
P1 Location of monitoring/discharge points and areas																													
P1.1	<div>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.</div> <div><div>Air</div><table><tr><th>EPA ID no.</th><th>Type of monitoring point</th><th>Type of discharge point</th><th>Location description</th></tr><tr><td>9</td><td>Ambient Weather Monitoring</td><td></td><td>Weather station located on the top level of the overburden emplacement at RL 445m and identified as "EPL9" on the figure titled "EPL 12290 Licenced Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).</td></tr><tr><td>28</td><td>Ambient Air Monitoring/ Air Discharge Quality</td><td>Ambient Air Monitoring/ Air Discharge Quality</td><td>Within 100m of the residence "Kyooma" identified as "EPL 28" on the figure titled "EPL 12290 Licenced Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).</td></tr><tr><td>29</td><td>Ambient Air Monitoring/ Air Discharge Quality</td><td>Ambient Air Monitoring/ Air Discharge Quality</td><td>Within 100 metres of the residence "Glenara" identified as "EPL29" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).</td></tr><tr><td>30</td><td>Ambient Air Monitoring/ Air Discharge Quality</td><td>Ambient Air Monitoring/ Air Discharge Quality</td><td>Within 100m of the location known as property number 92 identified as "EPL30" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).</td></tr><tr><td>31</td><td>Ambient Weather Monitoring</td><td></td><td>Lower level temp. sensor at the toe of the SE rehabilitation area at RL 373.5m AHO and identified as "EPL31" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).</td></tr></table></div>	EPA ID no.	Type of monitoring point	Type of discharge point	Location description	9	Ambient Weather Monitoring		Weather station located on the top level of the overburden emplacement at RL 445m and identified as "EPL9" on the figure titled "EPL 12290 Licenced Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	28	Ambient Air Monitoring/ Air Discharge Quality	Ambient Air Monitoring/ Air Discharge Quality	Within 100m of the residence "Kyooma" identified as "EPL 28" on the figure titled "EPL 12290 Licenced Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	29	Ambient Air Monitoring/ Air Discharge Quality	Ambient Air Monitoring/ Air Discharge Quality	Within 100 metres of the residence "Glenara" identified as "EPL29" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	30	Ambient Air Monitoring/ Air Discharge Quality	Ambient Air Monitoring/ Air Discharge Quality	Within 100m of the location known as property number 92 identified as "EPL30" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	31	Ambient Weather Monitoring		Lower level temp. sensor at the toe of the SE rehabilitation area at RL 373.5m AHO and identified as "EPL31" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	<div>Interviews with environmental personnel</div> <div>Site observations</div> <div>Confirmed in previous audit period (Email from Whitehaven Coal to EPA dated 21/04/20)</div>	<div>WCCM stated no monitoring locations have moved since the EPL was granted and as observed during site visit.</div> <div>Confirmed in previous audit (Evidence viewed of monitoring locations being provided to the EPA in email dated 21/04/20 with shapefiles confirming the spatial location of the discharge points. All monitoring locations were present and are sign posted on-site).</div>	C	N/A
EPA ID no.	Type of monitoring point	Type of discharge point	Location description																										
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Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations
P1.2	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.				Interviews with site environmental personnel  Site observations  Confirmed in previous audit (Email from Whitehaven Coal to EPA dated 21/04/20)	WCCM stated no monitoring locations have moved since the EPL was granted and as observed during site visit.  Confirmed in previous audit (Evidence viewed of monitoring locations being provided to the EPA in email dated 21/04/20 with shapefiles confirming the spatial location of the discharge points. All monitoring locations were present and are sign posted on-site).	C	N/A
	Water and land							
	EPA ID no.	Type of monitoring point	Type of discharge point	Location description				
	10	Wet Weather Discharge / Discharge Water Quality Monitoring	Wet Weather Discharge / Discharge Water Quality Monitoring	Point known as "SB2" and identified as "EPL10" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	12	Wet Weather Discharge / Discharge Water Quality Monitoring	Wet Weather Discharge / Discharge Water Quality Monitoring	Point known as "SB9" and identified as "EPL12" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	14	Wet Weather Discharge / Discharge Water Quality Monitoring	Wet Weather Discharge / Discharge Water Quality Monitoring	Point known as "SB10" and identified as "EPL14" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	16	Water Quality Monitoring		Point known as "VWD1" and identified as "EPL16" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	17	Groundwater Quality Monitoring		Point known as "GW966036/MW1" and identified as "EPL17" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	18	Groundwater Quality Monitoring		Point known as "GW966127/MW2" and identified as "EPL18" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	19	Groundwater Quality Monitoring		Point known as "GW965729/MW3" and identified as "EPL19" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 17 December 2015 (DOC16/111380).				
	20	Groundwater Quality Monitoring		Point known as "MW4b" and identified as "EPL20" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	21	Groundwater Quality Monitoring		Point known as "GW968728/MW5" and identified as "EPL21" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	22	Groundwater Quality Monitoring		Point known as "MW6" and identified as "EPL22" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	23	Ambient / Discharge Water Quality Monitoring		Point known as WC-U on Werris Creek and identified as "EPL23" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	24	Ambient / Discharge Water Quality Monitoring		Point known as WC-D on Werris Creek and identified as "EPL24" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				

Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations
	25	Ambient / Discharge Water Quality Monitoring		Point known as QC-U on Quipolly Creek and identified as "EPL25" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	26	Ambient / Discharge Water Quality Monitoring		Point known as QC-D on Quipolly Creek and identified as "EPL26" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	27	Water Quality Monitoring		Point known as "VWD2" and identified as "EPL27" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	32	Wet Weather Discharge / Discharge Water Quality Monitoring	Wet Weather Discharge / Discharge Water Quality Monitoring	Point known as "S818" and identified as "EPL32" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	33	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Point known as "VWD1" and identified as "EPL33" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	34	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Point known as "VWD3" and identified as "EPL34" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				
	35	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Discharge Water Quality Monitoring Discharge for off-site agricultural use	Point known as "VWD4" and identified as "EPL35" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).				

3 LIMIT CONDITIONS

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.	Monitoring and lab reports 2020 – 2023 (June)  Annual Returns 2020 – 2023  Interviews with site environmental personnel	No evidence to suggest this condition is not being complied with was observed.  Exceedances of discharge limits noted below in L2.1 were sampling issue. As such no harm to environment occurred.	C	N/A
L2 Concentration Limits					
L2.1	For each monitoring/discharge point or utilisation area specified in the table\s 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.	Monitoring and lab reports 2020 – 2023 (June)  Annual Returns 2020 – 2023  Interviews with site environmental personnel	Discharge samples taken at EPL12 (SB11), EPL 12 (SB16) and EPL10 (SB3) on 28 September and 30 September 2022 returned TSS readings above 50mg/L at 117, 112 and 63 mg/L respectively. These readings were inconsistent with compliant <50mg/L preliminary samples from the dam	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																																
			<p>obtained pre-discharge (20, 41 and 9mg/L). This occurred 3 times.</p> <p>An investigation found the discharge samples were affected by a sampling issue – leading to unrepresentative readings. In correspondence with the EPA these samples were deemed as a technical limit exceedance.</p> <p>However, based on a compliant preliminary sample and prompt actions undertaken by WCCM the EPA did not request any further action.</p> <p>Following this, WCCM has reviewed and updated the sampling procedure to avoid a similar issue in the future.</p>																																																		
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	<p>Annual Returns 2020 - 2023.</p> <p>Monitoring and lab reports 2020 – 2023 (June)</p>	Specified percentage of samples within specified ranges during audit period.	C	N/A																																																
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table/s.	Noted	Note	Noted	N/A																																																
L2.4	Water and/or Land Concentration Limits <b>Point 10, 12, 14, 32</b> <table><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><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></table> <b>Point 33, 34, 35</b> <table><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><tr><td>Electrical conductivity</td><td>Microsiemens per centimetre</td><td>-</td><td>-</td><td>-</td><td>2000</td></tr><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>6.5 - 8.5</td><td></td><td>-</td><td>9</td></tr></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	Electrical conductivity	Microsiemens per centimetre	-	-	-	2000	Oil and grease	Milligrams per litre	-	-	-	10	pH	pH	6.5 - 8.5		-	9	Note	Noted	Noted	N/A
Pollutant	Unit of measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																																																
Oil and grease	Milligrams per litre	-	-	-	10																																																
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Oil and grease	Milligrams per litre	-	-	-	10																																																
pH	pH	6.5 - 8.5		-	9																																																

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
L2.5	<p>The Total Suspended Solids concentration limits specified for Points 10, 12, 14 and 32 may be exceeded for water discharged from the sediment basins provided that:</p> <p>(a) the discharge occurs solely as a result of rainfall measured at the premises that exceeds 39.2 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 39.2 millimetre, 5 day rainfall event.</p>	<p>EPL Monitoring reports 2020 to 2023.</p> <p>Annual Returns 2020 – 2023</p> <p>Correspondence between Whitehaven Coal and EPA regarding discharge events</p> <p>Pre- and Post-rain inspections on dams</p>	<p>Exceedances noted above in L2.1 and L2.4 were not the result of rainfall exceeding the 39.2 mm over 5 consecutive days, but as detailed in conditions above.</p> <p>WCCM noted that the management plan requires that basins are flocked when rain events are coming.</p> <p>Site retains records of pre-rain inspections on their server. Post rain photographs are also taken showing post management actions.</p>	C	N/A
<b>L3 Waste</b>					
L3.1	The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by the licence.	Not applicable	WHC stated have not received any waste generated outside the premises. Not Triggered.	NT	N/A
L3.2	This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if those activities require an environment protection licence.	Noted	Note	Noted	N/A
L3.3	<p>The licensee may dispose of up to 150 end-of-life mining heavy plant tyres on the premises in each annual return year period up until 31 March 2023. Should the report, provided in accordance with condition R3.5:</p> <ol style="list-style-type: none"> <li>1. Be submitted to the EPA's satisfaction at intervals of 2 years; and</li> <li>2. Find that recycling options are not feasible; and</li> <li>3. The EPA provides written advice that onsite disposal of end-of-life heavy plant tyres may continue for a subsequent two (2) annual reporting periods;</li> </ol> <p>Only waste tyres generated at the premises may be disposed of in accordance with this condition.</p>	<p>Annual Heavy Plant-Tyre Disposal Report WCCM 2022</p> <p>Annual Tyre Disposal Report April 2023</p> <p>TARRAWONGA COAL MINE, WERRIS CREEK COAL MINE, AND MAULES CREEK COAL MINE END-OF-LIFE HEAVY PLANT MINING TYRE REVIEW – April 2023.</p>	<p>The 2022 report includes disposal data for the 2021 year and reports 147 tyres were disposed of (buried) on-site in accordance with this condition.</p> <p>The 2023 report includes disposal data for the 2022 year and reports 145 tyres were disposed of (buried) on-site in accordance with this condition.</p> <p>The April 2023 tyre review report provided in accordance Condition R3.5</p>	C	N/A

Item	Assessment Requirement					Reference/ Evidence	Comments	Compliance	Recommendations
L4 Noise Limits									
L4.1	Noise generated from the premises must not exceed the noise limits in the table below.					Annual Returns 2020-2023  EPL Monitoring Reports 2020 to 2023.	No exceedances of noise criteria limits noted from review to have occurred during the reported audit period.	C	N/A
	Locality and location	Day LAeq (15 minute)	Evening LAeq (15 minute)	Night LAeq (15 minute)	Night LA1 (1 minute) -				
	The residence on the property "Talavera" marked as location "R96 Talavera" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	38	38	38	45				
	The residence known as Quipolly Railway Cottage" marked as location "R12 Quipolly Railway Cottage" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	38	38	38	45				
	The residence on the property "Hazeldene" marked as location "R24 Hazeldene" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).	37	37	37	45				
	'The residence on the property "Kyooma" marked as location"R98 Kyooma" on the figure titled "EPL 12290 Licensed Monitoring points", received by the EPA via email on 17 December 2015 (DOC16/111380).	36	38	38	45				
	Any other affected residence not owned by the licensee or its related companies.	35	35	35	45				

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
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>	Spectrum Acoustics compliance reports	<p>Noise reports consider the appropriate daytime, evening and night-time periods.</p> <p>Spectrum Acoustics compliance 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 INP. The reports reviewed did not identify any noise warranting the 5dB character penalty.</p> <p>Global Acoustics compliance reports stated that tonal, low frequency and impulsive components were not present.</p>	C	N/A
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>Note: For the purposes 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.</p> <p>Note: Temperature inversion conditions (vertical temperature gradient in degrees C/100m) are to be determined as <math>[(TM2 - TM3 - 0.7) * 1.25]</math>, 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.</p>	<p>Noise monitoring results</p> <p>EPL Monitoring reports 2020 to 2023</p>	<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.</p> <p>Temperature inversion strength is extrapolated from gauges with 80 m vertical separation.</p>	C	N/A
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>	<p>Annual Returns 2020 – 2023</p> <p>EPL Monitoring reports 2020 to 2023</p> <p>Complaints Register 2020 - 2023</p>	No noise complaints received within audit period that meet stated criteria.	NT	N/A
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>	<p>Interviews with environmental personnel</p> <p>Noise Management Plan 16 April 2014</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 DPE and EPA.</p> <p>Section 8.1 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>	C	N/A



Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
L4.6	<p><b>Determining Compliance</b></p> <p>To determine compliance:</p> <ul style="list-style-type: none"><li>a) with the Leq (15 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located:</li><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 facade, 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.</li><li>b) with the LA 1(1 minute) noise limits in the Noise Limits table, the noise measurement equipment must be located within 1 metre of a dwelling facade.</li><li>c) With the noise limits in the Noise Limits table, the noise measurement equipment must be located:</li><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> <p>Note: A non-compliance of the Noise Limits table will still occur where noise generated from the premises in excess of the appropriate limits measured:</p> <ul style="list-style-type: none"><li>i) at a location other than an area prescribed in part (a) and part (b); and/or</li><li>ii) at a point other than the most affected point at a location.</li></ul>	Noise Management Plan.  EPL Monitoring Reports 2020 to 2023	<p>A summary of the attended noise monitoring program has been provided. All locations are monitored on a monthly basis.</p> <p>The sighted noise monitoring reports detail this condition and state that monitoring is undertaken in accordance with these requirements.</p> <p>ERM observed during site visit that noise measurement equipment located in accordance with stated criteria.</p>	C	N/A
<b>L5 Blasting</b>					
L5.1	The overpressure level from blasting operations at the premises must not exceed 120dB (Lin Peak) at any time. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Annual Returns 2020 - 2023.  EPL Monitoring reports 2020 to 2023.	No exceedances of overpressure levels from blasting occurred during the reported audit period.	C	N/A
L5.2	The airblast overpressure level from blasting operations at the premises must not exceed 115dB (Lin Peak) at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Annual Returns 2020 - 2023.  EPL Monitoring reports 2020 to 2023.	No airblast exceedances of overpressure levels from blasting occurred during the reported audit period.	C	N/A
L5.3	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 10mm/sec at any time at any noise sensitive locations. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Annual Returns 2020 - 2023.  EPL Monitoring reports 2020 to 2023.	No exceedances of ground vibration limits from blasting occurred during the reported audit period.	C	N/A
L5.4	Ground vibration peak particle velocity from the blasting operations at the premises must not exceed 5mm/sec at any noise sensitive locations for more than five per cent of the total number of blasts over each reporting period. Error margins associated with any monitoring equipment used to measure this are not to be taken into account in determining whether or not the limit has been exceeded.	Annual Returns 2020 - 2023.  EPL Monitoring reports 2020 to 2023.	No exceedances of ground vibration limits from blasting occurred during the reported audit period.	C	N/A
L5.5	Blasting operations at the premises may only take place between 9:00am-5:00pm Monday to Saturday. Blasting is not permitted on public holidays.  Blasting outside the hours specified above can only take place with the written approval of the EPA.	Annual Returns 2020 - 2023.  Blast Management Plan  Interviews with environmental and site personnel.	WCCM fires all blasts in the middle of the day generally between 12:00 pm and 2:00 pm, when atmospheric mixing is generally highest.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
L5.6	The hours during which blasting is permitted may be varied by the EPA upon consideration of the impact any variation may have on the amenity of the residents in the locality.	Blast Management Plan.  Interviews with environmental and site personnel.	Not triggered	C	N/A
L5.7	Blasting at the premises is limited to 1 blast on each day on which blasting is permitted. Note: Additional blasts are permitted where the EPA and neighbours have been notified of the intended blast prior to the additional blast being fired; and - it is demonstrated to be necessary for safety reasons; or - the previous blast generated ground vibration levels of less than 0.5 mm per second at all non-project related residences.	Annual Returns 2020 - 2023.  Interviews with environmental and site personnel.	Not triggered	C	N/A
L5.8	To determine compliance with condition(s) LS.1, LS.2, LS.3 and LS.4 a) Airblast overpressure and ground vibration levels must be measured and electronically recorded at any point within 30 metres of any non-project related residential building or other sensitive locations such as schools or hospitals for all blasts carried out in or on the premises; and b) Instrumentation used to measure the airblast overpressure and ground vibration must meet the requirements of Australian Standard AS 2187.2-2006.  Note: A breach of the licence will still occur where airblast overpressure or ground vibration levels from the blasting operations at the premises exceeds the limit specified in this licence at any "noise sensitive locations" other than the locations identified in the above condition.	Annual Returns 2020 - 2023. EPL Monitoring reports 2020 to 2023.  Ecotech blast monitoring monthly services reports (2020-2023)	All the monitoring locations are at least 3 km distant from the properties. BMP - 7.2.1 Monitoring Locations: Four privately owned properties have been selected to monitor potential blasting impacts against compliance criteria and are representative of the most affected community locations in proximity to Werris Creek. BMP - 7.2.3 Blast Monitoring Equipment: The permanent blast monitors are fixed units installed at each community location and are installed in compliance with Australian Standard AS2187.2-2006. Monitoring is recorded via a website interface which enables blast results to be reported (by SMS and email), with the complete waveform/trace available via the website for detailed analysis) in near real time.	C	N/A
<b>L6 Hours of operation</b>					
L6.1	Activities at the premises, other than blasting (which is subject to the limits applied by condition LS.5), may be carried out 24 hours a day, 7 days per week.	Noted.	Noted.	C	N/A
<b>L7 Potentially offensive odour</b>					
L7.1	No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997. Note: Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any Offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.	Complaints Registers 2020 to 2023  Annual Returns 2020 - 2023	No evidence to suggest this condition is not being complied with was noted.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
4 Operating conditions					
O1 Activities must be carried out in a competent manner					
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  General review of management systems  Interviews with environmental and site personnel.	No evidence to suggest that activities on-site are not being undertaken in a competent manner were observed during this assessment.	C	N/A
O2 Activities must be carried out in a competent manner					
O2.1	Maintenance of plant and equipment				
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.	Pulse preventative maintenance records Werris Creek plant detailed service history report (up to 15-05-2023) Novecom (noise, dust, weather) calibration and service records) 2020-2023 Ecotech (Blast monitoring network) service reports) 2020-2023	The preventative maintenance system utilised by the Site is called 'Pulse'. The system records all preventative maintenance tasks and creates electronic work orders for the maintenance team as required. ERM reviewed a sample of maintenance and calibration records for the site. Records reviewed were detailed and comprehensive. No inspections by regulatory bodies raised preventative maintenance as a concern. ERM did not observe any examples of poorly maintained plant during the site inspection.	C	N/A
O3 Dust					
O3.1	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	Air Quality and Greenhouse Gas Management Plan  Interviews with environmental and site personnel.  Site observations	According to: 8.1 Air Quality Management: In order to mitigate any potential air quality impacts from the Werris Creek Project, a number of air quality management controls will be implemented throughout the life of the operation. Including particulate emission controls and site dust suppression measures.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
O3.2	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.	Air Quality and Greenhouse Gas Management Plan  Werris Creek plant detailed service history report (up to 15-05-2023)  Novecom (dust) calibration and service records 2020-2023	According to: 8.1.13 Off-site Coal Transport: Coal is transported offsite to domestic and export markets by rail and road. The majority of coal is transported by trains (greater than 98%) at the Rail Load Out Facility.  Coal is generally moist which mitigates dust generation. In addition, the rail load out bin is enclosed and each loaded train wagons is sprayed with water to create surface crust to minimise dust generation. In addition, the new generation wagons are designed to be taller and concave which reduces the coal surface area, thereby reducing wind erosion during rail transport.  Water truck are also used on site for road dust suppression when conditions require.	C	N/A
<b>O4</b>	<b>Effluent application to land Irrigation of Mine Void Water from Void Water Dam 1</b>				
O4.1	Prior to the Licensee providing Irrigation water from Void Water dam 1, all necessary state and local government approvals must be obtained.	Water Management Plan – November 2017 .	Approval is as per WMP. On 27 <sup>th</sup> June 2016 a water use application was rejected to WCCM from the DPI. In the response from DPIE Water the letter said “ <i>The application will not be required if the amendment to the current Water Management Plan is approved</i> ”.	C	N/A
O4.2	Pollution events associated with any aspect of the recipient's and or Licensees void water reuse program for irrigation, must be reported to the EPA in accordance with section 148 of the Act as soon as is practicable after the Licensee becomes aware of an incident.	Water Management Plan – November 2017  EPL Monitoring reports 2020 to 2023.	Not Triggered	C	N/A
O4.3	The licensee must cease the supply of void water for irrigation as soon as the licensee becomes aware of a misuse of effluent or failure to implement any aspect of the irrigation management plan.	Water Management Plan – November 2017.	Not triggered. Irrigation system is managed in a way that if water applicator is bogged it will stop. WCCM has control of the discharge via inspection of discharge during pre and post irrigation.	NT	N/A
O4.4	The Licensee must review, with an annual inspection, the recipients use of the void water on an annual basis, to identify any corrective actions required to comply with or update the irrigation management plan. The supplier must keep records of sites visits, observations and corrective actions for at least four years.	Water Management Plan – November 2017 Irrigation Letter Reports 2020 - 2023	Annual irrigation reports describe the inspections and findings.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
O4.5	The licensee must engage a suitably qualified person to make an annual assessment of the irrigation scheme and this report must be submitted to the EPA with the annual return.	Water Management Plan – November 2017. Irrigation Letter Reports 2020 – 2023 CV of suitably qualified person	Murray Fraser (Associate Agronomist) of SLR conducted the annual assessments and issued annual reports.	C	N/A
<b>O5 Waste management</b>					
O5.1	The Licensee is authorised to dispose of heavy plant-tyre waste generated on the premises, in the waste rock/overburden emplacements. The Licensee must: <ol style="list-style-type: none"> <li>ensure that heavy plant waste tyres are re-used on the premises as much as practical;</li> <li>ensure that any surplus heavy plant waste tyres can be emplaced by being spread out within the waste rock/overburden emplacement and buried as deep as practical, but covered by at least 20m of inert material beneath any final rehabilitated surface;</li> <li>place heavy plant waste tyres at least 15 metres away from coarse reject material or tailings emplacement areas.;</li> <li>not emplace any heavy plant waste tyres directly on the pit floor or in a location that is likely to impede or contaminate saturated aquifers;</li> <li>not emplace any heavy plant waste tyres in a position that compromises the stability of the final rehabilitation landform;</li> <li>not emplace any heavy plant waste tyres within 15m of heated or potentially acid forming materials;</li> <li>not place any heavy plant waste tyres in an area likely to leach to any watercourse; and</li> <li>record the co-ordinates (easting, northing and elevation) of each disposal location.</li> </ol>	Annual Heavy Plant-Tyre Disposal Report WCCM 2022  Annual Tyre Disposal Report April 2023  Interviews with site and environmental personnel.	The 2022 and 2023 tyre disposal reports include details and coordinates of tyre disposal (burial) on site, including photos of burial within overburden dumps as per the criteria list of this condition.	C	N/A
O5.2	Stockpiles of any heavy plant waste tyres stored at the premises awaiting disposal must; <ol style="list-style-type: none"> <li>be less than 3 metres height and;</li> <li>not over an area of more than 200 square metres; and</li> <li>not be located within 10 metres of any other flammable or combustible materials.</li> </ol>	Site observations  Interviews with site and environmental personnel.	Stockpiles were observed to be in accordance with the criteria of this condition.	C	N/A
<b>O6 Other operating conditions</b>					
O6.1	Reversing beepers fitted to vehicles on the premises must be a low frequency broadband type, unless it can be demonstrated that operations will not contribute to off-site noise impacts.	Observations on-site.	Observed on-site (audible broadband reversing).	C	N/A
O6.2	<b>Blast Fume</b> 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: <ol style="list-style-type: none"> <li>are harmful to (or is likely to be harmful to) a person that is outside the premises from which it is emitted, or</li> <li>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.</li> </ol>	Complaints Registers 2020 to 2023.  Interviews with site and environmental personnel.	Blast videos of all blasts, and “blast hazard analysis” undertaken for each blast by WCCM.  No blast fume complaints in audit period.	C	N/A
O6.3	<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.	PIRMP – 30-09-2022	The scope and content of the PIRMP complies with the requirements of this condition.	C	N/A
O6.4	The licensee must keep the PIRMP on the premises at all times.	PIRMP – 30-09-2022  Annual Returns 2020 - 2023  Site Observations	Copies of the PIRMP were available for review with the Environment Manager and at the site office (sighted by ERM).	C	N/A



Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations																																																																				
M1 Monitoring and Recording Conditions																																																																									
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.	Annual Returns 2020 - 2023  EPL Monitoring Reports 2020 to 2023.	WCCM retains its records as required by condition.	C	N/A																																																																				
M1.2	All records required to be kept by this licence must be: <div>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.</div>	Annual Returns 2020 - 2023.  EPL Monitoring Reports 2020 to 2023. WCCM database	All monitoring data was observed to be in a legible form, maintain for at least 4 years and available in a legible form to be provided to EPA officers upon request.	C	N/A																																																																				
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <div>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.</div>	Annual Reviews 2020 - 2023  EPL Monitoring Reports 2021 to 2023. WCCM database	ERM reviewed a sample of CoC for water, air, groundwater in emails retained on record. Samples were compliant.	C	N/A																																																																				
M2 Requirement to monitor concentration of pollutants discharged																																																																									
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	EPL Monitoring Reports 2020 to 2023.	WCCM has undertaken the sampling of all the monitoring points during the reported audit period as required.	C	N/A																																																																				
M2.2	Air Monitoring Requirements  <div><div>POINT 28, 29, 30</div><table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling method</th></tr><tr><td>PM10</td><td>micrograms per cubic metre</td><td>Every 6 days</td><td>AM-18</td></tr><tr><td>Solid particles</td><td>Grams per square metre per month</td><td>Continuous</td><td>AM-19</td></tr></table></div>	Pollutant	Units of measure	Frequency	Sampling method	PM10	micrograms per cubic metre	Every 6 days	AM-18	Solid particles	Grams per square metre per month	Continuous	AM-19	EPL Monitoring Reports 2020 to 2023.	Same as M2.1.	C	N/A																																																								
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M2.3	Water and/ or Land Monitoring Requirements  <div><div>POINT 10, 12, 14, 32</div><table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling method</th></tr><tr><td>Conductivity</td><td>Microsiemens per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Nitrate</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Nitrogen (total)</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Oil and Grease</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>pH</td><td>pH</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Phosphorus (total)</td><td>Milligrams per litre</td><td>Special Frequency 1</td><td>Grab sample</td></tr><tr><td>Reactive phosphorus</td><td>Milligrams per litre</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></table><div><div>POINT 16, 27</div><table><tr><th>Pollutant</th><th>Units of measure</th><th>Frequency</th><th>Sampling method</th></tr><tr><td>Conductivity</td><td>Microsiemens per litre</td><td>Every 3 months</td><td>Grab sample</td></tr><tr><td>Nitrate</td><td>Milligrams per litre</td><td>Every 3 months</td><td>Grab sample</td></tr><tr><td>Nitrogen (total)</td><td>Milligrams per litre</td><td>Every 3 months</td><td>Grab sample</td></tr><tr><td>Oil and Grease</td><td>Milligrams per litre</td><td>Every 3 months</td><td>Grab sample</td></tr><tr><td>pH</td><td>pH</td><td>Every 3 months</td><td>Grab sample</td></tr><tr><td>Phosphorus (total)</td><td>Milligrams per litre</td><td>Every 3 months</td><td>Grab sample</td></tr><tr><td>Reactive phosphorus</td><td>Milligrams per litre</td><td>Every 3 months</td><td>Grab sample</td></tr></table></div></div>	Pollutant	Units of measure	Frequency	Sampling method	Conductivity	Microsiemens per litre	Special Frequency 1	Grab sample	Nitrate	Milligrams per litre	Special Frequency 1	Grab sample	Nitrogen (total)	Milligrams per litre	Special Frequency 1	Grab sample	Oil and Grease	Milligrams per litre	Special Frequency 1	Grab sample	pH	pH	Special Frequency 1	Grab sample	Phosphorus (total)	Milligrams per litre	Special Frequency 1	Grab sample	Reactive phosphorus	Milligrams per litre	Special Frequency 1	Grab sample	Total suspended solids	Milligrams per litre	Special Frequency 1	Grab sample	Pollutant	Units of measure	Frequency	Sampling method	Conductivity	Microsiemens per litre	Every 3 months	Grab sample	Nitrate	Milligrams per litre	Every 3 months	Grab sample	Nitrogen (total)	Milligrams per litre	Every 3 months	Grab sample	Oil and Grease	Milligrams per litre	Every 3 months	Grab sample	pH	pH	Every 3 months	Grab sample	Phosphorus (total)	Milligrams per litre	Every 3 months	Grab sample	Reactive phosphorus	Milligrams per litre	Every 3 months	Grab sample	EPL Monitoring Reports 2020 to 2023.  Annual Returns 2020 - 2023  Interviews with site and environmental personnel.	Sampling has been undertaken at the required frequencies (periodic and special frequency) as required by this condition as observed from EPL monitoring reports and annual returns.  There were a number of sampling events that were listed as dry and therefore don't record a sample being taken.	C	N/A
Pollutant	Units of measure	Frequency	Sampling method																																																																						
Conductivity	Microsiemens per litre	Special Frequency 1	Grab sample																																																																						
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Item	Assessment Requirement				Reference/ Evidence	Comments	Compliance	Recommendations
	Total suspended solids	Milligrams per litre	Every 3 months	Grab sample				
	<b>POINT 17, 18, 19, 20, 22, 21</b>							
	<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling method</b>				
	Conductivity	Microsiemens per litre	Every 6 months	Representative sample				
	Nitrate	Milligrams per litre	Every 6 months	Representative sample				
	Nitrogen (total)	Milligrams per litre	Every 6 months	Representative sample				
	Oil and Grease	Milligrams per litre	Every 6 months	Representative sample				
	pH	pH	Every 6 months	Representative sample				
	Phosphorus (total)	Milligrams per litre	Every 6 months	Representative sample				
	Reactive phosphorus	Milligrams per litre	Every 6 months	Representative sample				
	Standing water level	Milligrams per litre	Every 6 months	Representative sample				
	<b>POINT 23, 24, 25, 26</b>							
	<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling method</b>				
	Conductivity	Microsiemens per litre	Special Frequency 2	Special Method 1				
	Nitrate	Milligrams per litre	Special Frequency 2	Special Method 1				
	Nitrogen (total)	Milligrams per litre	Special Frequency 2	Special Method 1				
	Oil and Grease	Milligrams per litre	Special Frequency 2	Special Method 1				
	pH	pH	Special Frequency 2	Special Method 1				
	Phosphorus (total)	Milligrams per litre	Special Frequency 2	Special Method 1				
	Reactive phosphorus	Milligrams per litre	Special Frequency 2	Special Method 1				
	Total suspended solids	Milligrams per litre	Special Frequency 2	Special Method 1				
	<b>POINT 33, 34, 35</b>							
	<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling method</b>				
	Aluminium (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Arsenic (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Barrium (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Beryllium (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	BOD	Milligrams per litre	Special Frequency 3	Grab sample				
	Cadmium (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Chromium (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Cobalt (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Copper (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Electrical conductivity	Microsiemens per centimetre	Special Frequency 4	Grab sample				
	Iron (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Lead (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Magnesium	Milligrams per litre	Special Frequency 3	Grab sample				
	Manganese (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Nickel (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Oil and grease	Milligrams per litre	Special Frequency 3	Grab sample				
	pH	pH	Special Frequency 4	Grab sample				
	Potassium	Milligrams per litre	Special Frequency 3	Grab sample				
	Selenium (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Sodium	Milligrams per litre	Special Frequency 3	Grab sample				
	Total dissolved solids	Milligrams per litre	Special Frequency 3	Grab sample				
	Vanadium (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Zinc (dissolved)	Milligrams per litre	Special Frequency 3	Grab sample				
	Note: For the purposes of this condition, Special Frequency 1 means as soon as practicable after overflow commences and in any case not more than 12 hours after any overflow commencing.							
	For the purposes of this condition, Special Frequency 2 means within 12 hours after any overflow from a storage dam(s) on the premises occurring.							
	For the purposes of this condition, Special Frequency 3 means every three months. If no mine void water is planned to be provided for agricultural purposes within the three months following scheduled sampling, then sampling is not required.							
	For the purposes of this condition, Special Frequency 4 mean prior to, but not more than 24 hours prior to providing mine void water for agricultural purposes and then weekly thereafter, until the provision of water ceases. Samples are only required to be taken from the void water dam that is supplying water for agricultural purposes.							

