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Werris Creek Coal Mine
Independent Environmental Audit

August 2014

Werris Creek Coal Pty Ltd

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Werris Creek Coal Pty Ltd

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

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DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
634.10009	Draft 1	6 August 2014	Christopher Jones	Andrew Hutton	Andrew Hutton
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EXECUTIVE SUMMARY

Following the endorsement of the NSW Department of Planning and Infrastructure, Werris Creek Coal Pty Ltd engaged SLR Consulting Australia Pty Ltd (SLR) to undertake an Independent Environmental Audit of the Werris Creek Coal (WCC) Mine. The audit has been completed in accordance with the requirements of Schedule 5 Condition 8 of the Project Approval (PA 10_0059). This audit also assesses compliance with the Environment Protection Licence (EPL 12290), the Statement of Commitments from the Project Approval and Mining Leases (ML 1671, ML 1672 and ML 1563).

The period of this audit covers from the date the Project Approval was granted (25 October 2011) to completion of the site visit (30 May 2014). SLR's Andrew Hutton (Lead Auditor), Chris Jones (Assistant Auditor) and Katie Teyhan (Noise Specialist) were present on site from 28-30 May. SLR's Rod Masters (Surface Water Specialist) and Martin Doyle (Air Quality Specialist) were present on the site on 28 May 2014. Information was provided to SLR following the site visit, with this assisting in determining compliance.

The SLR audit team determined there was generally a high level of compliance for the operation. Where non-compliances were identified, WCC had generally made improvements at the time of the non-compliance. **Table A** outlines the compliance status of WCC during the audit period:

Table A – Compliance Assessment Audit Score

Approval	Percentage Complaint	Number of Non Compliances
Project Approval (PA 10_0059)	93.2%	5
EA Statement of Commitments	98.7%	2
EPL 12290	97.7%	2
ML 1671	100%	0
ML 1672	100%	0
ML 1563	96.5%	1

Areas of good performance included:

- Rehabilitation was generally of a high quality consisting of an open woodland species mix;
- The overall site management system (plans and programs) were completed in accordance with the requirement of the Project Approval and were fully implemented;
- Incident investigations were generally completed as per the requirements of the Project Approval and Environment Protection Licence;
- Evidence of competency based training for managers and employees;
- Use of innovative technology such as the lighting monitoring camera established on the southern edge of Werris Creek township facing the mine site to monitor in real time and provide a daily summary of lighting emissions from WCC; and
- Record keeping – the Environmental Officer kept an excellent system for storing and managing environmental information.

Areas of potential improvement included:

- Overall waste management – a total waste management system should be developed. Details of recommendations are provided in this report;
- WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA;
- SLR recommends including weather parameters in the complaints register such as wind speed, direction and temperature inversion at the time of the event that was subject of the complaint. Weather conditions are currently documented in each individual Complaint Report but if added to the complaint register then this will assist in potentially identifying any trends in noise impacts that could be as a result of weather enhancing conditions; and
- The continuation of improvements to water management (groundwater and surface water).

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1 INTRODUCTION

1.1 Background

The Werris Creek Coal Mine (WCC) is located approximately 4 kilometres (km) south of Werris Creek, 4 km north of Quipolly and 11 km north-northwest of Quirindi in central northern New South Wales and lies within a 910 hectare (ha) area covered by Mining Lease (ML) 1563, ML1671 and ML1672. The WCC operates under the Project Approval (PA10_0059) which was granted on 25 October 2011 and expires on 31 December 2032. The Project Approval was modified on 30 August 2012.

The current Mining Operations Plan (MOP) for WCC covers a 7 year period from 1 September 2011 to 31 August 2018. The Life of Mine Project for WCC includes the following components:

- Northerly continuation of the existing approved open cut mine to mine the entire Werris Creek outlier of the Greta Coal Measures;
- Extension of the out-of-pit overburden emplacement area to the west over the current footprint of the Coal Processing Area and Site Administration and Facilities Area (out-of-pit emplacement), extend around the eastern and north eastern perimeter of the open cut as a "Acoustic and Visual Amenity Bund", and extend northwards over the completed sections of the open cut (in-pit emplacement);
- Relocation of coal processing infrastructure (Coal Processing Area) and increase ROM coal stockpile (ROM Coal Pad) capacity of 200,000 tonnes (t);
- Maintaining road transportation of coal to domestic markets at 50,000 tonnes per annum (tpa) to meet the needs of local customers for low ash coal;
- Production of up to 2.5Mtpa of thermal and Pulverised Coal Injection (PCI) coal for the domestic and international markets;
- Increased storage capacity of the Product Coal Storage Area at the Rail Load-out Facility and extend the pad to the east to increase the capacity of the stockpile area to approximately 250,000t;
- Increase in the approved hours of operation to 24 hours, 7 day per week for all activities excluding blasting and road transport of coal from the WCC;
- Relocation of the administration and workshop areas (Site Administration and Facilities Area);
- Construction of a new entrance to WCC off Escott Road for direct access to the relocated coal processing infrastructure, offices and facilities. The use of Escott Road as the primary access point to the WCC would require the existing Escott Road and the intersection of Escott Road with Werris Creek Road to be upgraded;
- Construction of a second feed point to the Rail Load-out Facility to allow for product separation and reduced inter-product contamination;
- Construction of a 'turn-around' rail loop which would take off from the Werris Creek Rail Siding to the immediate west of the Rail Load-out Facility;
- Continued dewatering the underground workings of the former Werris Creek Colliery to enable open cut mining through all of these workings;
- Construction of a third Void Water Dam for the storage of water which accumulates in the open cut;
- The construction of a conveyor to transport coal from the Coal Processing Area to the Product Coal Storage Area to replace internal coal haulage is approved; and
- Rehabilitation and new Biodiversity Offset Strategy focusing on restoring Grassy White Box Woodland.

Most of these proposed activities have been completed or are in the process of being completed by WCC. It should be noted that WCC will no longer be using Escott Road, therefore no upgrade to the road is required. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.

Land preparation activities at WCC include the clearing of vegetation, the installation of drainage infrastructure, and the stripping of soil. Dewatering of the former Werris Creek Colliery underground workings occurs ahead of open cut mining activities.

During the 2013 - 2014 Annual Environmental Management Report (AEMR) period, a total of 16,121,382 bcm of overburden was removed to produce 2,076,806t of ROM coal at an average overburden to coal stripping ratio of 7.8:1. The production levels attained in 2013 - 2014 AEMR period are the highest achieved by WCC since mining commenced in 2005. At the new Northern MIA the new coal processing facility involves the crushing and screening at an average rate of 500t/hr (maximum 650t/hr). The Project Approval allows for processing activities 24 hours per day, 7 days per week.

With WCC located 4 km south of the township of Werris Creek and 4 km north of Quipolly, community consultation is a key management component for the site. Key aspects from WCC which need to be managed to ensure minimal impact on the community include air, noise, blasting and visual. Complaints are recorded in the AEMR, with a detailed complaints report prepared for each complaint.

1.2 Audit Scope

Following endorsement of the NSW Department of Planning and Infrastructure (endorsed on 15 April 2014), Werris Creek Coal Pty Ltd engaged SLR Consulting Australia Pty Ltd (SLR) to undertake an Independent Environmental Audit of WCC. The audit has been completed in accordance with the requirements of Schedule 5 Condition 8 of PA 10_0059.

The period of this audit covers from the date the Project Approval was granted (25 October 2011) to the completion of the site inspection (30 May 2014).

Independent Environmental Audit

8. By the end of June 2014, and every 3 years thereafter, unless the Director-General 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 Director-General;*
- b) include consultation with the relevant agencies;*
- c) assess the:*
 - environmental performance of the project; and*
 - 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*
- d) (recommend appropriate measures or actions to improve the environmental performance and rehabilitation of the project.*

Note: This audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Director-General.

9. *Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.*

This audit also assesses compliance with the Environment Protection Licence (EPL 12290), the Statement of Commitments from the Project Approval and Mining Leases (ML 1671, ML 1672 and ML 1563).