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	For the purposes of this condition, Special Method 1 means that grab samples must be taken from those ambient/discharge water quality monitoring points (i.e. points 23-26) located in same drainage catchment (Werris Creek and/or Quipolly Creek) as those wet weather discharge points (i.e. points 10, 12, 14 and/or 32) overflowing in any individual discharge event. Note: The frequency of monitoring and the pollutant/s to be monitored may be varied by the EPA once the variability of the water quality and ground water quality is established.				
M2.4	For the purposes of the table(s) above, monitoring at points 16 and 27 is not required in the three month period if the monitoring site is dry or inadequate water is available to collect a sample.	EPL Monitoring Reports 2020 to 2023. Annual Returns 2020 - 2023	Not triggered	NT	N/A
M2.5	For the purposes of the table(s) above, monitoring at points 17, 18, 19, 20, 21 and 22 is not required in the six month period if the monitoring site is dry or inadequate water is available to collect a sample.	EPL Monitoring Reports 2020 to 2023. Annual Returns 2020 - 2023	EPL 17 was recorded as dry during the years 2020 – 2023. EPL 22 was recorded as dry during the years 2020 and 2021.	C	N/A

**M3 Testing methods – concentration limits**

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> <ul style="list-style-type: none"> <li>a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</li> <li>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</li> <li>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.</li> </ul> <p>Note: The Protection of the <i>Environment Operations (Clean Air) Regulation 2010</i> 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>	Air Quality and Greenhouse Gas Management Plan (AQGHGMP).	<p>According to the AQGHGMP:</p> <p>15. Monitoring</p> <p>Monitoring is undertaken in accordance with WCCM's EPL 12290 and PA 10_0059 conditions, which specify required methods of sampling, analysis and frequency of monitoring.</p> <p>Air quality monitoring locations will be reviewed, and if necessary, modified in consultation with DoP and EPA over the life of the project, in response to monitoring results and changes in the mining operations.</p>	C	N/A
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Water Management Plan	WMP references approved methods.	C	N/A

**M4 Weather monitoring**

M4.1	Weather Monitoring Requirements	Air Quality and Greenhouse Gas Management Plan (AQGHGMP).	According to the AQGHGMP:  9.5 Meteorology  WCCM maintains an on-site weather station identified as “M2” (EPL 12290 EPA ID #9) located on the top level of the overburden emplacement (at final rehabilitated landform surface RL445.5m) as well as “M3” (EPL 12290 EPA ID #31) lower level temperature sensor (base of overburden emplacement area at RL373.5m).  Table 27: WCCM “M2” Weather Station meteorological parameters	C	N/A
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POINT 9:				
Parameter	Units of Measure	Frequency	Averaging Period	Sampling method
Rainfall	Millimetres per hour	Continuous	1 hour	AM-4
Wind speed @ 10 metres	Metres per second	Continuous	15 minute	AM-2 & AM-4
Wind direction @ 10 metres	Degrees clockwise from true north	Continuous	15 minute	AM-2 & AM-4
Temperature @ 2 metres	Degrees Celsius	Continuous	15 minute	AM-4
Temperature @ 10 metres	Degrees Celsius	Continuous	15 minute	AM-4
Sigma theta @ 10 metres	Degrees clockwise from true north	Continuous	15 minute	AM-2 & AM-4
Solar radiation	Watts per square metre	Continuous	15 minute	AM-4

Item	Assessment Requirement					Reference/ Evidence	Comments	Compliance	Recommendations										
	<table><tr><td>Additional requirements – siting</td><td>-</td><td>-</td><td>-</td><td>AM-1, AM-4 &amp; special method 2</td></tr><tr><td>Additional requirements – measurement</td><td>-</td><td>-</td><td>-</td><td>AM-1, AM-4 &amp; special method 2</td></tr></table>					Additional requirements – siting	-	-	-	AM-1, AM-4 & special method 2	Additional requirements – measurement	-	-	-	AM-1, AM-4 & special method 2		This table shows all the parameters that the weather monitoring station requires.		
Additional requirements – siting	-	-	-	AM-1, AM-4 & special method 2															
Additional requirements – measurement	-	-	-	AM-1, AM-4 & special method 2															
M4.2	<div><b>POINT 31</b></div> <table><tr><th>Parameter</th><th>Units of Measure</th><th>Frequency</th><th>Averaging Period</th><th>Sampling method</th></tr><tr><td>Temperature @ 2 metres</td><td>Degrees celcius</td><td>Continuous</td><td>15 minute</td><td>AM-4 &amp; special method 2</td></tr></table> <p>Note: For the purposes of conditions M4.1 &amp; M4.2, Special Method 2 means that the location of the meteorological monitoring equipment and details of that equipment, the equipment operation and maintenance/service procedures and schedules must be submitted in writing and approved in writing by the EPA before any sampling or analysis is carried out. The meteorological monitoring equipment must be calibrated at least once every 12 months. Any proposed changes to the meteorological monitoring equipment location, operating and maintenance/service procedures and schedules, or to the monitoring hardware itself must also be submitted in writing and approved in writing by the EPA. The EPA is to be provided with the monitoring data on request in a Microsoft® Office software compatible format.</p>					Parameter	Units of Measure	Frequency	Averaging Period	Sampling method	Temperature @ 2 metres	Degrees celcius	Continuous	15 minute	AM-4 & special method 2	Air Quality and Greenhouse Gas Management Plan (AQGHGMP).	Same as M4.1.	C	N/A
Parameter	Units of Measure	Frequency	Averaging Period	Sampling method															
Temperature @ 2 metres	Degrees celcius	Continuous	15 minute	AM-4 & special method 2															

M5 Recording of pollution complaints									
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.					Internal and external complaints registers 2020 to 2023	ERM sighted complaints records retained from 2005 to the present.	C	N/A
M5.2	The record must include details of the following: <div><div>a) the date and time of the complaint;</div><div>b) the method by which the complaint was made;</div><div>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;</div><div>d) the nature of the complaint;</div><div>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</div><div>f) if no action was taken by the licensee, the reasons why no action was taken.</div></div>					Internal and external complaints registers 2020 to 2023	The internal complaints register included all the fields required by this condition. Spreadsheet across audit period. Borialus program just installed.	C	N/A
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.					Complaints registers 2005 to 2023	ERM sighted complaints records retained from 2005 to the present.	C	N/A
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.					Noted	note	Noted	N/A
M6 Telephone complaints line									
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.					Website Signage	The site has a 24 hour complaints line in place to receive complaints from members of the public.	C	N/A
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.					Website Signage	ERM tested the complaints number published on the Werris Creek Mine Whitehaven Coal website. The complaints number was functional.	C	N/A
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.					Noted	Noted.	Noted	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations												
M7 Requirement to monitor volume or mass																	
M7.1	<div>For each discharge point or utilisation area specified below, the licensee must monitor:<div><div>a) the volume of liquids discharged.to water or applied to the area;</div><div>b) the mass of solids applied to the area;</div><div>c) the mass of pollutants emitted to the air;</div></div>at the frequency and using the method and units of measure, specified below.<div>POINT 33, 34, 35<table><tr><th>Frequency</th><th>Units of Measure</th><th>Sampling method</th></tr><tr><td>Daily during any discharge</td><td>Kilolitres per day</td><td>By Calculation (volume flow rate or pump capacity multiplied by operating time)</td></tr></table></div></div>	Frequency	Units of Measure	Sampling method	Daily during any discharge	Kilolitres per day	By Calculation (volume flow rate or pump capacity multiplied by operating time)	EPL Monitoring reports 2020 to 2023. Annual reviews 2020 and 2021.	WCCM monitors points 33, 34 and 35 in volume (mg/L) at special frequencies (3 and 4).  Volume and mass monitoring conducted as required by this condition.	C	N/A						
Frequency	Units of Measure	Sampling method															
Daily during any discharge	Kilolitres per day	By Calculation (volume flow rate or pump capacity multiplied by operating time)															
M8 Blasting																	
M8.1	<div>To assess compliance with the blast limits presented at L5, blast monitoring must be undertaken in accordance with L5 at the following locations: Within 30 metres of the residences at the locations marked as "R98 Kyooma", "R11 Glenara" and "R62 43 Kurrara St, Werris Ck", and within 30 metres of the location marked as "R92 Werris Creek Middle" on the figure titled "EPL 12290 Licensed Monitoring Points", received by the EPA via email on 17 December 2015 (DOC16/111380).</div> <table><tr><th>Parameter</th><th>Units of Measure</th><th>Frequency</th><th>Sampling method</th></tr><tr><td>Blast noise</td><td>dB (Lin Peak)</td><td>Every blast</td><td>Type 1 Noise/Blast</td></tr><tr><td>Blast vibration</td><td>Mm/s</td><td>Every blast</td><td>Geophone logger or similar</td></tr></table>	Parameter	Units of Measure	Frequency	Sampling method	Blast noise	dB (Lin Peak)	Every blast	Type 1 Noise/Blast	Blast vibration	Mm/s	Every blast	Geophone logger or similar	EPL Monitoring reports 2020 to 2023.  Blast Management Plan.	WCCM undertakes blast monitoring at those receptors with those descriptors.	C	N/A
Parameter	Units of Measure	Frequency	Sampling method														
Blast noise	dB (Lin Peak)	Every blast	Type 1 Noise/Blast														
Blast vibration	Mm/s	Every blast	Geophone logger or similar														
M9 Other monitoring and recording conditions																	
Noise monitoring																	
M9.1	<div>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:<div><div>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);</div><div>b) occur monthly in a reporting period;</div><div>c) occur during each day, evening and night period as defined in the NSW Industrial Noise Policy for a minimum of:<div><div>i) 1 hour during the day; and</div><div>ii) 1 hour during the evening or night.</div></div></div></div><div>Note: The frequency of monitoring may be varied by the EPA once the variability of the noise impact is established.</div></div>	Noise Management Plan.  EPL Monitoring reports 2020 to 2023.	Noise monitoring reports for the audit period have been reviewed and have been conducted in accordance with the required conditions.	C	N/A												
6 Reporting Conditions																	
R1	Annual return documents																
R.1.1	<div>The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:<div><div>1. a Statement of Compliance,</div><div>2. a Monitoring and Complaints Summary,</div><div>3. a Statement of Compliance - Licence Conditions,</div><div>4. a Statement of Compliance - Load based Fee,</div><div>5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan,</div><div>6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and</div></div></div>	Annual Returns 2020 to 2023	Annual returns were completed in full in the approved forms during each year of the audit period.	C	N/A												