1.3 Relevant Statutory Instruments

1.3.1 Project Approval

The WCC Mine Extension Project was granted Project Approval (PA 10_0059) on 25 October 2011 by the then Minister for Planning in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act). Since this time, one development modification (August 2012) was approved pursuant to Section 75J of the EP&A Act.

Details of compliance with Project Approval can be found in **Section 4.1**.

1.3.2 Environment Protection Licence

WCC is a land-based extractive activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). On this basis, the occupier of the premises must hold an EPL administered by the EPA under Section 43(b) of the Act. WCC operates under EPL 12290, which has an anniversary date of 1 April. This EPL covers land-based extractive activity to a scale of the following:

Scheduled Activity	Fee Based Activity	Scale
Coal Works	Coal works	> 2000000 - 5000000 T handled
Mining for Coal	Mining for coal	> 2000000 - 3500000 T produced

A copy of the EPL 12290 Compliance Table is contained within **Appendix 2**, and details of compliance can be found in **Section 4.3**.

1.3.3 Mining Leases

WCC operates under three mining leases (ML 1671, ML 1672 and ML 1563), with the compliance status assessed in **Section 4.4**.

1.4 Methodology

The methodology for the Independent Environmental Audit consisted of the following key steps:

- Reviewing all documents provided by WCC prior to the audit;
- Consultation with relevant government agencies;
- Site inspections and interviews with key WCC personnel on the 28-30 May 2014;
- Review of additional relevant documentation obtained while on site during the inspection or provided by WCC after the site inspection; and
- WCC review and comment on the draft audit report.

SLR's Andrew Hutton (Lead Auditor), Chris Jones (Assistant Auditor) and Katie Teyhan (Noise Specialist) were present on site from 28-30 May. SLR's Rod Masters (Surface Water Specialist) and Martin Doyle (Air Quality Specialist) were present on site on 28 May 2014.

The site inspections included visual inspections of WCC and interviews with key mine personnel, including Andrew Wright (Environmental Officer). Other WCC personnel interviewed included Peter Riordan (Production Superintendent), Peter Easey (Coal Processing Manager), Eamonn Browne (Operations Manager), Brad Taylor (Workshop Supervisor) and Eric Levison (Drill and Blast Engineer).

Photographs taken during the site inspections are contained in **Section 5**. A large amount of evidence was viewed (and collected) as part of the audit, including monitoring records, reports, and correspondence. While this evidence has been referenced in **Table 1**, it has not been attached to this audit report.

1.4.1 Consultation with Government Departments

SLR sent emails to the Division of Resources and Energy (DRE), Department of Planning and Infrastructure (DP&I), Liverpool Plains Shire Council and the Environment Protection Authority (EPA) on 1 July 2014. These emails were sent to the same contacts which receive copies of the WCC AEMR. The email stated that Schedule 5 Condition 8b) of the Project Approval requires that the audit team undertake 'consultation with the relevant government agencies', with SLR requesting if the government agencies had any comments/inputs which would assist SLR in determining compliance at WCC. The email requested that any comment be provided to SLR by email by 10 July 2014.

SLR only received one reply from the government agencies (Kharl Turnbull – EPA) on the 16 July 2014. Kharl Turnbull requested that the audit team ensure aspects such as noise, blast (overpressure, ground vibration and fume), air (dust) and surface water management are covered during the audit. SLR replied on 16 July 2014, outlining that these aspects are covered as part of the audit.

2 REFERENCES AND DOCUMENTS REVIEWED

Table 1 summarises the key documents reviewed or referred to during the preparation of this audit report.

Table 1 List of Key Documents

Doc No.	Document Description	Date
Approval Documentation		
1	Werris Creek Mine Extension Project - Project Approval – PA 10_0059	Modified August 2012
2	Environment Protection Licence - 12290	1 April (Anniversary Date)
3	Environmental Assessment – Werris Creek Coal LOM Project (R.W Corkery)	December 2010
4	WCC 75W Modification Application - WCC	3 August 2012
5	Mining Operations Plan – 1 September 2011 – 31 August 2018	November 2011
6	Mining Lease 1563	23 March 2005
7	Mining Lease 1671	9 March 2012
8	Mining Lease 1672	9 March 2012
Monitoring and Reporting		
9	Annual Environmental Management Report 2013 - 2014	May 2014
10	Annual Environmental Management Report 2012 - 2013	May 2013
11	Annual Environmental Management Report 2011 - 2012	May 2012
12	Quarterly Environmental Monitoring Reports	2011 to 2014
13	Coal Movement Records	2011 to 2013
14	EPBC Compliance Reports	2013 and 2014
15	EPL Monthly Monitoring Data	2013 - 2014
16	Whitehaven Coal Annual Reports	2011 - 2013
17	Raw monitoring data for water, noise, air and blasting	2011-2014
18	Biodiversity Offset Area Inspection	20 February 2014
19	Pre Clearance Inspection	22 May 2014
Specialist Reports		
20	Hydrocarbon Assessment : Assessment of Office Septic and Crushing Plants Areas and Remediation of Southern Workshop, Crushing Plant and Wastewater Areas (Mitchel Hanlon Consulting Pty Ltd)	October 2013
21	Hydrocarbon Assessment : Workshop and Wastewater Disposal Area (Mitchel Hanlon Consulting Pty Ltd)	April 2013
22	Verification of the Costing of the Conservation Bond (Lindsey Doyle)	January 2014
23	Archaeological Investigation and Heritage Record (Advitech Environmental)	March 2012
24	Visual Impact Mitigation Assessment (RW Corkery)	July 2012
25	Statement of Lighting Compliance (TCT Electrical Engineering)	January 2014
Community		
26	CCC Meetings	2011 to 2014
27	Complaints Register	2011 to 2014
28	Community Newsletters	2012 - 2014

Doc No.	Document Description	Date
29	Community Enhancement Fund	May 2013
30	Complaints Letters and Responses from WCC	Various
Management Plans		
31	Noise Management Plan	April 2014
32	Heritage Management Plan	October 2012
33	Blast Management Plan	December 2013
34	Site Water Management Plan	May 2014
35	Air Quality and Greenhouse Gas Management Plan	March 2014
36	Biodiversity and Offset Management Plan	August 2013
37	Road Closure Procedure	May 2012
Key Consultation		
38	Letter from DP&I to WCC: Coal Transport by Road	1 February 2012 and 13 March 2012
39	Letter to DP&I from WCC: Development Application Surrender	25 September 2012
40	Letter from DP&I to WCC: Community Enhancement Fund	25 July 2012
41	Letter from DP&I to WCC: Conservation Bond	4 February 2014
42	Letter from Heritage Council NSW: Archaeological Investigation and Heritage Records	June 2012)
43	Letters from DP&I: Approval of Management Plans	Various
44	Letter from Whitehaven Coal to nearby residences: Life of mine notification to landowners	December 2011
45	Letter from Whitehaven Coal to nearby residences: Mining Noise Exceedance	July 2013
46	Community Notification Letters	Various
47	Blasting Deed of Agreement between WCC and Australian Rail Track Corporation	22 April 2010

3 AUDIT COMPLIANCE

3.1 Assessing Compliance

As outlined in **Section 1.4**, the audit of WCC included auditing onsite and site inspections on the 28 – 30 May 2014, document review and interviews with key WCC personnel.

The terms used in the audit to describe the level of compliance of the WCC with the relevant statutory instruments (**Table 2**) are:

Table 2 Compliance Status Definitions

Status	Definition
Compliance (C)	Adequacy and appropriateness of implementation against current Departmental Approval or Conditions, or compliance with commitments made.
Non-Compliance (NC)	Not in compliance with part or all over condition.
Not Triggered (NT)	The condition was not triggered at the time of the assessment.
Indeterminate (I)	It was not possible to determine compliance.
Not Applicable (NA)	Not Applicable.

3.2 Project Approval (PA10_0059)

Appendix 1 lists the conditions imposed by the Project Approval and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances relating to the Project Approval are outlined in **Table 3**. The Project Approval includes specific reference to each of the conditions within the following key areas of the consent:

- **Schedule 2: Administrative Conditions**
- **Schedule 3: Specific Environmental Conditions**
 - Noise;
 - Blasting;
 - Air Quality and Greenhouse Gas;
 - Meteorological Monitoring;
 - Soil and Water;
 - Biodiversity;
 - Heritage;
 - Transport;
 - Visual;
 - Waste;
 - Bushfire Management; and
 - Rehabilitation.

- **Schedule 4: Additional Procedures**

- Notification of Landowners;
- Independent Review; and
- Land Acquisition.

- **Schedule 5: Environmental Management and Monitoring**

- Environmental Management;
- Reporting;
- Independent Environmental Audit; and
- Access to Information.

3.3 EA Statement of Commitments

Appendix 2 lists the conditions imposed by the EA Statement of Commitments and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances relating to the EA Statement of Commitments are outlined in **Table 4**. The EA Statement of Commitments includes specific reference to each of the following aspects:

- Groundwater;
- Surface Water;
- Biodiversity;
- Heritage;
- Transport Aspects;
- Noise;
- Blasting;
- Air Quality;
- Visibility;
- Soils, Land Capability and Agricultural Suitability;
- Waste;
- Hazards;
- Community Contributions;
- Environmental Monitoring; and
- Environmental Management System.

3.4 EPL 12290

Appendix 3 lists the conditions imposed by EPL and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances relating to the EPL are outlined in **Table 5**. The EPL includes specific reference to each of the following aspects:

- Administrative Conditions;
- Limit Conditions;
- Operating Conditions;
- Monitoring and Recording Conditions;
- Reporting Conditions;
- General Conditions;
- Pollution Studies and Reduction Programs; and
- Special Conditions.

3.5 Mining Leases

Appendix 4 lists the conditions imposed by Mining Leases and indicates the compliance status of each condition, along with recommended actions in response to non-compliances. Non-compliances relating to the Mining Leases are outlined in **Table 6**. The Mining Leases includes specific reference to each of the following aspects:

- Environmental harm;
- Mining Operations Plan;
- Blasting;
- Erosion;
- Rehabilitation;
- Security Deposit;
- Infrastructure management;
- Exploration; and
- Resource Recovery.

4 SUMMARY OF NON-COMPLIANCE

4.1 Non-Compliance with the Project Approval

There were a total of **5** non-compliances with the Project Approval out of a possible **74** conditions. This resulted in an audit score of **93.2%**.

Table 3 outlines the non-compliant conditions for the Project Approval.

Table 3 Summary of Non-Compliant Project Approval Conditions

Condition	Summary of Non-Compliance	Recommendation
<p>Schedule 2 Condition 8</p> <p>The Proponent shall not transport:</p> <p>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 Director-General.</p>	<p>Some coal goes out to Tamworth/Armidale/Guyra hospitals but no coal is currently transported by public road into the Muswellbrook, Singleton, Mid-Western, Cessnock or Newcastle local government regions.</p> <p>During the audit period WCC was non-compliant with this condition. SLR sighted a letter from DP&I dated 1 February 2012 regarding coal being transported by road to Newcastle without the Director General's approval (the Project Approval was granted on 25 October 2011). The DP&I considered it to be a non-compliance.</p> <p>DP&I did however grant approval to transport coal by road to the Muswellbrook, Singleton, Mid-Western regional, Cessnock or Newcastle local government areas until 30 June 2012.</p> <p>WCC responded to the letter from the DP&I on 13 March 2012 noting the conditions relating to road haulage and mitigation measures to ensure WCC meet this condition in the future.</p>	<p>None.</p>

Condition	Summary of Non-Compliance	Recommendation																																				
<p>Schedule 2 Condition 10</p> <p>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.</p> <p>Notes:</p> <ul style="list-style-type: none">· 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.	<p>Construction certificate 109/2010-2 issued 27 June 2013.</p> <p>WCC does not yet have an occupation certificate. SLR understands the issue relates to the older demountable buildings not having emergency lighting. The project to install the emergency lighting is now expected to be delivered by the end of August 2014.</p>	<p>WCC to install emergency lighting and liaise with council regarding the occupation certificate.</p>																																				
<p>Schedule 3 Condition 1</p> <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 or on more than 25 percent of any privately-owned land.</p> <p>Table 1: Noise criteria</p> <table><tr><th>Location</th><th>Day dB(A) L_{Aeq}(15 min)</th><th>Evening & Night dB(A) L_{Aeq}(15 min)</th><th>Night dB(A) L_{A1} (1 min)</th></tr><tr><td>R18</td><td>40</td><td>37</td><td>45</td></tr><tr><td>R10, R11, R14</td><td>39</td><td>39</td><td>45</td></tr><tr><td>R20, 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>37</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, R98</td><td>36</td><td>36</td><td>45</td></tr><tr><td>All other privately-owned land</td><td>35</td><td>35</td><td>45</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">· To interpret the locations referred to in Table 1, see the applicable figure in Appendix 3; and· Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. <p>However, these criteria do not apply if the Proponent has an agreement with the relevant owner/s of these residences/land to generate higher noise levels, and the Proponent has advised the Department in writing of the terms of this agreement.</p>	Location	Day dB(A) L _{Aeq} (15 min)	Evening & Night dB(A) L _{Aeq} (15 min)	Night dB(A) L _{A1} (1 min)	R18	40	37	45	R10, R11, R14	39	39	45	R20, R21	39	37	45	R12	38	38	45	R96	38	37	45	R7, R8, R9, R24	37	37	45	R22, R98	36	36	45	All other privately-owned land	35	35	45	<p>WCC Annual Environmental Management Reports (AEMR) 2013-2014, 2012-2013, 2011-2012 and associated monthly noise monitoring reports have been reviewed.</p> <p>As reported in the WCC AEMR 2013-2014 (refer Table 3.49) noise levels above the relevant criteria were measured at 3 locations (R5, R9 and R22) during July 2013 and one location (R97) during September 2013.</p> <p>These measured exceedances were reported by WCC to the DP&I via letters dated 24 July 2013 and 3 October 2013). These were the first measured exceedances of the relevant noise limits in 33 months.</p> <p>Noise levels greater than the noise criteria specified in Table 1 of PA 10_0059 Schedule 3 were measured during September 2013 at R98 however, it is noted that WCC had a negotiated agreement with this residence. AEMR 2013-2014 reports that this elevated noise level was in accordance with the negotiated agreement for WCC to undertake additional noise works and that double-glazing has been installed at R98.</p>	<p>None.</p>
Location	Day dB(A) L _{Aeq} (15 min)	Evening & Night dB(A) L _{Aeq} (15 min)	Night dB(A) L _{A1} (1 min)																																			
R18	40	37	45																																			
R10, R11, R14	39	39	45																																			
R20, R21	39	37	45																																			
R12	38	38	45																																			
R96	38	37	45																																			
R7, R8, R9, R24	37	37	45																																			
R22, R98	36	36	45																																			
All other privately-owned land	35	35	45																																			