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>7. a Statement of Compliance - Environmental Management Systems and Practices.</p> <p>At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.</p>				
R1.2	<p>An Annual Return must be prepared in respect of each reporting period, except as provided below.</p> <p>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.</p>	<p>Emails with eConnect receipts of submission confirming Annual Return Submission 2020 to 2023</p> <p>Annual Returns 2020 to 2023</p>	<p>Annual returns were prepared and submitted in each year within the audit period.</p>	C	N/A
R1.3	<p>Where this licence is transferred from the licensee to a new licensee:</p> <p>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</p> <p>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.</p> <p>Note: An application to transfer a licence must be made in the approved form for this purpose.</p>	Not applicable	Not Triggered	NT	N/A
R1.4	<p>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:</p> <p>a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or</p> <p>b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.</p>	Not applicable	Not Triggered	NT	N/A
R1.5	<p>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').</p>	<p>Emails with eConnect receipts of submission confirming Annual Return Submission 2020 to 2023</p>	<p>The submission times for Annual Returns are summarised below:</p> <ul style="list-style-type: none"> <li>2020 – on 28<sup>th</sup> May 2021 (due date 30<sup>th</sup> May 2021);</li> <li>2021 – on 30<sup>th</sup> May 2022 (due date 30<sup>th</sup> May 2022); and</li> <li>2022 – on 29<sup>th</sup> May 2023 (due date 30<sup>th</sup> May 2023).</li> </ul>	NC	N/A
R1.6	<p>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.</p>	Annual returns	Copies of annual returns are maintained as required.	C	N/A
R1.7	<p>Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:</p> <p>a) the licence holder; or</p> <p>b) by a person approved in writing by the EPA to sign on behalf of the licence holder.</p>	Annual Returns 2020 to 2023	Annual returns are submitted through eConnect portal – process requires approved person to submit which constitutes signature.	C	N/A
R1.8	<p>The licensee must provide the EPA with an Annual Heavy Plant-Tyre Disposal Report. The report must be submitted with the Licence Annual Return each year. The Annual Heavy Plant Disposal Report must include and not be limited to:</p> <ol style="list-style-type: none"> <li>Each tyre serial number.</li> <li>Supplier of each tyre.</li> <li>Purchase date of each tyre</li> <li>Disposal date of each tyre.</li> <li>Co-ordinates (easting and northings) of the locations where each tyre was disposed of by burial in accordance with condition O4.1.</li> <li>The real level (RL) in metres <i>AHD</i> of each tyre emplacement location.</li> <li>The number of tyres buried within each emplacement location, and</li> <li>The cumulative total number and tonnage of tyres disposed of at the premises each year.</li> </ol>	<p>Annual Heavy Plant-Tyre Disposal Report WCCM 2022</p> <p>Annual Tyre Disposal Report April 2023</p>	Annual heavy plant-tyre report submitted as required and content covers condition requirements 1-8.	C	N/A



Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
<b>R2 Notification of environmental harm</b>					
<b>R2.1</b>	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.  Notifications must be made by telephoning the Environment Line service on 131 555.	Annual Returns 2020 to 2023  Interviews with environmental and site personnel.	WCCM stated no incidents causing or threatening material harm to environment within audit period.	C	N/A
<b>R2.2</b>	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	NT	As above for R2.1	C	N/A
<b>R3 Written Report</b>					
<b>R3.1</b>	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, c) 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.	Not applicable	Not Triggered	NT	N/A
<b>R3.2</b>	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.	Not applicable	Not Triggered	NT	N/A
<b>R3.3</b>	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.	Not applicable	Not Triggered	NT	N/A
<b>R3.4</b>	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.	Not applicable	Not Triggered	NT	N/A
<b>R3.5</b>	The licensee must undertake a review of available recycling options for end of life heavy plant tyres at least once every two (2) years and provide a report to the EPA that contains and is not limited to the following: 1. analysis of the current capacity of recycling facilities that can accept end of life mining heavy plant tyres for processing in NSW and other neighbouring states; 2. evidence of enquiries made by the proponent in the previous 24 months to actively seek recycling options for end of life heavy mining plant tyres generated at the premises; 3. analysis of any pre-treatment options that can be performed at the premises to reduce costs associated with the transport and recycling of end of life mining heavy plant tyres	TARRAWONGA COAL MINE, WERRIS CREEK COAL MINE, AND MAULES CREEK COAL MINE END-OF-LIFE HEAVY PLANT MINING TYRE REVIEW – April 2023	WHC undertook the review as per condition requirements 1-6 and submitted as required.	C	N/A



Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	4. analysis of the specific costs to the licensee associated with the transport and delivery/acceptance of site generated end of life mining heavy plant tyres at the nearest capable recycling facilities; 5. the current costs associated with the continued on site burial of end of life mining heavy plant tyres; 6. A full cost benefit analysis of continued on-site burial of end of life mining tyres compared to their transportation from the site and their recycling/reprocessing. Report submission date: Every two (2) years, as part of the Annual Return, with the first report to be submitted with the Annual Return for the 2022-23 reporting period.				
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: <ul style="list-style-type: none"> <li>a) an assessment of compliance with noise limits presented in the Noise Limits table; and</li> <li>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.</li> </ul>	WCCM Annual Returns 2020 – 2023 Noise Monitoring Reports	Review of the completion dates of the monitoring reports and records of submission to EPA indicated these were typically submitted within the 30-day period, with several occasions of submissions outside the 30-day period such as the monthly reports for May 2020, May 2021, December 2021, January 2022 and November 2022.	NC	Recommend WHC review engagement contracts and engage in regular conversation with the acoustic consultants to ensure the 30-day submission period is met. In view of this, a low risk non-compliance is considered.
R4.2	The licensee must report any exceedance of the licence blasting limits to the regional office of the EPA as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	WCCM Annual Returns 2020 – 2023 Interviews with environmental and site personnel.	Not triggered in audit period	NT	N/A

**7 General Conditions****G1 Copy of licence kept at the premises or plant**

G1.1	A copy of this licence must be kept at the premises to which the licence applies.	EPL 12290	Copy of licence sighted with Environment Officer.	C	N/A
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Not applicable	Not triggered.	NT	N/A
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Not applicable	Not triggered.	NT	N/A

**G2 Other general conditions**

G2.1	<b>Completed programs</b>		Not applicable.	Noted.	Note	N/A
	<b>Program</b>	<b>Description</b>	<b>Completed Date</b>			
	PRP 1: Noise Monitoring and Assessment Program	This PRP requires the licensee to undertake a noise monitoring and assessment of the impacts of typical construction and mining activities on the premises.	15-May-2008			
	PRP 2: Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific best management practice (BMP) determination to identify ways to reduce particulate emissions.	27-June-2012			
	Particulate Matter Control Best Practice Implementation - Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	13-August-2014			
	Particulate Matter Control Best Practice Implementation - Disturbing and Handling Overburden under Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	13-August-2014			

Item	Assessment Requirement			Reference/ Evidence	Comments	Compliance	Recommendations
	Particulate Matter Control Best Practice Implementation - Trial of Best Practice Measures for Disturbing and Handling Overburden	Investigation to establish best practice measures for the handling of overburden. Investigation to establish best practice measures for the handling of overburden.	14-April-2014				
	Coal Mine Wind Erosion of Exposed Land Assessment	Calculate the stabilised and disturbed surface areas (in hectares) within the premises as of 30 June 2014, against the predictions within the licensee's Environmental Assessment or Environmental Impact Statement for the premises.	28-August-2015				
	Void Water Dam 1	Complete repairs to VWD 1 at erosion points and clean up hydrocarbon spills	27 July 2022				
<b>8</b>	<b>Pollution Studies and Reduction Programs</b>						
U1.1	<b>Oil Water Separator</b> By no later than 5PM on 31 October 2022, the licensee must decommission the current inground oil water separator and replace it with an above ground system that: 1. Is roofed and bunded (roof can be mobile); and 2. Provides for stormwater bypass if required; and 3. The type of separator selected is based volume generation needs (Coalescing plate separator or Hydrocyclone oil separator) and the best possible treatment for that volume generation available; and 4. Is capable of pre-treating oil, grease, silt, detergents, NFR (Suspended solids), COD (chemical oxygen demand) and pH prior to collection for disposal. The Decommissioned inground unit must be removed and lawfully disposed of, at a lawful waste facility by 5pm on 31 October 2022			Annual Return 2022 Email from WCCM to EPA (dated 31-10-2022) advising requirement completed. Site observations	WHC had progressed the project but had been impacted by delays due to contractor availability and access to site when covid 19 restrictions were in place were not able to complete the works by the stipulated time. The Oil Water Separator (OWS) had been selected, costed and budgeted. WHC consulted with the EPA notifying them of the delay in completing the condition required works. ERM noted during the audit that the works have since been completed and the EPA notified.  The letter from WCCM advised the EPA that stated required works have been completed, including photo evidencing completed works.	NC	Works complete, no further action required.
U2	By no later than 5PM on 31 October 2022, the licensee must provide written advice to <a href="mailto:info@epa.nsw.gov.au">info@epa.nsw.gov.au</a> confirming the completion of actions required by Condition U1.1.			As above (letter)	As WHC were unable to complete the works by the required date they were unable to notify the EPA of the completed works by the stated date.	NC (duplicate)	Works complete, no further action required.
<b>9</b>	<b>Special Conditions</b>						
	<b>E1 Three Yearly Independent Noise Audit</b>						
E.1.1	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 <i>NSW Industrial Noise Policy</i> and any relevant Application Notes published by the EPA;			Submission receipts for Noise Audit and Independent Environmental Audit for 2020, dated 24-07-2020.  Previous years audits submissions were assessed during previous audits.	This condition was met for last audit period 2020 reports and has been prepared for 2023 to meet the requirements.	C	N/A

Item	Assessment Requirement	Reference/ Evidence	Comments	Compliance	Recommendations
	<p>(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</p> <p>(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.</p> <p>The reports required by this condition must be submitted to the EPA's Armidale office <b><u>within 6 weeks of the 30 June 2014, and every three years thereafter.</u></b></p> <p>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.</p>				
E1.2	<p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>c) Provide timelines and provisional costings for the proposed actions or works;</li> <li>d) Provide an analysis where possible of the potential noise reductions that the proposed actions are likely to achieve; and</li> <li>e) Define any additional noise monitoring programs that might be required to measure/validate the performance of the proposed mitigation actions.</li> </ul> <p>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.</p>	N/A	Completed outside of audit period.	NT	N/A



<b>Document details</b>	
Document title	Table A4 – Mining Lease 1563, 1671, 1672
Document subtitle	Compliance with Mining Lease 1563
Project No.	0616390_01
Date	22 June 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal

NOTE: Compliance table period from 2 July 2022 to 5 July 2023 (Instrument of Variation - 17 October 2022) and is assessed as a single project.

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>SCHEDULE B – Standard Conditions</b>					
<b>Division 1 - Protection of the environment and rehabilitation</b>					
4	<p><b>Must prevent or minimise harm to environment</b></p> <p>(1) The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.</p> <p>(2) In this clause—</p> <p><b>harm</b> to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.</p>	This audit	Refer to the findings of this audit.	C	N/A
5	<p><b>Rehabilitation to occur as soon as reasonably practicable after disturbance</b></p> <p>The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.</p>	<p>Annual Reviews 2020 to 2021</p> <p>Rehabilitation Management Plan 29-07-2022</p> <p>Forward Program 09-03-2023</p> <p>Annual Reviews</p>	The rehabilitation at the mine is an ongoing process, which based on ERM's observations and a review of relevant Annual Reviews from the audit period appears to be being undertaken generally in accordance with EA rehabilitation strategy; the EA, and the Rehabilitation Management Plan and Forward Program.	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
6	<p><b>Rehabilitation must achieve final land use</b></p> <p>(1) The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.</p> <p>(2) The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).</p> <p>(3) The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).</p> <p><b>Note—</b></p> <p>Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.</p> <p>(4) In this clause—</p> <p><b>final land use</b> for the mining area means the final landform and land uses to be achieved for the mining area—</p> <p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p> <p>(b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and</p>	<p>Annual Reviews 2020 to 2021</p> <p>Rehabilitation Management Plan 29-07-2022</p> <p>Forward Program 09-03-2023</p> <p>Annual Reviews</p> <p>PA 10_0059</p>	<p>(1) WHC is undertaking rehabilitation in line with the Rehabilitation Plan to achieve final land use.</p> <p>(2) PA 10_0059</p> <p>(3) Rehabilitation Management Plan contains the risk assessment as required.</p> <p>(4) Note</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.</p> <p><b>planning approval</b> means—</p> <p>(a) a development consent within the meaning of the <a href="#">Environmental Planning and Assessment Act 1979</a>, or</p> <p>(b) an approval under that Act, Division 5.1.</p>				

## Division 2 - Risk assessment

7	<p><b>Rehabilitation risk assessment</b></p> <p>(1) The holder of a mining lease must conduct a risk assessment (a <b>rehabilitation risk assessment</b>) that—</p> <p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—</p> <p>(i) the rehabilitation objectives,</p> <p>(ii) the rehabilitation completion criteria,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and</p>	<p>Rehabilitation Management Plan 29-07-2022, includes Risk Assessment</p> <p>Interviews with environmental personnel</p> <p>Site Observations</p>	<p>(1) The Rehabilitation Management Plan (RMP) includes the requirements for (1 a and b). Note, (1a-ii) rehabilitation completion criteria to be prepared and submitted once rehabilitation objectives are approved.</p> <p>(2) WHC stated are implementing measures to eliminate, minimise or mitigate the risks. This will be reported in future Annual Rehabilitation Reports.</p> <p>(3) Risk Assessment carried out prior to preparation of RMP as per (a) – large mine (Werris Creek is classed as large</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p> <p>(2) The holder of the mining lease must implement the measures identified.</p> <p>(3) The holder of a mining lease must conduct a rehabilitation risk assessment—</p> <p>(a) for a large mine—before preparing a rehabilitation management plan, and</p> <p>(b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and</p> <p>(c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and</p> <p>(d) whenever given a written direction to do so by the Secretary.</p>		mine) and will update as required as per (c) and (d).		