Condition	Summary of Non-Compliance	Recommendation																							
<p>Schedule 3 Condition 16</p> <p>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.</p> <p>Table 6: Long-term criteria for particulate matter</p> <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 < 10 µm (PM₁₀)</td><td>Annual</td><td>^a 30 µg/m³</td></tr></table> <p>Table 7: Short-term criteria for particulate matter</p> <table><tr><th>Pollutant</th><th>Averaging Period</th><th>^d Criterion</th></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>24 hour</td><td>^a 50 µg/m³</td></tr></table> <p>Table 8: Long-term criteria for deposited dust</p> <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> <p>Notes to Tables 6-8:</p> <ul style="list-style-type: none">· a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);· b Incremental impact (i.e. incremental increase in concentrations due to the project on its own);· 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.· d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with EPA.	Pollutant	Averaging Period	^d Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging Period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	<p>Concentrations of PM₁₀ (and PM_{2.5}), TSP and Deposited Dust are measured by TEOM, HVAS and deposited dust gauges at a number of locations surrounding the site.</p> <p>Results of the deposited dust monitoring program for the period April 2013 to March 2014 indicate that the annual average at all locations, with the exception of DG34, were below the criterion of 4g/m²/month. The elevated deposition at DG34 was likely due to local effects, given that surrounding dust gauges did not show a similar elevation. Dust deposition monitoring results for previous reporting years show compliance with the relevant criteria.</p> <p>Annual average PM₁₀ and TSP monitoring results for 5 HVAS monitoring locations (4 PM₁₀, 1 TSP) indicate compliance with the relevant criteria. Examination of the data from the Werris Creek PM₁₀ TEOM also indicates compliance with the annual average PM₁₀ criterion.</p> <p>Daily maximum PM₁₀ concentrations were shown to be in compliance at the Werris Creek TEOM. Examination of HVAS monitoring results for the period April 2013 to March 2014 indicate an exceedance of the 24hr PM₁₀ criterion at the HVP11 (Glenara) location with a monitored concentration of 56.4ug/m³. It is noted that significant discussion surrounding this exceedance has been provided within the AEMR (2013/2014) which examined upwind/downwind concentrations of PM₁₀ during the exceedance period. Although this analysis suggests that the contribution from the mine itself was of the order of 42.8ug/m³ and therefore in compliance with the incremental criterion, SLR note that the criterion is a cumulative criterion and represents "Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources)".</p> <p>The criterion for maximum 24 hour PM₁₀ does include a statement to note that the concentrations "excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Director General in consultation with EPA".</p>	<p>SLR recommends that WCC establish a method for determining extraordinary events using upwind/downwind HVAS results (the four HVAS are located at the four points of the compass). Additional consultation with the EPA is required if monitoring (WCC monitoring data and regional monitoring data) indicate the possibility of regional dust events.</p>
Pollutant	Averaging Period	^d Criterion																							
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																							
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																							
Pollutant	Averaging Period	^d Criterion																							
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³																							
Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level																						
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																						

Condition	Summary of Non-Compliance	Recommendation
<p>Schedule 3 Condition 22</p> <p>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.</p>	<p>Volume limits do not apply to the EPL.</p> <p>2011/12 AEMR period - There were 21 discharge events during the AEMR period - criteria met.</p> <p>2012/13 AEMR period - There were 11 discharge events during the AEMR period - criteria met.</p> <p>2013/14 AEMR period - There were four discharge events during the AEMR period - criteria met.</p> <p>WCC is permitted to discharge when the dirty water quality is within the criteria specified in EPL 12290, however if a rainfall event greater than 39.2mm occurs in a consecutive 5 day period then the TSS limit does not apply.</p> <p>There was an uncontrolled discharge on 11 March 2012 from Void Water Dam 3. Void Water Dam 3 is not a licensed discharge point therefore this condition is non - compliant.</p>	<p>Automated float system to be installed in 2014.</p>

4.2 Non-Compliance with EA Statement of Commitments

There were a total of **two** non-compliances with the EA Statement of Commitments out of a possible **161** conditions. This resulted in an audit score of **98.7%**.

Table 4 outlines the non-compliant conditions for the EA Statement of Commitments.

Table 4 Summary of Non-Compliant EA Statement of Commitments

Condition	Evidence/Summary of Non-Compliance	Recommendation
2.8 Retain all void water within the Void Water Dams or sumps within the open cut.	<p>Penalty notice advised (24/09/2012) a mine water dam had failed and discharged into Quipolly Creek (Site reported to the EPA) - PIN issued x3. Previous event July 2007.</p> <p>The following actions have been completed to ensure effective management of surface water onsite:</p> <ul style="list-style-type: none"> • Engineering review on 3 major dams - redesign and reconstruct; • Operating level maintained; • Prescribed Dams (DSC); • 0.5m diameter pipe spillway capable of managing a 1 in 10,000 year 5 day storm event; • WCC Environmental Officer has completed DSC dam inspection report; • Void Management pumping (copy) dedicated; and • Real time monitoring system (SentinelX/Observant) capable of sending alarms when High Water Levels are triggered. <p>Despite this non-compliance, WCC have made all reasonable attempts to ensure this incident will not happen again.</p>	<p>The WCC Environmental Officer is in the process of installing a float gauge to determine when the water level is near the capacity of the Void Dams (high water level alarm).</p> <p>Continue weekly inspections to review water levels.</p>

Condition	Evidence/Summary of Non-Compliance	Recommendation
<p>14.2 Continue monitoring of piezometers and groundwater bores on and surrounding the Project Site in accordance with the current Groundwater Monitoring Program.</p> <p>To be completed both monthly and continuous (dependent on particular piezometer or groundwater bore).</p>	<p>2013-14 AEMR indicates groundwater monitoring (levels) is undertaken bimonthly, instead of monthly as per this commitment. SWMP is still in draft and outlines monitoring is completed bimonthly for water levels.</p> <p>The audit team considers monitoring every two months to be sufficient.</p>	<p>None.</p>

4.3 Non-Compliance with EPL 12290

There were a total of **2** non-compliances with the EPL out of a possible **87** conditions. This resulted in an audit score of **97.7%**.

Table 5 outlines the non-compliant conditions for the EPL 12290.

Table 5 Summary of Non-Compliant EPL 12290 Conditions

Condition	Evidence/Summary of Non-Compliance	Recommendation
L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	<p>The Void Water Dam 1 discharged offsite on 11 March 2012. The PIN letter from EPA dated 24 September 2012 regarding the discharge of water from the dam noted the water had entered Quipolly Creek. With this being a discharge from a dam which is not a licensed discharge point, it is therefore classified as a 'pollutant' under section 120 of the Protection of the Environment Operations Act 1997.</p> <p>It should be noted that since this discharge there have been several changes including major upgrades to Void Water Dams (certified geotechnical/construction design), update to the SWMP, training, regular inspections and maintenance, correspondence with EPA and DP&I. An automated float system (high water alarm) will be installed in 2014 to monitor water levels of the Void Water Dams.</p>	Automated float system to be installed in 2014.

Condition	Evidence/Summary of Non-Compliance	Recommendation																																								
<p>L4.1</p> <p>Noise generated from the premises must not exceed the noise limits in the table below. The locations referred to in the table below are defined within Appendix 3 of Werris Creek Coal Mine, Extension Project Approval 10_0059:</p> <table><tr><th>Locality and Location</th><th>Day LAeq (15 minute)</th><th>Evening LAeq (15 minute)</th><th>Night LAeq (15 minute)</th><th>Night LA1 (1 minute)</th></tr><tr><td>The residence on the property "Talavera" marked as location "R90" in Appendix 3 of Project Approval 10_0059</td><td>38</td><td>37</td><td>37</td><td>45</td></tr><tr><td>The residence known as "Quipolly Railway Cottage" marked as location "R12" in Appendix 3 of Project Approval 10_0059</td><td>38</td><td>38</td><td>38</td><td>45</td></tr><tr><td>The residence located at 83 Wadwells Lane marked as location "R7" in Appendix 3 of Project Approval 10_0059</td><td>37</td><td>37</td><td>37</td><td>45</td></tr><tr><td>The residence on the property "Gedhurst" marked as location "R9" in Appendix 3 of Project Approval 10_0059</td><td>37</td><td>37</td><td>37</td><td>45</td></tr><tr><td>The residence on the property "Hazeldene" marked as location "R24" in Appendix 3 of Project Approval 10_0059</td><td>37</td><td>37</td><td>37</td><td>45</td></tr><tr><td>The residence on the property "Mountain View" marked as location "R22" in Appendix 3 of Project Approval 10_0059</td><td>36</td><td>36</td><td>36</td><td>45</td></tr><tr><td>Any other affected residence not owned by the licensee or its related companies</td><td>35</td><td>35</td><td>35</td><td>45</td></tr></table>	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 "R90" in Appendix 3 of Project Approval 10_0059	38	37	37	45	The residence known as "Quipolly Railway Cottage" marked as location "R12" in Appendix 3 of Project Approval 10_0059	38	38	38	45	The residence located at 83 Wadwells Lane marked as location "R7" in Appendix 3 of Project Approval 10_0059	37	37	37	45	The residence on the property "Gedhurst" marked as location "R9" in Appendix 3 of Project Approval 10_0059	37	37	37	45	The residence on the property "Hazeldene" marked as location "R24" in Appendix 3 of Project Approval 10_0059	37	37	37	45	The residence on the property "Mountain View" marked as location "R22" in Appendix 3 of Project Approval 10_0059	36	36	36	45	Any other affected residence not owned by the licensee or its related companies	35	35	35	45	<p>Werris Creek Coal AEMRs 2013-2014, 2012-2013, 2011-2012 and associated monthly noise monitoring reports.</p> <p>As reported in the WCC AEMR 2013-2014 (refer Table 3.49) noise levels above the relevant criteria were measured at 3 locations (R5, R9 and R22) during July 2013 and one location (R97) during September 2013.</p> <p>The EPA acknowledged, via email communication to WCC dated 24 October 2013, that the exceedance measured at R97 would not need to be recorded as an incident in the Annual Return since the property does not have a residence on it.</p> <p>These measured exceedances were reported by WCC to the EPA via letters dated 24 July 2013 and 3 October 2013.</p> <p>These were the first measured exceedances of the relevant noise limits in 33 months.</p>	<p>None.</p>
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 "R90" in Appendix 3 of Project Approval 10_0059	38	37	37	45																																						
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Any other affected residence not owned by the licensee or its related companies	35	35	35	45																																						

4.4 Non-Compliance with Mining Leases

There were no non-compliances with Mining Leases (ML) 1671 and ML 1672 which therefore resulted in an audit score of **100%**. There was however one condition non-compliant relating to ML 1563, with this outlined in **Table 6** below. This resulted in an audit score of **96.5%** for ML 1563.

Table 6 Summary of Non-Compliant Mining Lease Conditions (ML 1563)

Condition	Evidence/Summary of Non-Compliance	Recommendation
<p>Condition 16 (ML 1563)</p> <p>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, water body or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.</p>	<p>Void Water Dam 1 is located within this mining lease.</p> <p>The Void Water Dam 1 discharged offsite on 11 March 2012. The PIN letter from EPA dated 24 September 2012 regarding the discharge of water from the dam noted the water had entered Quipolly Creek. With this being a discharge from a dam which is not a licensed discharge, it is therefore classified as a 'pollutant' under section 120 of the Protection of the Environment Operations Act 1997.</p> <p>It should be noted that since this discharge there have been several changes including major upgrades to Void Water Dams (certified geotechnical/construction design), update to the SWMP, training, regular inspections and maintenance, correspondence with EPA and DP&I. An automated float system (high water alarm) will be installed in 2014 to monitor water levels of the Void Water Dams.</p>	<p>Automated float system to be installed in 2014.</p>

4.5 Additional Recommendations for Compliant Conditions

The SLR Audit team has assessed several conditions as compliant, but have made additional recommendations for some aspects to ensure continued environmental improvements on site. These additional recommendations are summarised in **Table 7** below.

Table 7 Additional Recommendations

Condition	Aspect	Recommendation
Schedule 3 Condition 5 of Project Approval	Identification of mining noise	The monthly noise monitoring reports report noise from Werris Creek Mine as "WCC XX" where XX is the estimated noise level contributed from WCC. If a specific mining noise source is a significant component to the measured noise level (i.e. not just mining activities); then It is recommended that it is identified when audible (ie rail loadout, trucks, dozer, etc).
Schedule 3 Condition 6 and 13 of Project Approval EPL – L5 EA Statement of Commitments – 7 ML 1671/1672 – Condition 10 ML 1563 – Condition 11	Blast Management	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
Schedule 3 Condition 23 of Project Approval Statement of Commitments – 1.4	Groundwater	The audit team endorses ENVIRONs recommendation to expand the groundwater monitoring database statistical analysis (Groundwater Monitoring Report - April 2014). 'To further assess the variation in groundwater levels, it is recommended that the groundwater monitoring database be expanded to include a statistical analysis of groundwater level variations using a statistical trending analysis such as one-sided cumulative sum analysis (CUSUM). These tools allow for identification of trends that are independent of background variation.' The WCC Environmental Officer is in the process of installing a float system to determine when the water level is near the capacity of the Void Dams (high water level alarm). Continue weekly inspections to review water levels.
Schedule 3 Condition 25 of Project Approval	Biodiversity Offset Management Plan	Send the OEH a final copy of the BOMP for their records.
Schedule 3 Condition 27 of	Longterm security offsets	SLR recommends that WCC progress consultation with the DP&I in order to close out this condition

Condition	Aspect	Recommendation
Project Approval		regarding long term security for the offset area.
Schedule 3 Condition 37 and 38 of Project Approval	Visual Bund	Finalise the construction of the visual bund and revegetate the visual bund.
Schedule 3 Condition 39 of Project Approval EPL – O1.1 Statement of Commitments – 11, 12.8	Waste	Develop a waste management plan for the site to document the waste management strategy for the site. Investigate options for implementing a total waste management service which includes the separation of all recyclable material as well as the oily waste. Training on oil spill response, clean up and general waste management is to be undertaken for all staff in the field of operations and maintenance.
Schedule 3 Condition 42 of Project Approval ML 1671/1672 – Condition 7	Weed management	There were a couple of small areas where weeds are dominant. These areas are already known and have been fenced off and signed. Continue to implement the strategy to remove these weeds from site and complete additional rehabilitation once weeds are removed. See Photo 7 of this audit report.
EPL – L4.4, M5	Complaint Management	SLR recommends including weather parameters in the complaints register such as wind speed, direction and temperature inversion at the time of the event that was subject of the complaint. Weather conditions are currently documented in each individual Complaint Report but if added to the complaint register then this will assist in potentially identifying any trends in noise impacts that could be as a result of weather enhancing conditions.

5 PHOTOGRAPHS TAKEN DURING SITE INSPECTION

The following photographs were taken by SLR during the site inspection on the 28 May 2014. These represent a record of the facility and the areas inspected on that day.



Photo 1: Looking into the Pit at WCC



Photo 2: Haul Truck Removing Overburden at WCC



Photo 3: Meteorological Station at WCC



Photo 4: Example of good quality groundcover in rehabilitated areas at site



Photo 5: Rehabilitation at WCC. The white posts illustrate the location of tube stock planted by WCC



Photo 6: Example of established open woodland rehabilitation at WCC. Stag trees have been used for habitat augmentation in rehabilitation.



Photo 7: An area of noxious weeds has been fenced and signed at WCC. This area will be treated with herbicides and monitored.



Photo 8: Void Water Dam 1 capacity was increased as per PA 10_0059 MOD1 during the audit period



Photo 9: Stock was removed from offset areas during the reporting period which has led to an improvement in vegetation cover.