### Division 3 - Rehabilitation documents

8	<p><b>Application of Division</b></p> <p>This Division does not apply to a mining lease unless—</p> <p>(a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or</p>	Security deposit calculations	Security deposits required under the mining leases are greater than minimum deposits prescribed under the Act, section 261BF. Therefore, the Division (for Rehabilitation documents) applies.	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	(b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.				
9	<p><b>General requirements for documents</b></p> <p>A document required to be prepared under this Division must—</p> <p>(a) be in a form approved by the Secretary, and</p> <p><b>Note—</b></p> <p>The approved forms are available on the Department's website.</p> <p>(b) include any matter required to be included by the form, and</p> <p>(c) if required to be given to the Secretary—be given in a way approved by the Secretary.</p>	<p>Rehabilitation Management Plan 29-07-2022</p> <p>Forward Program 09-03-2023</p> <p>Rehabilitation Outcome Documents submitted via online portal</p>	Documents observed to be in required format and submitted as required.	C	N/A
10	<p><b>Rehabilitation management plans for large mines</b></p> <p>(1) The holder of a mining lease relating to a large mine must prepare a plan (a <b>rehabilitation management plan</b>) for the mining lease that includes the following—</p> <p>(a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area,</p>	<p>Rehabilitation Management Plan 29-07-2022</p> <p>Forward Program 09-03-2023</p> <p>Rehabilitation Outcome</p>	<p>(1) Rehabilitation Management Plan covers the current listed requirements for (a) to (f).</p> <p>(2) WHC prepared a proposed version of the Rehabilitation Management Plan prior to submitting rehabilitation outcome documents for approval by the Secretary. Approval from the Secretary of the rehabilitation outcome documents has not yet been issued.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation,</p> <p>(c) a summary of rehabilitation risk assessments conducted by the holder,</p> <p>(d) the risk control measures identified in the rehabilitation risk assessments,</p> <p>(e) the rehabilitation outcome documents for the mining lease,</p> <p>(f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.</p> <p>(2) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.</p> <p>(3) A rehabilitation management plan is not required to be given to the Secretary for approval.</p> <p>(4) The holder of the mining lease—</p> <p>(a) must implement the matters set out in the rehabilitation management plan, and</p> <p>(b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.</p>		<p>(3) Noted</p> <p>(4) WHC is implementing the matters set out in the rehabilitation management plan and forward program as per (a) and (b).</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
11	<p><b>Amendment of rehabilitation management plans</b></p> <p>The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—</p> <p>(a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,</p> <p>(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,</p> <p>(c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,</p> <p>(d) whenever given a written direction to do so by the Secretary—in accordance with the direction.</p>	<p>Rehabilitation Management Plan 29-07-2022</p> <p>Interviews with environmental personnel</p>	<p>(a) NT as rehabilitation outcome documents not yet approved by Secretary.</p> <p>(b) NT as no amendment made under Condition 14.</p> <p>(c) NT as no changes to risk control measures within audit period.</p> <p>(d) NT as not been directed to do so by Secretary.</p>	NT	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
12	<p><b>Rehabilitation outcome documents</b></p> <p>(1) The holder of a mining lease must prepare the following documents (the <b>rehabilitation outcome documents</b>) for the mining lease and give them to the Secretary for approval—</p> <p>(a) the <b>rehabilitation objectives statement</b>, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the <b>rehabilitation completion criteria statement</b>, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the <b>final landform and rehabilitation plan</b>, showing a spatial depiction of the final land use.</p> <p>(2) If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.</p>	<p>Rehabilitation Management Plan 29-07-2022</p> <p>Werris creek Rehabilitation Objectives Statement - spreadsheet (ROBJ0001209). ROBJ submitted via online portal.</p>	<p>(1a) Rehabilitation objectives statement was submitted which sets out rehabilitation objectives.</p> <p>(1b) NT – Rehabilitation completion criteria statement no yet required as first need objectives statement to be approved by Secretary.</p> <p>(1c) included in RMP and submitted via online portal.</p> <p>(2) Final land use is consistent with conditions of development consent with spatial data submitted.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
13	<p><b>Forward program and annual rehabilitation report</b></p> <p>(1) The holder of a mining lease must prepare a program (a <b>forward program</b>) for the mining lease that includes the following—</p> <p>(a) a schedule of mining activities for the mining area for the next 3 years,</p> <p>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</p> <p>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</p> <p>(2) The holder of a mining lease must prepare a report (an <b>annual rehabilitation report</b>) for the mining lease that includes—</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following—</p>	<p>Forward Program 29-07-2022</p> <p>Forward Program 09-03-2023</p> <p>Annual Rehabilitation Report 01-01-2022 to 31-12-2022</p>	<p>(1) Forward Program includes 3-year schedule for mining activities (a), a summary of spatial progression for phases in the 3-year period (b) and the requirement for rehabilitation to occur as soon as reasonably practicable (c).</p> <p>(2) Annual rehabilitation report covering the period of 1 January 2022 to 31 December 2022 was prepared and covers requirements of (a) to (c). Note, report is generated automatically following submission of data to online portal, but the report has not been generated with a date.</p> <p>(3) Rehabilitation Outcome Document not yet approved by the Secretary so WHC relying upon proposed version.</p> <p>(4) Forward Program and Annual Rehabilitation Report submitted to Secretary via online portal.</p> <p>(5) Noted.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(i) the objectives set out in the rehabilitation objectives statement,</p> <p>(ii) the criteria set out in the rehabilitation completion criteria statement,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.</p> <p>(3) If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.</p> <p>(4) The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.</p> <p>(5) In this clause—</p> <p><b>annual reporting period</b> means each period of 12 months commencing on—</p> <p>(a) the date on which the mining lease is granted, or</p> <p>(b) if the Secretary approves another date in relation to the mining lease—the other date.</p>				
14	<p><b>Amendment of rehabilitation outcome documents and forward program</b></p> <p>(1) This clause applies to—</p> <p>(a) a rehabilitation outcome document if it</p>	<p>Forward Program 29-07-2022</p> <p>Forward Program 09-03-2023</p>	<p>(1a) NT - Rehabilitation outcome document not yet approved.</p> <p>(1b) Period of Forward Program changes only (administrative. Legislation came into effect end of</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>has been approved by the Secretary, and</p> <p>(b) a forward program if it has been given to the Secretary.</p> <p>(2) The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless—</p> <p>(a) the Secretary gives the holder a written direction to do so, or</p> <p>(b) the Secretary, on written application by the holder, gives a written approval of the amendment.</p> <p>(3) The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.</p> <p>(4) Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.</p>		<p>June 2022, WHC 30 days to submit Forward program.</p> <p>Forward program submitted 29 July 2022.</p> <p>First submission of the Forward program was based on calendar year backdated from 1 Jan 2022 to Dec 2024 in line with DPE reporting year.</p> <p>Forward program requires annual submission – after reporting period Calendar Year 2022, hence submission in 9 March 2023.</p> <p>(2 – 4) Noted</p>		
15	<p><b>Times at which documents must be prepared and given</b></p> <p>(1) The holder of a mining lease must do the following before the end of the initial period—</p> <p>(a) prepare a rehabilitation management plan, and</p> <p>(b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement,</p>	<p>Rehabilitation Management Plan 29-07-2022</p> <p>Werris creek Rehabilitation Objectives Statement - spreadsheet (ROBJ0001209). ROBJ submitted via online portal.</p> <p>Forward Program 29-07-2022</p>	<p>(1a) A proposed Rehabilitation Management Plan has been prepared as required.</p> <p>b) Rehabilitation outcome documents (rehabilitation objectives statement only at this stage. Once that is approved WHC will need submit the rehabilitation completion criteria</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>to the Secretary for approval, and</p> <p>(c) prepare a forward program and give it to the Secretary.</p> <p>(2) The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before—</p> <p>(a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or</p> <p>(b) a later date approved by the Secretary.</p> <p>(3) A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.</p> <p>(4) The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before—</p> <p>(a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or</p> <p>(b) a later date approved by the Secretary.</p> <p>(5) A rehabilitation completion criteria</p>		<p>statement) prepared and submitted to Secretary for approval.</p> <p>c) Prepared Forward Program and submitted to Secretary.</p> <p>(2) Forward Program and Annual Rehabilitation Report prepared and submitted within stated period.</p> <p>(3) Not yet triggered. Rehabilitation completion criteria to be submitted once Rehabilitation Objectives Statement is approved.</p> <p>(4-8) Noted</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3).</p> <p>(6) The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause.</p> <p>(7) The holder of the mining lease must comply with the direction.</p> <p>(8) In this clause—</p> <p><b>initial period</b> means the period commencing when the mining lease is granted and ending—</p> <p>(a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or</p> <p>(b) if this Division applies to the mining lease because of an increase in the required security deposit—</p> <p>(i) when the surface of the mining area is disturbed by activities under the mining lease, or</p> <p>(ii) at a later date approved by the Secretary.</p>				



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
16	<p><b>Certain documents to be publicly available</b></p> <p>(1) This clause applies to the following documents—</p> <p>(a) a rehabilitation management plan,</p> <p>(b) a forward program,</p> <p>(c) an annual rehabilitation report.</p> <p>(2) The holder of a mining lease must make a document to which this clause applies publicly available by—</p> <p>(a) publishing it on its website in a prominent position, or</p> <p>(b) if the holder does not have a website—providing a copy of it to a person—</p> <p>(i) on the written request of a person, and</p> <p>(ii) without charge, and</p> <p>(iii) within 14 days after the request is received.</p> <p>(3) If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published—</p> <p>(a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or</p> <p>(b) for a forward program or an annual rehabilitation report—within 14 days after it</p>	<p>Viewed on WHC website.</p> <p><a href="https://whitehavencoal.com.au/our-business/our-assets/werris-creek-mine/">https://whitehavencoal.com.au/our-business/our-assets/werris-creek-mine/</a></p> <p>Interviews with environmental personnel</p>	<p>Rehabilitation Management Plan 29-07-2022 on website.</p> <p>Forward Program 29-07-2022 and Forward Program 09-03-2023 both on website.</p> <p>Annual Rehabilitation Report 01-01-2022 to 31-12-2022 on website.</p> <p>WHC stated documents published on website as per condition requirements.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	is given to the Secretary or amended,  (4) Personal information within the meaning of the <a href="#">Privacy and Personal Information Protection Act 1998</a> is not required to be included in a document made available to a person under this clause.				

#### Division 4 - Records, reporting and notification

17	<b>Records demonstrating compliance</b>  The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part.  <b>Note—</b>  The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.	Annual Reviews  Annual Returns  CMO Compliance Management Software  Interview with environmental personnel	Internal CMO compliance management software used for creating and maintaining records of actions to demonstrate compliance.  Compliance reported through Annual Reviews.	C	N/A
18	<b>Report on non-compliance</b>  (1)The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with—  (a)a condition of the mining lease, or  <b>Note—</b>	Interviews with environmental personnel.	Site personnel stated no non-compliances during the audit period from 2 July 2022 to 5 July 2023.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition.</p> <p>(b)a requirement of the Act or this Regulation relating to activities under the mining lease.</p> <p>(2)The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.</p> <p>(3)The holder of the mining lease must ensure the report—</p> <p>(a)identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and</p> <p>(b)describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and</p> <p>(c)describes the causes or likely causes of the non-compliance, and</p> <p>(d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.</p>				

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
19	<p><b>Nominated contact person</b></p> <p>(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act.</p> <p><b>Note—</b></p> <p>The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</p> <p>(2) The holder of the mining lease must give written notice to the Secretary of—</p> <p>(a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and</p> <p>(b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs.</p> <p>(3) The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.</p>	<p>Confirmation of Nominated Contact Person email from NSW Resources Regulator 15-03-2023</p>	<p>Contact person is - Daryl Robinson, nomination reference NCP0001194</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Division 5 - Applications relating to development consent</b>					
20	<b>Additional requirements—application for or to modify development consent</b>  (1) The holder of a mining lease must give written notice to the Secretary within 10 days after—  (a) making an application for development consent that relates to the mining area, or  (b) making an application for modification of a development consent—  (i) under the <a href="#">Environmental Planning and Assessment Act 1979</a> , section 4.55(2), and  (ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.  (2) This clause does not apply if the development is State significant development.	PA 10_0059 Consolidated	The most recent modification to the development consent was in May 2021 – prior to the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016 taking effect from 2-07-2022.	NT	N/A
<b>General Conditions</b>					
1	<b>1. Notice to Landholders</b>  (a) Within 90 days from the date of grant or renewal of this mining lease, the lease holder must give each landholder notice in	Interview with Environmental personnel.	WHC stated all land within these Werris Creek Mining Leases is owned by Whitehaven Coal.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>writing:</p> <p>(i) that this mining lease has been granted or renewed; and</p> <p>(ii) whether the lease includes the surface.</p> <p>The notice must include a plan identifying the lease area and each landholder and individual land parcel within the lease area.</p> <p>(b) If there are ten or more landholders to which notice must be given, the lease holder will be taken to have complied with condition 1(a) if a notice complying with condition 1(a) is published in a newspaper circulating in the region where the lease area is situated.</p>				
2	<p><b>Group Security</b></p> <p>The security deposit to be provided and maintained for this mining lease is part of a group security deposit.</p> <p>The lease holder is required to provide and maintain a security deposit to secure funding for the fulfilment of obligations under the mining leases covered by the group security deposit, including obligations under each mining lease that may arise in the future.</p> <p>The amount of the security deposit to be provided as a group security deposit has been assessed at <b>\$14,294,000</b>.</p>	<p>Deed of Security Deposit Bond – ML 1563, 1671 and 1672</p> <p>NSW Resources Regulator Compliance Audit – September 2021.</p>	<p>Deed of Security Deposit Bond viewed and also noted from NSW Resources Regulator Compliance audit of September 2021 section 3.5.2.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>The leases covered by the group security include this <b>ML 1563 (1992)</b> and:</p> <p><b>ML 1671 (Act year 1992) &amp; ML 1672 (1992)</b></p>				
3	<p><b>Cooperation Agreement</b></p> <p>The lease holder must make every reasonable attempt, and be able to demonstrate its attempts to the satisfaction of the Secretary, to enter into a cooperation agreement with the holder(s) of any overlapping authorisations issued under the <i>Mining Act 1992</i> and petroleum titles issued under the <i>Petroleum (Onshore) Act 1991</i>. The cooperation agreement should address but not be limited to:</p> <ul style="list-style-type: none"> <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>Interview with Environmental personnel.</p> <p>Minview</p>	<p>A review of Minview confirmed that EL8393 overlaps part of both ML1671 and ML1672.</p> <p>As the landowner, WCCM has a land access agreement with the title holder of EL8393, and an agreement regarding access to subsurface coal seams. Werris Creek advised that discussions on a draft agreement with the title holder of EL8393 are ongoing between the parties.</p>	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
4	<p><b>Assessable Prospecting Operations</b></p> <p>(a) The lease holder must not carry out any assessable prospecting operation on land over which this lease has been granted unless:</p> <p>(i) it is carried out in accordance with any necessary development consent; or</p> <p>(ii) if development consent is not required, the prior written approval of the Minister has been obtained.</p> <p>(b) The Minister may require the lease holder to provide such information as required to assist the Minister to consider an application for approval.</p> <p>(c) An approval granted by the Minister under this condition may be granted subject to terms.</p> <p>(d) The lease holder must comply with the approval granted to the holder under this condition.</p>	Interview with Environmental personnel.	WHC stated no prospecting operations have been carried out within the audit period.	NT	N/A
<b>Special Conditions</b>					
	Nil				

<b>Document details</b>	
Document title	Appendix A5.1 – Mining Lease 1563
Document subtitle	Compliance with Mining Lease 1563
Project No.	0692336_01
Date	22 June 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal

Audit Period these conditions apply	13 June 2020 – 1 July 2022
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Mining Lease Conditions 2004</b>					
<b>Notice to Landholders</b>					
1.	<p>Within a period of three months from the date of grant 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 and whether the lease includes the surface. An adequate plan and description of the lease area must accompany the notice.</p> <p>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; state whether the lease includes the surface and must contain an adequate plan and description of the lease area.</p>	Not applicable	Whitehaven Coal owns all land within the mining lease area.	C	N/A
<b>Mining, Rehabilitation, Environmental Management Process (MREMP)</b>					
<b>Mining Operations (MOP)</b>					
2.	<p>(1) Mining operations, including mining purposes, must be conducted in accordance with a Mining Operations Plan (the Plan) satisfactory to the Director-General. The Plan together with environmental conditions of development consent and other approvals will form the basis for:-</p> <p>(a) ongoing mining operations and environmental management; and</p> <p>(b) ongoing monitoring of the project.</p> <p>(2) The Plan must be prepared in accordance with the Director-General's guidelines current at the time of lodgement.</p> <p>(3) A Plan must be lodged with the Director-General:-</p> <p>(a) prior to the commencement of mining operations (including mining purposes);</p> <p>(b) subsequently as appropriate prior to the expiry of</p>	MOP 2015 - 2022 MOP Approval Letter	<p>(1) An approved MOP (2015 to 2022) has been developed and implemented;</p> <p>(2) The MOP has been developed in accordance with the requirements in this condition as far as those requirements still apply</p> <p>(3) The MOP has not been updated during the Audit period;</p> <p>(4) Noted;</p> <p>(5) Noted;</p> <p>(6) Noted;</p> <p>(7) Noted;</p> <p>(8) Noted.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>any current Plan; and (c) in accordance with any direction issued by the Director-General.</p> <p>(4) The Plan must present a schedule of proposed mine development for a period of up to seven (7) years and contain diagrams and documentation which identify:-            (a) area(s) proposed to be disturbed under the Plan;            (b) mining and rehabilitation method(s) to be used and their sequence;            (c) areas to be used for disposal of tailings /waste;            (d) existing and proposed surface infrastructure;            (e) existing flora and fauna on the site;            (f) progressive rehabilitation schedules;            (g) areas of particular environmental, ecological and cultural sensitivity and measures to protect these areas;            (h) water management systems (including erosion and sediment controls);            (i) proposed resource recovery; and            (j) where the mine will cease extraction during the term of the Plan, a closure plan including final rehabilitation objectives/methods and post mining landuse/vegetation.</p> <p>(5) The Plan when lodged will be reviewed by the Department.</p> <p>(6) The Director-General may within two (2) months of the lodgement of a Plan, require modification and re-lodgement.</p> <p>(7) If a requirement in accordance with clause (6) is not issued within two (2) months of the lodgement of a Plan, the lease holder may proceed with implementation of the Plan.</p> <p>(8) During the life of the Mining Operations Plan, proposed modifications to the Plan must be lodged with the Director-General and will be subject to the review process outlined in clauses (5) - (7) above.</p>				

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Annual Environmental Management Report (AEMR)</b>					
3.	<p>(1) Within 12 months of the commencement of mining operations and thereafter annually or, at such other times as may be allowed by the Director-General, the lease holder must lodge an Annual Environmental Management Report (<b>AEMR</b>) with the Director-General.</p> <p>(2) The AEMR must be prepared in accordance with the Director-General's Guidelines current at the time of reporting and contain a review and forecast of performance for the preceding and ensuing twelve months in terms of:</p> <p>(a) the accepted Mining Operations Plan;  (b) development consent requirements and conditions;  (c) Department of Environment and Conservation and Department of Infrastructure, Planning and Natural Resources licences and approvals;  (d) any other statutory environmental requirements;  (e) details of any variations to environmental approvals applicable to the lease area; and  (f) where relevant, progress towards final rehabilitation objectives.</p> <p>(3) After considering an AEMR the Director-General may, by notice in writing, direct the lease holder to undertake operations, remedial actions or supplementary studies in the manner and within the period specified in the notice to ensure that operations on the lease area are conducted in accordance with sound mining and environmental practice.</p> <p>(4) The lease holder shall as and when directed by the Minister, co-operate with the Director-General to conduct and facilitate review of the AEMR involving other government agencies and the local council.</p>	Annual Reviews 2020 to 2021 Submission receipt for 2022 Annual Review.	<p>Annual reviews have been submitted to the DPE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.</p> <p>The Annual Review for 2022 has been submitted, though not yet published.</p> <p>A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted in accordance with Condition 3 of ML1563.</p> <p>The Resources Regulator issued an Official Caution (NCN0009386, NCN0009384, NCN0009385, NCN0009387) for failure to comply with Condition 3.</p> <p>WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.</p>	NC (duplicate finding for ML 1671 & 1672)	<p>Action has already been taken by adding reminder into CMO.</p> <p>No further action required.</p>
<b>Subsidence Management</b>					
4.	(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.	Not applicable	Verified by previous audits.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(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 <i>Guideline for Applications for Subsidence Management Approvals</i>.</p> <p>(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 <i>Coal Mines Regulation Act 1982</i>, or the document <i>New Subsidence Management Plan Approval Process - Transitional Provisions</i>.</p> <p>(d) Subsidence Management Plans are to be prepared in accordance with the <i>Guideline for Applications for Subsidence Management Approvals</i>.</p> <p>(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under Condition 2 and will be subject to the Annual Environmental Management Report process as set out under Condition 3. The SMP is also subject to the requirements for subsidence monitoring and reporting set out in the document <i>New Approval Process for Management of Coal Mining Subsidence - Policy</i>.</p>				
<b>Working Requirement</b>					
5.	<p>The lease holder must:</p> <p>(a) ensure that at least <b>28</b> competent people are efficiently employed on the lease area on each week day except Saturday or any week day that is a public holiday,</p> <p>OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of</p>	Instrument of Variation, dated 10 September 2018	As per the Instrument of Variation, dated 10 September 2018, issued by a delegate for the Minister for Resources, this condition is omitted from the conditions of Mining Lease 1563. This variation was effective from 8 October 2018.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	not less than <b>\$490,000.00</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.				
<b>Control of Operations</b>					
6.	<p>(a) If an Environmental Officer of the Department believes that the lease holder is not complying with any provision of the Act or any condition of this lease relating to the working of the lease, he may direct the lease holder to:-</p> <p>(i) cease working the lease; or</p> <p>(ii) cease that part of the operation not complying with the Act or conditions; until in the opinion of the Environmental Officer the situation is rectified.</p> <p>(b) The lease holder must comply with any direction given. The Director-General may confirm, vary or revoke any such direction.</p> <p>(c) A direction referred to in this condition may be served on the Mine Manager.</p>	Not triggered	Not triggered	NT	N/A
<b>Reports</b>					
7.	<p>The lease holder must provide an exploration report, within a period of twenty-eight days after each anniversary of the date this lease has effect or at such other date as the Director-General may stipulate, of each year. The report must be to the satisfaction of the Director-General and contain the following:</p> <p>(a) Full particulars, including results, interpretation and conclusions, of all exploration conducted during the twelve months period;</p> <p>(b) Details of expenditure incurred in conducting that exploration;</p> <p>(c) A summary of all geological findings</p>	Exploration reports	Reports are completed as per this condition.	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(d) acquired through mining or development evaluation activities; Particulars of exploration proposed to be conducted in the next twelve months period;</p> <p>(e) All plans, maps, sections and other data necessary to satisfactorily interpret the report.</p>				

#### Licence to Use Reports

8.	<p>(a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right in copyright to publish, print, adapt and reproduce all exploration reports lodged in any form and for the full duration of copyright.</p> <p>(b) The non-exclusive licence will operate as a consent for the purposes of section 365 of the Mining Act 1992.</p>	Note	Noted	Note	N/A
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#### Confidentiality

9.	<p>(a) All exploration reports submitted in accordance with the conditions of this lease will be kept confidential while the lease is in force, except in cases where:</p> <p>(i) the lease holder has agreed that specified reports may be made non-confidential.</p> <p>(ii) reports deal with exploration conducted exclusively on areas that have ceased to be part of the lease.</p> <p>(b) Confidentiality will be continued beyond the termination of a lease where an application for a flow-on title was lodged during the currency of the lease. The confidentiality will last until that flow-on title or any subsequent flow-on title, has terminated.</p> <p>(c) The Director-General may extend the period of confidentiality.</p>	Note	Noted	Note	N/A
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#### Terms of the non-exclusive licence

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
10.	<p>The terms of the non-exclusive copyright licence granted under condition 8 (a) are:</p> <p>(a) the Minister may sub-licence others to publish, print, adapt and reproduce but not on-licence reports.</p> <p>(b) the Minister and any sub-licensee will acknowledge the lease holder's and any identifiable consultant's ownership of copyright in any reproduction of the reports, including storage of reports onto an electronic database.</p> <p>(c) the lease holder does not warrant ownership of all copyright works in any report and, the lease holder will use best endeavours to identify those parts of the report for which the lease holder owns the copyright.</p> <p>(d) there is no royalty payable by the Minister for the licence.</p> <p>(e) if the lease holder has reasonable grounds to believe that the Minister has exercised his rights under the non-exclusive copyright licence in a manner which adversely affects the operations of the lease holder, that licence is revocable on the giving of a period of not less than three months' notice.</p>	Not applicable	Noted	Note	N/A

#### Blasting

11.	<p>(a) Ground Vibration</p> <p>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 and Conservation.</p> <p>(b) Blast Overpressure</p> <p>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</p>	<p>Annual Reviews 2020 to 2021</p> <p>EPL Monitoring Reports June 2020 to June 2022</p>	<p>(a) No exceedances of ground vibration limits occurred during the reported audit period</p> <p>(b) No exceedances blast overpressure limits occurred during the reported audit period.</p>	C	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	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 and Conservation.				
<b>Safety</b>					
12.	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 filled in or otherwise rendered safe to a standard acceptable to the Director-General.	Not applicable	This condition refers to the exploration phase of the mine's life and as such is not applicable to the current audit period.  Regardless, Whitehaven Coal has developed and implemented a robust safety management system which considers fall from height etc.	C	N/A
<b>Rehabilitation</b>					
13.	(a) Land disturbed must be rehabilitated to a stable and permanent form suitable for a subsequent land use acceptable to the Director-General and in accordance with the Mining Operations Plan so that:- <ul style="list-style-type: none"> <li>there is no adverse environmental effect outside the disturbed area and that the land is properly drained and protected from soil erosion.</li> <li>the state of the land is compatible with the surrounding land and land use requirements.</li> <li>the landforms, soils, hydrology and flora require no greater maintenance than that in the surrounding land.</li> <li>in cases where revegetation is required and native vegetation has been removed or damaged, the original species must be re-established with close reference to the flora survey included in the Mining Operations Plan. If the original vegetation was not native, any re-established vegetation must be appropriate to the area and at an acceptable</li> </ul>	MOP (2015 to 2022) & approval Annual Reviews 2020 to 2021	The MOP defines the rehabilitation practices employed to meet this condition and the Annual reviews report on the actions within their respective periods.  No evidence to show this condition is not being complied with.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>density.</p> <ul style="list-style-type: none"> <li>The land does not pose a threat to public safety.</li> </ul> <p>(b) Any topsoil that is removed must be stored and maintained in a manner acceptable to the Director-General.</p>				
14.	The lease holder must comply with any direction given by the Director-General regarding the stabilisation and revegetation of any mine residues, tailings or overburden dumps situated on the lease area.	Not applicable	Not triggered	NT	N/A

#### Exploratory Drilling

15.	<p>(1) At least twenty-eight days prior to commencement of drilling operations the lease holder must notify the relevant Department of Infrastructure, Planning and Natural Resources regional hydrogeologist of the intention to drill exploratory drill holes together with information on the location of the proposed holes.</p> <p>(2) If the lease holder drills exploratory drill holes he must satisfy the Director-General that:-</p> <ul style="list-style-type: none"> <li>(a) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</li> <li>(b) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</li> <li>(c) all drill holes are permanently sealed with cement plugs to prevent surface discharge of groundwaters;</li> <li>(d) if any drill hole meets natural or noxious</li> </ul>	Not applicable	This condition refers to the exploration phase of the mine's life and as such is not applicable to the current audit period.	NT	N/A
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>gases it is plugged or sealed to prevent their escape;</p> <p>(e) if any drill hole meets an artesian or sub-artesian flow it is effectively sealed to prevent contamination of aquifers.</p> <p>(f) once any drill hole ceases to be used the hole must be sealed in accordance with Departmental guidelines. Alternatively, the hole must be sealed as instructed by the Director-General.</p> <p>(g) once any drill hole ceases to be used the land and its immediate vicinity is left in a clean, tidy and stable condition.</p>				
<b>Prevention of Soil Erosion and Pollution</b>					
16.	Operations must be carried out in a manner that does not cause or aggravate air pollution, water pollution (including sedimentation) or soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan. For the purpose of this condition, water shall be taken to include any watercourse, waterbody or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	MOP 2015 - 2022 Management Plans and Strategies	<p>The Site has implemented a wide range of measures, monitoring, procedures etc. to minimise the mine's impact on the environment, as per the MOP 2015 and related management plans and strategies.</p> <p>On this basis, the Site is considered to have implemented practicable measures to prevent and/or minimise environmental harm.</p>	C	N/A
<b>Transmission lines, communication lines and pipelines</b>					
17.	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	Not applicable	Not triggered	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	conditions he may stipulate.				
<b>Fences, Gates</b>					
18.	(a) Activities on the lease must not interfere with or damage fences without the prior written approval of the owner thereof or the Minister and subject to any conditions the Minister may stipulate. (b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.	Not applicable	Not triggered	NT	N/A
<b>Roads and Tracks</b>					
19.	(a) Operations must not affect any road unless in accordance with an accepted Mining Operations Plan or with the prior written approval of the Director-General and subject to any conditions he may stipulate.  (b) The lease holder must pay to the designated authority in control of the road (generally the local council or the Roads and Traffic Authority) the cost incurred in fixing any damage to roads caused by operations carried out under the lease, less any amount paid or payable from the Mine Subsidence Compensation Fund.	Jet Patcher invoices (5) – 2020 to 2022	Jet Patcher invoices detail the road remedial works undertaken that meet this condition.	C	N/A
20.	Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damage to the land. Temporary access tracks must be ripped, topsoiled and revegetated as soon as possible after they are no longer required for mining operations. The design and construction of access tracks must be in accordance with specifications fixed by the Department of Infrastructure, Planning and Natural Resources.	Not applicable	Not triggered	NT	N/A
<b>Trees and Timber</b>					
21.	(a) The lease holder must not fell trees, strip bark or cut timber on the lease without the consent of the landholder who is entitled to the use of the timber, or if such a landholder refuses consent or attaches unreasonable conditions to the consent, without the approval of a warden.	Not applicable	(a) Not triggered. (b) Clearing has not conducted in the non-operational areas of the site during period. (c) Not triggered	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(b) The lease holder must not cut, destroy, ringbark or remove any timber or other vegetative cover on the lease area except such as directly obstructs or prevents the carrying on of operations. Any clearing not authorised under the Mining Act 1992 must comply with the provisions of the Native Vegetation Conservation Act 1997.</p> <p>(c) The lease holder must obtain all necessary approvals or licences before using timber from any Crown land within the lease area.</p>				
<b>Resource Recovery</b>					
23.	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, he may give notice in writing to the lease holder requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery. 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> <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>	Not applicable	Not triggered.	NT	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(d) The Director-General shall issue no such notice unless the matter has firstly been thoroughly discussed with and a report to the Director-General has incorporated the views of the lease holder.</p> <p>(e) The lease holder may object to the requirements of any notice issued under this condition and on receipt of such an objection the Minister shall refer it to a Warden for inquiry and report under Section 334 of the Mining Act, 1992.</p> <p>(f) After considering the Warden's report the Minister shall decide whether to withdraw, modify or maintain the requirements specified in the original notice and shall give the lease holder written notice of the decision. The lease holder must comply with the requirements of this notice.</p>				