Photo 10: Double lined diesel tanks have been installed at the relocated office and workshop area



Photo 11: Blast monitor situated in the town of Werris Creek



Photo 12: View from the town of Werris Creek to WCC operations



Photo 13: Partial construction of the bund at WCC

APPENDIX 1 – PROJECT APPROVAL (PA10_0059) – COMPLIANCE TABLE

Project Approval 10_0059

Proponent Werris Creek Coal Pty Limited
Date of Approval: 25 October 2011 (Mod 1 approved August 2012)
Authority Department of Planning and Infrastructure

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
Schedule 2 - Administrative Conditions				
OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT				
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.	C	<p>Penalty notice advised (24/09/2012) a mine water dam had failed and discharged into Quipolly Creek (Site reported to the EPA) - PIN issued x3. Previous event July 2007.</p> <p>The following actions have been completed to ensure effective management of surface water onsite:</p> <ul style="list-style-type: none"> - Engineering review on 3 major dams - redesign and reconstruct - Operating level - Prescribed Dams (DSC) - 0.5m diameter pipe spillway capable of managing a 1 in 10,000 year 5 day storm event - WCC Environmental Officer has completed DSC dam inspection report - Void Management pumping (copy) dedicated - Real time monitoring system (SentinelX/Observant) capable of sending alarms when High Water Levels are triggered <p>Despite this non compliance WCC have made all reasonable attempts to ensure this incident will not happen again.</p>	None
TERMS OF APPROVAL				
2	2. The Proponent shall carry out the project generally in accordance with the: (a) EA; (b) statement of commitments; (c) EA MOD 1; and (d) the conditions of this approval.	C	Operations generally carried out in accordance with these documents.	None
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.	C	<p>Noted.</p> <p>The audit team did not find any consistency with documentation.</p>	None
4	The Proponent shall comply with any reasonable requirement/s of the Director-General 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.	C	<p>Evidence of correspondence sighted with DP&I and other government departments.</p> <p>The 2013/14 AEMR reports on the proposed activities during 2013/14 AEMR period. Section 1.3 of the 2013/14 AEMR outlines the proposed actions following the DP&I annual inspection and how they have been addressed.</p> <p>Three PINs (dated 24 September 2012) for the Void Water Discharge on 11 March 2012. Following this incident there have been several upgrades to the water management system. These have been completed in consultation with the EPA. SWMP has been updated and there have been several upgrades to the site water management system.</p>	None
LIMITS ON APPROVAL				
Mining Operations				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
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 Director-General 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>	C	Operations undertaken within the desired period.	None
Coal Extraction				
6	The Proponent shall not extract more than 2.5 million tonnes of ROM coal from the site in a calendar year.	C	Production tonnes not over 2.5mtpa. 2011 Annual Report: 1.809mtpa 2012 Annual Report: 1.274 2013 Annual Report: 1.677	None
Coal Stockpiling				
7	The Proponent shall not stockpile more than 250,000 tonnes of product coal on the site.	C	Design capacity is 100,000. 2013-14 AEMR - At the end of the March 2014, there was 44,753t of Product coal stored at the Rail Load-out Facility and 9,024t of ROM coal was stored at the ROM and Coal Processing Plant area.	None
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; and	NC	Evidence of the tonnes - weighbridge. 2011-12 AEMR - Domestic coal produced includes 42,892t trucked by road. 2012-13 AEMR - Domestic coal produced includes 14,930t transported by 501 trucks by road. 2013-14 AEMR - 3,451t transported by 135 trucks by road.	None
	(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 Director-General.		Some coal goes out to Tamworth/Armidale/Guyra hospitals but no coal is currently transported by public road into the Muswellbrook, Singleton, Mid-Western, Cessnock or Newcastle local government regions. During the audit period WCC was non compliant with this condition. SLR sighted a letter from DP&I dated 1 February 2012 regarding coal being transported by road to Newcastle without the Director General's approval (the project approval was granted on 25 October 2011). The DP&I considered it to be a non compliance. DP&I did however grant approval to transport coal by road to the Muswellbrook, Singleton, Mid-Western regional, Cessnock or Newcastle local government areas until 30 June 2012. WCC responded to the letter from the DP&I on 13 March 2012 noting the conditions relating to road haulage and mitigation measures to ensure WCC meets this condition in the future.	None
SURRENDER OF EXISTING DEVELOPMENT CONSENT				
9	By the end of October 2012, or as otherwise agreed by the Director-General, 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.	C	Letter submitted to the Director-General of DPI dated 25 September 2012.	None
STRUCTURAL ADEQUACY				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
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. Notes: · 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.	NC	Construction Certificate 109/2010-2 issued 27 June 2013. WCC does not yet have an Occupation certificate. SLR understands the issue relates to the older demountable buildings not having emergency lighting. The project to install the emergency lighting is now expected to be delivered by the end of August. 2014	WCC to install emergency lighting and liaise with council regarding the occupation certificate.
DEMOLITION				
11	The Proponent shall ensure that all demolition work on site is carried out in accordance with Australian Standard AS 2601-2001: The Demolition of Structures, or its latest version.	C	No demolition occurred on site, old facility was deconstructed (no demolition).	None
OPERATION OF PLANT AND EQUIPMENT				
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	C	Interview with Brad Taylor (WCC Workshop Supervisor) on 29 May, 2014 Maintenance activities in the workshop area includes: Equipment maintenance logs, Regular servicing, Trained personnel, Service sheet, Sound attenuation on trucks.	None
	(b) operated in a proper and efficient manner.		Plant and equipment appear to be operated in a proper and efficient manner. Maintenance and monitoring of equipment.	None
STAGED SUBMISSION OF ANY STRATEGY, PLAN OR PROGRAM				
13	With the approval of the Director-General, the Proponent may submit any strategy, plan or program required by this approval on a progressive basis. Notes: · 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.	C	All plans reviewed, submitted and approved with the exception of the Site Water Management Plan (SWMP). WCC has been liaising with the DP&I regarding the SWMP, with this plan still in draft. When Management Plans have been updated, WCC has sent the updated plans to the DP&I for approval.	None
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.	C	All plans have been developed to cover the PA 10_0059 approval. SWMP is still in draft format awaiting approval from DP&I.	None
COMMUNITY ENHANCEMENT				
15	The Proponent shall establish and operate a Community Enhancement Fund for the project to the satisfaction of the Director-General. This fund must: (a) be established and operated in consultation with Council and the CCC;	C	Letter dated 25/7/12 from David Kitto relating to the Community Enhancement Fund. Section 4.3.3 of 2013-14 AEMR outlines the programs within the Community Enhancement Fund.	None
	(b) be directed towards providing benefits to the local communities affected by the project;		Section 4.3.3 of 2013 -2014 AEMR. The funding provides benefits to the local community.	
	(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		Evidence by accountant. Evidence in section 4.3.3 of 2013 -2014 AEMR.	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action																																				
	(d) be operating from the end of April 2012, unless the Director-General agrees otherwise.		Letter sent to DPI dated 23 April 2012 and accepted by DPI on 25/7/12. Viewed letter from Liverpool Council - dated 23 April 2012. Council representatives on the CCC were pleased to receive input from the Werris Creek representatives regarding the community enhancement fund.																																					
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 or on more than 25 percent of any privately-owned land.</p> <p>Table 1: Noise criteria</p> <table><tr><th>Location</th><th>Day dB(A) L_{Aeq}(15 min)</th><th>Evening & Night dB(A) L_{Aeq}(15 min)</th><th>Night dB(A) L_{A1} (1 min)</th></tr><tr><td>R18</td><td>40</td><td>37</td><td>45</td></tr><tr><td>R10, R11, R14</td><td>39</td><td>39</td><td>45</td></tr><tr><td>R20, 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>37</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, R98</td><td>36</td><td>36</td><td>45</td></tr><tr><td>All other privately-owned land</td><td>35</td><td>35</td><td>45</td></tr></table> <p>Notes:</p> <ul style="list-style-type: none">· To interpret the locations referred to in Table 1, see the applicable figure in Appendix 3; and· Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy. 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.	Location	Day dB(A) L _{Aeq} (15 min)	Evening & Night dB(A) L _{Aeq} (15 min)	Night dB(A) L _{A1} (1 min)	R18	40	37	45	R10, R11, R14	39	39	45	R20, R21	39	37	45	R12	38	38	45	R96	38	37	45	R7, R8, R9, R24	37	37	45	R22, R98	36	36	45	All other privately-owned land	35	35	45	NC	<p>WCC Annual Environmental Management Reports (AEMR) 2013-2014, 2012-2013, 2011-2012 and associated monthly noise monitoring reports have been reviewed.</p> <p>As reported in the WCC AEMR 2013-2014 (refer Table 3.49) noise levels above the relevant criteria were measured at 3 locations (R5, R9 and R22) during July 2013 and one location (R97) during September 2013.</p> <p>These measured exceedances were reported by WCC to the DP&I via letters dated 24 July 2013 and 3 October 2013).</p> <p>These were the first measured exceedances of the relevant noise limits in 33 months.</p> <p>Noise levels greater than the noise criteria specified in Table 1 of PA 10_0059 Schedule 3 were measured during September at R98 however, it is noted that WCC had a negotiated agreement with this residence. AEMR 2013-2014 reports that this elevated noise level was in accordance with the negotiated agreement for WCC to undertake additional noise works and that double-glazing has been installed at R98.</p>	None
Location	Day dB(A) L _{Aeq} (15 min)	Evening & Night dB(A) L _{Aeq} (15 min)	Night dB(A) L _{A1} (1 min)																																					
R18	40	37	45																																					
R10, R11, R14	39	39	45																																					
R20, R21	39	37	45																																					
R12	38	38	45																																					
R96	38	37	45																																					
R7, R8, R9, R24	37	37	45																																					
R22, R98	36	36	45																																					
All other privately-owned land	35	35	45																																					
X																																								
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>Table 2: Noise acquisition criteria</p> <table><tr><th>Location</th><th>Day/Evening/Night dB(A) L_{Aeq} (15min)</th></tr><tr><td>All privately-owned land</td><td>40</td></tr></table> <p>Note: Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.</p>	Location	Day/Evening/Night dB(A) L _{Aeq} (15min)	All privately-owned land	40	C	<p>WCC AEMR's 2013-2014, 2012-2013, 2011-2012 and associated monthly noise monitoring reports.</p> <p>No sustained exceedance of the relevant noise limits is evident.</p>	None																																
Location	Day/Evening/Night dB(A) L _{Aeq} (15min)																																							
All privately-owned land	40																																							
Additional Noise Mitigation Measures																																								

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action								
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 Director-General for resolution.</p> <p><i>Table 3: Land subject to additional noise mitigation measures</i></p> <table><tr><td>R10</td><td>R18</td></tr><tr><td>R11</td><td>R20</td></tr><tr><td>R12</td><td>R21</td></tr><tr><td>R14</td><td>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>	R10	R18	R11	R20	R12	R21	R14	R96	C	<p>Interview with the Environment and Community Officer indicated there had been no such written request received.</p> <p>It is also noted that negotiated agreements have been established with the residences referred to as R10, R11, R21 and WCC now owns R14, R18 and R20.</p>	None
R10	R18											
R11	R20											
R12	R21											
R14	R96											
Operating Conditions												
4	<p>The Proponent shall:</p> <p>(a) implement best practice noise management to minimise the operational, low frequency, rail and road traffic noise of the project;</p> <p>(b) regularly assess the real-time noise monitoring and meteorological forecasting data and relocate, modify, and/or stop operations on site to ensure compliance with the relevant conditions of this approval;</p> <p>(c) minimise the noise impacts of the project during temperature inversions; and</p> <p>(d) use its best endeavours to achieve the long-term noise goals in Table 4, where this is reasonable and feasible, and report on the progress towards achieving these goals in the annual review;</p> <p>(e) carry out a comprehensive noise audit of the project in conjunction with each independent environmental audit, to the satisfaction of the Director-General.</p> <p><i>Table 4: Long-term noise goal</i></p> <table><tr><th>Location</th><th>Day/Evening/Night dB(A) <i>L_{Aeq}</i> (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) <i>L_{Aeq}</i> (15min)	All privately-owned land	35	C	<p>WCC AEMR's 2013-2014, 2012-2013, 2011-2012 and associated Monthly Noise Monitoring Reports 2011 - 2014 demonstrate that noise levels are consistently below relevant limits (with the exception of exceedances recorded in July and Sept 2013).</p> <p>WCC EMS - Noise Management Plan dated 16 April 2014 is effectively implemented through EO, daily meetings and NCO. Noise Control Operator records sighted as well as records from daily meetings containing weather forecasting information and how it is likely to effect noise impacts.</p> <p>Site inspection; real-time noise and weather monitoring locations sited.</p> <p>Interview with Environmental Officer and Site Superintendent - noise auditor has confidence that there is good general knowledge among site personnel of potential noise impacts and how weather impacts these.</p> <p>Interview with WCC Environmental Officer; AEMR is utilised as the Annual Review. Noise monitoring results indicate, with the exception of a few and infrequent exceedances, that long-term noise goals are being achieved.</p> <p>This item is the subject of the current noise audit</p>	None None None None None				
Location	Day/Evening/Night dB(A) <i>L_{Aeq}</i> (15min)											
All privately-owned land	35											
Noise Management Plan												
	<p>The Proponent shall prepare and implement a Noise Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA by a suitably qualified expert whose appointment has been approved by the Director-General;</p>		<p>WCC EMS - Noise Management Plan dated 16 April 2014. The NMP contains direct reference to relevant communication with EPA and expert approval from the Director-General (Appendix A of NMP).</p> <p>Letter from DPI to WCC dated 29/4/14 <i>Werris Creek Mine Extension Project (MP 10_005) Approval of revised Air and Noise Management Plans</i>.</p>	None								

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action															
5	(b) be submitted to the Director-General for approval by the end of April 2012;	C	Letter to DPI& from WCC dated 30/4/14 <i>Werris Creek Coal Life of Mine Management Plan Submission</i> (Appendix A of NMP)	None															
	(c) describe the measures that would be implemented to ensure compliance with the relevant conditions of this approval, including: · a real-time noise management system that employs both reactive and proactive mitigation measures; and · rail spur management plan, that has been prepared in consultation with ARTC and the rail freight company; and		WCC EMS - Noise Management Plan dated 16 April 2014, Sections 8.3, 8.4, 8.19. Relevant communication via email sighted: - from Pacific National's Leanne Perry dated 21/6/12 - from Mountain Industries Phil Carey dated 21/5/12 - from ARTC's John Brown dated 5/10/12.	None															
	(d) include a Noise Monitoring Program that: · uses a combination of real-time and supplementary attended noise monitoring measures to evaluate the performance of the project; · is capable of monitoring temperature inversion strengths at an appropriate sampling rate; · evaluates and reports on the effectiveness of the real-time noise management system; · includes a protocol for determining exceedances of the relevant conditions of this approval.		WCC EMS - Noise Management Plan dated 16 April 2014, Section 9.	The monthly noise monitoring reports report noise from Werris Creek Mine as "WCC XX" where XX is the estimated noise level contributed from WCC. If a specific mining noise source is a significant component to the measured noise level (i.e. not just mining activities); then It is recommended that it is identified when audible (ie rail loadout, trucks, dozer, etc).															
BLASTING																			
Blasting Criteria																			
6	<div>The Proponent shall ensure that blasting on site does not cause exceedances of the criteria in Table 5.</div> <table><tr><th>Location</th><th>Airblast Overpressure (dB(Lin Peak))</th><th>Ground Vibration (ppv(mm/s))</th><th>Allowable Exceedance</th></tr><tr><td rowspan="2">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>120</td><td>10</td><td>0%</td></tr><tr><td>All public infrastructure</td><td>-</td><td>50</td><td>0%</td></tr></table> <div>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.</div>	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	120	10	0%	All public infrastructure	-	50	0%	C	Monitoring results presented in AEMR's indicate no exceedance of this criteria.	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
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																
	120	10	0%																
All public infrastructure	-	50	0%																
Blasting Hours																			
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 Director-General.	C	Blasting logs and results presented in AEMR's.	None															
Blasting Frequency																			
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	C	Blasting logs and results presented in AEMR's Email from WCC Environmental Officer to EPA regarding misfire which occurred on 26 February 2014 and required a second blast.	None															
	(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>		Blasting logs and results presented in AEMR's.	None															
Property Inspections																			