#### Indemnity

24.	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.	Not applicable	Noted	NT	N/A
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#### Security

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
25.	<p>(a) A security in the sum of \$50,000.00 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. If the lease holder fails to fulfil any one or more of such obligations the said sum may be applied at the discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the lease holder shall be deemed to have failed to fulfil the obligations of this lease if the lease holder fails to comply with any condition or provision hereof, any provision of the Act or regulations made thereunder or any condition or direction imposed or given pursuant to a condition or provision hereof or of any provision of the Act or regulations made thereunder.</p> <p>(b) The lease holder must provide the security required by sub-clause (a) in one of the following forms:            (i) cash;            (ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution.</p>	Previous Audits	Verified by previous audits	C	N/A

#### Barriers

29.	<p>(a) Unless with the consent of the Minister first had and obtained and subject to such further conditions as he may impose, the lease holder shall not mine within a barrier of 50 metres in width against the underground workings of the former Werris Creek Colliery as referred to in the Environmental Impact Statement entitled "Werris Creek Coal Pty Limited - <b>ABN</b> 69 107 169 103 - Environmental Impact Statement for the Proposed Werris Creek Coal Mine" dated August 2004.</p> <p>(b) The lease holder must, prior to seeking the Ministers consent under this condition, complete a risk assessment to determine hazards and develop management controls. This risk assessment is to be subject to any amendments as may be required by the Director General.</p>	MOP 2015 - 2022	Through MOD2 and the MOP the site has obtained approval.	C	N/A
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#### Special Conditions

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
30.	The lease holder shall ensure that operations on the lease area are conducted in a manner consistent with the Environmental Impact Statement, except where no longer applicable due to subsequent approval, conditioning or exemption.	Not applicable	Noted	Note	N/A
31.	The lease holder shall ensure that 53 hectares of the rehabilitated landform is revegetated with species from the White Box Yellow Box Blakley's Red Gum Endangered Ecological Community, and stock are excluded from the 200 hectares as shown in Figure 4.15 of the Environmental Impact Statement.	Not applicable	Verified in previous audits	C	N/A

<b>Document details</b>	
Document title	Appendix A5.2 – Mining Lease 1671
Document subtitle	Compliance with Mining Lease 1671
Project No.	0692336_01
Date	30 June 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal

Audit Period these conditions apply	13 June 2020 – 1 July 2022
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No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Mining Lease Conditions 2004</b>					
<b>1. Notice to Landholders</b>					
	<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>	Not applicable	Whitehaven Coal owns all land within the mining lease area.	C	N/A
<b>2. 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:</p>	MOP 2015 Management Plans and Strategies	As discussed throughout the EPL and Project Approval sections of this report, the Site has implemented a wide range of measures, monitoring, procedures etc. to minimise the mine's impact on the environment.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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>(ii) 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>		<p>The Site's management systems have been designed to comply with the requirements of the project approval, environmental protection licence etc.</p> <p>On this basis, the Site is considered to have implemented practicable measures to prevent and/or minimise environmental harm.</p>		
<b>3. Mining Operations Plan</b>					
	<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>	MOP 2015 MOP Approval Letter	<p>(a) An approved MOP (2015 to 2022) has been developed and implemented;</p> <p>(b) The MOP has been developed in accordance</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(i) identify areas that will be disturbed by mining operations;</p> <p>(ii) detail the staging of specific mining operations;</p> <p>(iii) identify how the mine will be managed to allow mineclosure;</p> <p>(iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;</p> <p>(v) reflect the conditions of approval under:</p> <ul style="list-style-type: none"> <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> <p>(c) The leaseholder may apply to the Director-General to amend an approved MOP at anytime.</p> <p>(d) It is not a breach of this condition if:</p> <p>(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 <i>Coal Mine Health and Safety Act 2002</i> and <i>Mine</i></p>		<p>with the requirements in this condition as far as those requirements still apply</p> <p>(c) The MOP has not been updated during the Audit period;</p> <p>(d) Noted;</p> <p>(e) Noted.</p>		



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p><i>Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and</i></p> <p>(ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <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>4. Environment Management Report</b>					
4.	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <p>(i) report against compliance with the MOP;</p> <p>(ii) report on progress in respect of rehabilitation completion criteria;</p> <p>(iii) report on the extent of compliance with regulatory requirements; and</p> <p>(iv) have regard to any relevant guidelines adopted by the Director-General;</p>	<p>Annual Reviews 2020 to 2021</p> <p>Submission receipt for 2022 Annual Review.</p>	<p>Annual reviews have been submitted to the DPIE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.</p> <p>A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted in accordance with Condition 4 of ML1671.</p> <p>The Resources Regulator issued an Official Caution (NCN0009386, NCN0009384, NCN0009385, NCN0009387) for failure to comply with Condition 4.</p> <p>WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been</p>	NC (duplicate finding for ML 1563 & 1672)	<p>Action has already been taken by adding reminder into CMO.</p> <p>No further action required.</p>

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.		
<b>5. Environmental Incident Report</b>					
	<p>(a) The lease holder must report any environmental incidents. The report must:</p> <p>(i) be prepared according to any relevant Departmental guidelines;</p> <p>(ii) be submitted within 24 hours of the environmental incident occurring:</p> <p>(b) For the purposes of this condition, environmental incident includes:</p> <p>(i) any incident causing or threatening material harm to the environment</p> <p>(ii) any breach of Conditions 1 to 9 and 11 to 24;</p> <p>(iii) any breach of environment protection legislation; or,</p> <p>(iv) a serious complaint from landholders or the public.</p> <p>(c) For the purposes of this condition, harm to the environment is material if:</p> <p>(i) it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or</p> <p>(ii) it results in actual or potential loss or property damage of an amount, or</p> <p>amounts in aggregate, exceeding \$10,000, where loss includes the reasonable costs and</p>	Incident correspondence between Whitehaven Coal and regulatory authorities	<p>(a) Environmental incidents are reported to the relevant government agencies. They are contacted immediately following an incident (taking into account laboratory processing time for water exceedances). This is a component of the Pollution Incident Response Management Plan;</p> <p>(b) Noted;</p> <p>(c) Noted.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.				
<b>6. Additional Environmental Reports</b>					
	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not applicable	Noted	C	N/A
<b>7. Rehabilitation</b>					
	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Not applicable	The MOP 2015 and Annual Reviews detail the rehabilitation of the mine on a progressive basis. These documents are sent to the DPIE.  No significant issues relating to rehabilitation have been raised by the DPIE or other regulatory bodies during the audit period.	C	N/A
<b>10. Blasting</b>					
	(a) <u>Ground Vibration</u>  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	Annual Reviews 2020 to 2021  EPL Monitoring Reports 2020 to 2022	No exceedances of ground vibration limits or blast overpressure occurred during the reported audit period.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>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>(b) <u>Blast Overpressure</u></p> <p>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>				
<b>11. Safety</b>					
	<p>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</p>	Not applicable	<p>This condition refers to the exploration phase of the mine's life and as such is not applicable to the current audit period.</p> <p>Regardless, Whitehaven Coal has developed and implemented a robust safety management system which considers fall from height etc.</p>	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	filled in or otherwise rendered safe to a standard acceptable to the Director-General.				
<b>12. Prevention of soil erosion and pollution</b>					
	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.	Not applicable.	Not triggered (no prospecting during the audit period).	NT	N/A
<b>13. Transmission lines</b>					
	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.	Not applicable.	Not triggered (no prospecting during the audit period).	NT	N/A
<b>14. Roads and Tracks</b>					
12.	(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	Not applicable.	Whitehaven Coal owns the land that the lease is located upon.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>Compensation Fund.</p> <p>(b) 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>(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.</p> <p>(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.</p>				
<b>15. Trees and vegetation</b>					
14.	<p>(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.</p> <p>(b) 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.</p>	Not applicable	<p>(a) Not Triggered.</p> <p>(b) Clearing is not completed in the non-operational areas of the site. Felling of trees is completed in accordance with the pre clearance permit (sighted) and is within the approved disturbance area. Trees are not sold, and are used in rehabilitation.</p>	NT	N/A
<b>18. Indemnity</b>					

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	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.	Noted	Noted	NT	N/A
<b>20. Single Security</b>					
	A single security in the sum of <b>\$4,062,000</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 each Mining Lease 1563 (Act 1992) and any lease granted in satisfaction of Mining Lease Applications 407,408 and 409 (Act 1992).	Previous Audits	Verified by previous audits.	C	N/A
<b>24. Cooperation Agreement</b>					



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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>Interview with environmental personnel</p> <p>Minview</p>	<p>A review of Minview confirmed that EL8393 overlaps part of both ML1671 and ML1672.</p> <p>As the landowner, WCCM has a land access agreement with the title holder of EL8393, and an agreement regarding access to subsurface coal seams. Werris Creek advised that discussions on a draft agreement with the title holder of EL8393 are ongoing between the parties.</p>	C	N/A

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**APPENDIX A5.3 – MINING LEASE 1672**

Compliance with Mining Lease 1672

<b>Document details</b>	
Document title	Appendix A5.3 – Mining Lease 1672
Document subtitle	Compliance with Mining Lease 1672
Project No.	0692336_01
Date	30 June 2023
Version	1.0
Author	Andrew Lewis
Client Name	Whitehaven Coal

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>Mining Lease Conditions 2004</b>					
<b>1. Notice to Landholders</b>					
	<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>	Not applicable	Whitehaven Coal owns all land within the mining lease area.	C	N/A
<b>2. Environmental Harm</b>					
	<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>	MOP 2015 Management Plans and Strategies	<p>As discussed throughout the EPL and Project Approval sections of this report, the Site has implemented a wide range of measures, monitoring, procedures etc. to minimise the mine's impact on the environment.</p> <p>The Site's management systems have been designed to comply with the requirements of the</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<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>(ii) 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>		<p>project approval, environmental protection licence etc.</p> <p>On this basis, the Site is considered to have implemented practicable measures to prevent and/or minimise environmental harm.</p>		
<b>3. Mining Operations Plan</b>					
	<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> <p>(i) identify areas that will be disturbed by mining operations;</p> <p>(ii) detail the staging of specific mining</p>	MOP 2015 MOP Approval Letter	<p>(a) An approved MOP (2015 to 2022) has been developed and implemented;</p> <p>(b) The MOP has been developed in accordance with the requirements in this condition as far as those requirements still apply</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>operations;</p> <p>(iii) identify how the mine will be managed to allow mine closure;</p> <p>(iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;</p> <p>(v) reflect the conditions of approval under:</p> <ul style="list-style-type: none"> <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> <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> <p>(i) the operations constituting the breach were necessary to comply with a lawful order or direction given under the <i>Mining Act 1992</i>, the <i>Environmental Planning and Assessment Act 1979</i>, <i>Protection of the Environment Operations Act 1997</i>, <i>Mine Health and Safety Act 2004</i> Coal Mine Health</p>		<p>(c) The MOP has not been updated during the Audit period;</p> <p>(d) Noted;</p> <p>(e) Noted.</p>		

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p><i>and Safety Act 2002 and Mine Health and Safety Regulation 2007 I Coal Mine Health and Safety Regulation 2006 or the Occupational Health and Safety Act 2000; and</i></p> <p>(ii) the Director-General had been notified in writing of the terms of the order or direction prior to the operations constituting the breach being carried out.</p> <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>4. Environment Management Report</b>					
	<p>(a) The lease holder must lodge Environmental Management Reports (EMR) with the Director-General annually or at dates otherwise directed by the Director-General.</p> <p>(b) The EMR must:</p> <p>(i) report against compliance with the MOP;</p> <p>(ii) report on progress in respect of rehabilitation completion criteria;</p> <p>(iii) report on the extent of compliance with regulatory requirements; and</p> <p>(iv) have regard to any relevant guidelines adopted by the Director-General;</p>	<p>Annual Reviews 2020 to 2021</p> <p>Submission receipt for 2022 Annual Review</p>	<p>Annual reviews have been submitted to the DPIE each year of the Audit period. The Annual Review scope includes the requirements outlined in this condition.</p> <p>A non-compliance was identified that was an administrative non-compliance. The Annual Review had not been submitted in accordance with Condition 4 of ML1672.</p> <p>The Resources Regulator issued an Official Caution (NCN0009386, NCN0009384, NCN0009385,</p>	<p>NC (duplicate finding for ML 1563 &amp; 1671)</p>	<p>Action has already been taken by adding reminder into CMO.</p> <p>No further action required.</p>

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
			NCN0009387) for failure to comply with Condition 4. WHC defined a specific action for the submission of the Annual Review to both the Department of Planning and the Resources Regulator has been added to the compliance management system, CMO, to ensure that this requirement is not overlooked again.		
<b>5. Environmental Incident Report</b>					
	<p>(a) The lease holder must report any environmental incidents. The report must:</p> <p>(i) be prepared according to any relevant Departmental guidelines;</p> <p>(ii) be submitted within 24 hours of the environmental incident occurring:</p> <p>(b) For the purposes of this condition, environmental incident includes:</p> <p>(i) any incident causing or threatening material harm to the environment</p> <p>(ii) any breach of Conditions 1 to 9 and 11 to 24;</p> <p>(iii) any breach of environment protection legislation; or,</p> <p>(iv) a serious complaint from landholders or the public.</p> <p>(c) For the purposes of this condition, harm to the environment is material if:</p> <p>(i) ii involves actual or potential harm to the</p>	Incident correspondence between Whitehaven Coal and regulatory authorities	<p>(a) Environmental incidents are reported to the relevant government agencies. They are contacted immediately following an incident (taking into account laboratory processing time for water exceedances). This is a component of the Pollution Incident Response Management Plan;</p> <p>(b) Noted;</p> <p>(c) Noted.</p>	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>health or safety of human beings or to ecosystems that is not trivial, or</p> <p>(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.</p>				
<b>6. Additional Environmental Reports</b>					
	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.	Not applicable	Noted	NT	N/A
<b>7. Rehabilitation</b>					
	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	Not applicable	<p>The MOP 2015 and Annual Reviews detail the rehabilitation of the mine on a progressive basis. These documents are sent to the DPIE.</p> <p>No significant issues relating to rehabilitation have been raised by the DPIE or other regulatory bodies during the audit period.</p>	C	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>8. Subsidence Management</b>					
	<p>(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.</p> <p>(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)</p> <p>(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 <i>Coal Mine Health &amp; Safety Act 2002</i>, or the document New Subsidence Management Plan Approval Process - Transitional Provisions (EDP09).</p> <p>(d) Subsidence Management Plans are to be prepared in accordance with the Guideline for Applications for</p>	Not applicable	Not triggered	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>Subsidence Management Approvals.</p> <p>(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.</p>				
<b>9. Working Requirement</b>					
	<p>The lease holder must:</p> <p>(a) ensure that at least <b>six (6)</b> competent people are efficiently employed in relation to the mining process or mining operations on the lease area</p> <p>OR</p> <p>(b) expend on operations carried out in the course of prospecting or mining the lease area, an amount of not less than <b>\$105,000</b> per annum whilst the lease is in force.</p> <p>The Minister may at any time or times, by instrument in writing served on the lease holder, increase or decrease the expenditure required or the number of people to be employed.</p>	Instrument of Variation, dated 10 September 2018	As per the Instrument of Variation, dated 10 September 2018, issued by a delegate for the Minister for Resources, this condition is omitted from the conditions of Mining Lease 1672. This variation was effective from 8 October 2018.	C	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>10. Blasting</b>					
	<p>(a) <u>Ground Vibration</u></p> <p>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.</p>	<p>Annual Reviews 2020 to 2021</p> <p>EPL Monitoring Reports 2020 to 2022</p>	<p>No exceedances of ground vibration limits or blast overpressure occurred during the reported audit period.</p>	C	N/A
	<p>(b) <u>Blast Overpressure</u></p> <p>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>				

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>11. Safety</b>					
	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.	Not applicable	This condition refers to the exploration phase of the mine's life and as such is not applicable to the current audit period.  Regardless, Whitehaven Coal has developed and implemented a robust safety management system which considers fall from height etc.	NT	N/A
<b>12. Prevention of soil erosion and pollution</b>					
	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.	Not applicable	Not triggered (no prospecting during the audit period).	NT	N/A
<b>13. Transmission lines, communication lines and pipelines</b>					
	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	Not applicable	Not triggered (no prospecting during the audit period).	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	without the prior written approval of the Director-General and subject to any conditions stipulated.				
<b>14. Roads and Tracks</b>					
	<p>(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.</p> <p>(b) 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>(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.</p> <p>(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.</p>	Not applicable	Whitehaven Coal owns the land that the lease is located upon.	NT	N/A
<b>15. Trees and Vegetation</b>					

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>(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.</p> <p>(b) 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.</p> <p><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></p>	Not applicable	<p>(a) Not triggered.</p> <p>(b) Clearing is not completed in the non-operational areas of the site.</p> <p>Felling of trees is completed in accordance with the pre clearance permit (sighted) and is within the approved disturbance area.</p> <p>Trees are not sold, and are used in rehabilitation.</p>	NT	N/A
<b>17. Resource Recovery</b>					
	<p>(a) Notwithstanding any description of mining methods and their sequence or of proposed resource recovery contained within the Mining Operations Plan, if at any time the Director-General is of the opinion that minerals which the lease entitles the lease holder to mine and which are economically recoverable at the time are not being recovered from the lease area, or that any such minerals which are being recovered are not</p>	Not applicable	Not triggered.	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	<p>being recovered to the extent which should be economically possible or which for environmental reasons are necessary to be recovered, notice in writing to the lease holder may be given requiring the holder to recover such minerals.</p> <p>(b) The notice shall specify the minerals to be recovered and the extent to which they are to be recovered, or the objectives in regard to resource recovery, but shall not specify the processes the lease holder shall use to achieve the specified recovery.</p> <p>(c) The lease holder must, when requested by the Director-General, provide such information as the Director-General may specify about the recovery of the mineral resources of the lease area.</p>				
<b>18. Indemnity</b>					
	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	Noted	Noted	NT	N/A

No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
	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.				
<b>20. Single Security</b>					
	A single security in the sum of <b>\$4,062,000</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 each Mining Lease 1563 (Act 1992) and any lease granted in satisfaction of Mining Lease Applications 407, 408 and 409 (Act 1992).	Previous Audit	Verified by previous audit.	C	N/A
<b>23. Suspension of Mining Operations</b>					
	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.	Noted	Noted	NT	N/A



No	Assessment Requirement	Reference/ Evidence	Comments	Compliance Status	Recommendations
<b>24. Cooperation Agreement</b>					
	<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>Interview with environmental personnel</p> <p>Minview</p>	<p>A review of Minview confirmed that EL8393 overlaps part of both ML1671 and ML1672.</p> <p>As the landowner, WCCM has a land access agreement with the title holder of EL8393, and an agreement regarding access to subsurface coal seams. Werris Creek advised that discussions on a draft agreement with the title holder of EL8393 are ongoing between the parties.</p>	NT	N/A

## **APPENDIX B      PLANNING SECRETARY AUDIT TEAM AGREEMENT**

Department of Planning and Environment

Ms Megan Martin  
Environmental Superintendent  
Werris Creek Coal Pty Ltd

Sent via Major Project Portal only

15/06/2023

Dear Ms Martin

**Werris Creek Mine Extension Project (MP 10\_0059)  
Proposed Audit Team 2023 IEA**

I refer to your request (MP10\_0059-PA-38) for the Secretary's approval of suitably qualified persons to prepare the 2023 Independent Environmental Audit (IEA) for the Werris Creek Mine Extension Project (the site) in accordance with Schedule 5, Condition 8 of Project Approval (MP 10\_0059), as modified (the consent).

I also refer to your request for the Planning Secretary's approval of suitably qualified persons to prepare the comprehensive noise audit in accordance with Schedule 3, Condition 4(e) of the consent.

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Planning Secretary approves the appointment of the following team to prepare the 2023 IEA and the comprehensive noise audit required under Schedule 3, Condition 4(e) of the consent:

- Mr Andrew Lewis – Lead Auditor;
- Mr Keshav Dhayam – Support Auditor/Acoustics Auditor;
- Ms Heather McKay – Project Manager; and
- Mr Oliver Moore – Technical Oversight/Partner in Charge.

Please ensure this correspondence is appended to the IEA Report.

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

The IEA period shall be from 12 June 2020 to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed no later than 14 July 2023, unless otherwise agreed by the Secretary.

The IEA report together with responses to any recommendations (RAR) contained in the IEA report should be submitted to the Department via the Major Projects Portal by 8 September 2023.

Please submit the comprehensive noise audit report as an appendix to the 2023 IEA, and as a separate report via the Major Projects Portal, so that these may be reviewed and responded to separately as needed.

Department of Planning and Environment

Should you wish to discuss the matter further, please contact Ann Hagerthy, Senior Compliance Officer, on 02 6575 3407 or [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

## **APPENDIX C      DEPARTMENTAL CORRESPONDENCE**

AREQ0042078

Mr Andrew Lewis  
ERM  
Level 9  
260 Queen Street  
Brisbane QLD 4000

By email: Andrew.Lewis@erm.com

Dear Mr Lewis,

**Subject: Werris Creek Mine – Independent Environmental Audit**

Thank you for your email dated 22 June 2023 requesting consultation on the independent environmental audit to be undertaken of the Werris Creek Mine which is covered by the following mining leases.

- ML1563 (1992)
- ML1671 (1992)
- ML1672 (1992)

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

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted that the 3 mining leases that comprise the Werris Creek Mine have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.

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

Yours sincerely

**Jenny Ehmsen**  
Principal Compliance Auditor  
29 June 2023

**From:** [Werris Creek Coal CCC](#)  
**To:** [Andrew Lewis](#)  
**Subject:** Re: Werris Creek Coal Mine - Independent Environment Audit ToR  
**Date:** Tuesday, 11 July 2023 2:26:23 PM  
**Attachments:** [image001.png](#)

---

**EXTERNAL MESSAGE**

Afternoon Andrew,

My apologies for not responding to you earlier.

From the overall committee perspective there have been no significant or specific issues raised in the last 12 months from an environmental perspective.

Regards,

**Michael J. Silver OAM**

Independent Chair,  
Werris Creek Coal Community Consultative Committee  
P.O. Box 37  
Gunnedah NSW 2380  
M: 0427723747  
E: [werriscreekcoalccc@gmail.com](mailto:werriscreekcoalccc@gmail.com)

On Thu, Jun 22, 2023 at 10:09 AM Andrew Lewis <[andrew.lewis@erm.com](mailto:andrew.lewis@erm.com)> wrote:

To Mike Silver,

I am currently completing the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Werris Creek Coal Mine, Project Approval 10\_0059.

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 aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 05 July 2023 to 06 July 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 29 June 2023.

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

Kind regards,

Andrew Lewis

Managing Consultant

**ERM**

Level 9, 260 Queen St | Brisbane | QLD 4000

**T** +61 (0) 7 3007 8477 **M** +61 488 166 325

**E** [Andrew.Lewis@erm.com](mailto:Andrew.Lewis@erm.com) | **W** [www.erm.com](http://www.erm.com)



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**From:** [Ann Hagerthy](#)  
**To:** [Andrew Lewis](#)  
**Subject:** RE: Werris Creek Coal Mine - Independent Environment Audit ToR  
**Date:** Thursday, 22 June 2023 11:34:51 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

**EXTERNAL MESSAGE**

Hi Andrew,

Thanks for your email. Can you please provide some feedback on:

- the possible reasons or background for a high proportion of blast complaints over the last several years;
- are the various water sources adequately separated from one another (clean, sediment laden, mine water);
- is there any circumstance where cleaner water may be unnecessarily contributing to a dirty water catchment eg sediment water draining into mine water catchment;
- how well is spontaneous combustion being managed.

thanks,

**Ann Hagerthy**

Senior Compliance Officer

Development Assessment

**Department of Planning and Environment**

T (02) 6575 3407    E [ann.hagerthy@planning.nsw.gov.au](mailto:ann.hagerthy@planning.nsw.gov.au)

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

Suite 14, Level 1  
1 Civic Ave  
SINGLETON NSW 2330



---

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

**Sent:** Thursday, 22 June 2023 10:11 AM

**To:** Ann Hagerthy <Ann.Hagerthy@planning.nsw.gov.au>

**Cc:** Megan Martin <MMartin@whitehavencoal.com.au>; Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; Keshav Dhayam <Keshav.Dhayam@erm.com>

**Subject:** Werris Creek Coal Mine - Independent Environment Audit ToR

To Ann Hagerthy,

I am currently completing the Independent Environmental Audit (IEA) on the Conditions of

Approval issued to Werris Creek Coal Mine, Project Approval 10\_0059.

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 aspect.

The attached Terms of Reference outlines the audit process, and also introduces the approved team of suitably qualified, experienced and independent experts who will be undertaking the audit. The site inspection will be undertaken on 05 July 2023 to 06 July 2023, therefore it would be appreciated if there are any concerns, areas of focus etc., they are raised by 29 June 2023.

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

Kind regards,

Andrew Lewis  
Managing Consultant

**ERM**

Level 9, 260 Queen St | Brisbane | QLD 4000

**T** +61 (0) 7 3007 8477 **M** +61 488 166 325

**E** Andrew.Lewis@erm.com | **W** [www.erm.com](http://www.erm.com)



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**From:** [Simon Lund](#)  
**To:** [Andrew Lewis](#)  
**Subject:** RE: Werris Creek Coal Mine - Independent Environment Audit ToR  
**Date:** Thursday, 22 June 2023 10:40:25 AM  
**Attachments:** [image001.png](#)

---

**EXTERNAL MESSAGE**

Hello Andrew

No comments to make from me. Please also note that Jasmin Walden does not work the EPA anymore.

Regards

Simon Lund

---

**From:** andrew.lewis@erm.com <andrew.lewis@erm.com>  
**Sent:** Thursday, 22 June 2023 10:15 AM  
**To:** Jasmine.Walden@epa.nsw.gov.au; Lindsay Fulloon <Lindsay.Fulloon@epa.nsw.gov.au>; Simon Lund <Simon.Lund@epa.nsw.gov.au>  
**Cc:** Megan Martin <MMartin@whitehavencoal.com.au>; Heather McKay <Heather.McKay@erm.com>; Oliver Moore <Oliver.Moore@erm.com>; Keshav Dhayam <Keshav.Dhayam@erm.com>  
**Subject:** Werris Creek Coal Mine - Independent Environment Audit ToR

To Jasmine / Lindsay / Simon

I am currently completing the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Werris Creek Coal Mine, Project Approval 10\_0059.

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 aspect.

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

Kind regards,

Andrew Lewis  
Managing Consultant

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Level 9, 260 Queen St | Brisbane | QLD 4000

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**E** Andrew.Lewis@erm.com | **W** [www.erm.com](http://www.erm.com)



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PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

**From:** [David Kitson](#)  
**To:** [Andrew Lewis](#)  
**Subject:** RE: Werris Creek Coal Mine - Independent Environment Audit ToR  
**Date:** Thursday, 22 June 2023 12:01:08 PM  
**Attachments:** [image001.png](#)  
[ATT00001.png](#)

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**EXTERNAL MESSAGE**

Hi Andrew

Council's main concerns are that rehabilitation is undertaken to ensure:

- that there is no pollution to the water table outside of the immediate site
- That the disturbed surfaces are backfilled with soil and vegetated.

I trust this assists.

Thanks

**David Kitson**  
**Manager Planning & Regulation**  
Liverpool Plains Shire Council  
60 Station Street (PO Box 152), Quirindi NSW 2343  
**Email:** [david.kitson@liverpoolplains.nsw.gov.au](mailto:david.kitson@liverpoolplains.nsw.gov.au)  
**Phone:** 02 6746 1755 **Fax:** 02 6746 3255

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---

**From:** Andrew Lewis <[andrew.lewis@erm.com](mailto:andrew.lewis@erm.com)>  
**Sent:** Thursday, 22 June 2023 10:17 AM  
**To:** David Kitson <[david.kitson@liverpoolplains.nsw.gov.au](mailto:david.kitson@liverpoolplains.nsw.gov.au)>  
**Cc:** Megan Martin <[MMartin@whitehavencoal.com.au](mailto:MMartin@whitehavencoal.com.au)>; Heather McKay <[Heather.McKay@erm.com](mailto:Heather.McKay@erm.com)>; Oliver Moore <[Oliver.Moore@erm.com](mailto:Oliver.Moore@erm.com)>; Keshav Dhayam <[Keshav.Dhayam@erm.com](mailto:Keshav.Dhayam@erm.com)>  
**Subject:** Werris Creek Coal Mine - Independent Environment Audit ToR

To David Kitson,

I am currently completing the Independent Environmental Audit (IEA) on the Conditions of Approval issued to Werris Creek Coal Mine, Project Approval 10\_0059.

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

Kind regards,

Andrew Lewis  
Managing Consultant

**ERM**

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## **APPENDIX D      INDEPENDENT AUDIT DECLARATION FORM**

# Independent Audit Report Declaration Form

## Independent Audit Report Declaration Form

Project Name	Werris Creek Coal Mine
Consent Number	PA 10-0059
Description of Project	Open cut mine
Project Address	1435 Werris Creek Rd, Werris Creek NSW 2341
Proponent	Whitehaven Coal Mining Ltd
Title of Audit	Werris Creek Coal Mine Independent Environmental Audit 2023
Date	15 August 2023

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

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

Notes:

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

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



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