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
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 Director-General 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	C	Interview with the WCC Environmental Officer indicated there had been no such written request received.	None
	(b) give the landowner a copy of the new or updated property inspection report.		Interview with the WCC Environmental Officer indicated there had been no such written request received.	None
Property Investigations				
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 Director-General, to investigate the claim; and	C	Property investigation reports for 164 Henry Street and 35 Kurrara Street, Werris Creek.	None
	(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 Director-General. If the Proponent or landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Director-General for resolution.	C	The owner of 164 Henry Street did disagree with the findings of the independent property inspection and did refer the matter to DPI&I for resolution. DPI&I upheld the original independent property inspection findings that WCC was not the cause of the damage.	None
Operating Conditions				
11	The Proponent shall: (a) implement best practice blasting management on site to: · protect the safety of people and livestock in the surrounding area; · protect private or public property in the surrounding area; · minimise the dust and fume emissions of the blasting; and	C	Blast Management Plan Witnessed a blast while on site - exclusion zone management, consideration of weather effects, ample warning over radio communications.	None
	(b) minimise the duration and frequency of any road closures for blasting;		Whitehaven Coal Procedure Road Closure.	None
	(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 Director-General.		Witnessed the use of the online blast notification system.	None
	The Proponent shall not carry out blasting on site that is within 500 metres of: (a) Werris Creek Road without the approval of RMS;		Whitehaven Coal Procedure Road Closure. Agreement sighted from Liverpool Plains Shire Council regarding measures to be implemented in 'designated blast zones'.	None
	(b) the Main Northern Railway without the approval of ARTC; and		Whitehaven Coal Procedure Road Closure BMP prepared in consultation with ARTC.	None

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
12	(c) any land outside the site that is not owned by the Proponent unless: · 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 Director-General in writing of the terms of this agreement; or · the Proponent has: * demonstrated to the satisfaction of the Director-General 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 * 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.	C	BMP Sections 8.2 and 8.15.	None
Blast Management Plan				
13	The Proponent shall prepare and implement a Blast Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with EPA, RMS and ARTC; (b) be submitted to the Director-General 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: · compliance with the applicable criteria; and · minimising the fume emissions from the site.	C	WCC Blast Management Plan. Consultation with EPA and ARTC attached to BMP, email from RMS dated 21 May 2012 indicated no objections or comment on the BMP. Email from WCC EO to DPI dated 30 April 2012. WCC Blast Management Plan. WCC Blast Management Plan. Witnessed the live update of blast information via the online notification system. WCC Blast Management Plan	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
AIR QUALITY & GREENHOUSE GAS				
Odour				
14	14. The Proponent shall ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	C	As identified within the AEMR for 2013/2014, Five complaints were received relating to odour in the reporting period. No complaints relating to odour have been received in the previous 8 reporting periods. Information from WCC indicates that these complaints were received from locations 7km from the mine. The likelihood that these odour complaints relate to mining operations is low although management measures implemented to reduce the impacts of odour related to spontaneous combustion should be continually reviewed.	Continue to adopt odour management measures relating to spontaneous combustion to mitigate the potential for odour migration offsite. Continue to perform detailed analysis of any odour complaints to confirm whether the mine is the likely source.
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 Director-General.	C	The Air Quality and Greenhouse Gas management plan has been approved by the Director General. Further control procedures are outlined in the AQGHG Management Plan and the AEMR 2013/2014 and include Rehabilitation Programs and management of pre-strip areas.	None
Air Quality Criteria				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action																							
16	<p>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.</p> <p><i>Table 6: Long-term criteria for particulate matter</i></p> <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 < 10 µm (PM₁₀)</td><td>Annual</td><td>^a 30 µg/m³</td></tr></table> <p><i>Table 7: Short-term criterion for particulate matter</i></p> <table><tr><th>Pollutant</th><th>Averaging Period</th><th>^d Criterion</th></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>24 hour</td><td>^a 50 µg/m³</td></tr></table> <p><i>Table 8: Long-term criteria for deposited dust</i></p> <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> <p><i>Notes to Tables 6-8:</i></p> <ul style="list-style-type: none">· <i>a Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources);</i>· <i>b Incremental impact (i.e. incremental increase in concentrations due to the project on its own);</i>· <i>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.</i>· <i>d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Director-General in consultation with EPA.</i>	Pollutant	Averaging Period	^d Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging Period	^d Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³	Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	NC	<p>Concentrations of PM10 (and PM2.5), TSP and Deposited Dust are measured by TEOM, HVAS and Deposited Dust Gauge at a number of locations surrounding the site.</p> <p>Results of the deposited dust monitoring program for the period April 2013 to March 2014 indicate that the annual average at all locations, with the exception of DG34, were below the criterion of 4g/m2/month. The elevated deposition at DG34 was likely due to local effects, given that surrounding dust gauges did not show a similar elevation. Dust deposition monitoring results for previous reporting years show compliance with the relevant criteria.</p> <p>Annual average PM10 and TSP monitoring results for 5 HVAS monitoring locations (4 PM10, 1 TSP) indicate compliance with the relevant criteria. Examination of the data from the Werris Creek PM10 TEOM also indicates compliance with the annual average PM10 criterion.</p> <p>Daily maximum PM10 concentrations were shown to be in compliance at the Werris Creek TEOM. Examination of HVAS monitoring results for the period April 2013 to March 2014 indicate an exceedance of the 24hr PM10 criterion at the HVP11 (Glenara) location with a monitored concentration of 56.4ug/m3. It is noted that significant discussion surrounding this exceedance has been provided within the AEMR (2013/2014) which examined upwind/downwind concentrations of PM10 during the exceedance period. Although this analysis suggests that the contribution from the mine itself was of the order of 42.8ug/m3 and therefore in compliance with the incremental criterion, SLR note that the criterion is a cumulative criterion and represents "Total impact (i.e. incremental increase in concentrations due to the project plus background concentrations due to all other sources)".</p> <p>The criterion for maximum 24 hour PM10 does include a statement to note that the concentrations "excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents, illegal activities or any other activity agreed by the Director General in consultation with EPA".</p>	<p>SLR recommends that WCC establish a method for determining extraordinary events using upwind/downwind HVAS results (the four HVAS are located at the four points of the compass). Additional consultation with the EPA is required if monitoring (WCC monitoring data and regional monitoring data) indicate the possibility of regional dust events.</p>
Pollutant	Averaging Period	^d Criterion																									
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																									
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																									
Pollutant	Averaging Period	^d Criterion																									
Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 50 µg/m ³																									
Pollutant	Averaging Period	Maximum increase in deposited dust level	Maximum total deposited dust level																								
^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																								
Air Quality Acquisition Criteria																											

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action																										
17	<p>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.</p> <p><i>Table 9: Long term land acquisition criteria for particulate matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>^a 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 < 10 µm (PM₁₀)</td><td>Annual</td><td>^a 30 µg/m³</td></tr></table> <p><i>Table 10: Short term land acquisition criteria for particulate matter</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>^{aa} Criterion</th></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>24 hour</td><td>^a 150 µg/m³</td></tr><tr><td>Particulate matter < 10 µm (PM₁₀)</td><td>24 hour</td><td>^b 50 µg/m³</td></tr></table> <p><i>Table 11: Long term land acquisition criteria for deposited dust</i></p> <table><tr><th>Pollutant</th><th>Averaging period</th><th>Maximum increase^c in deposited dust level</th><th>Maximum total^f 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> <p><i>Notes to Tables 9-11:</i></p> <ul style="list-style-type: none">· <i>a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources);</i>· <i>b Incremental impact (i.e. incremental increase in concentrations due to the development on its own);</i>· <i>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</i>· <i>d Excludes extraordinary events such as bushfires, prescribed burning, dust storms, sea fog, fire incidents or any other activity agreed by the Director-General.</i>	Pollutant	Averaging period	^a Criterion	Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³	Pollutant	Averaging period	^{aa} Criterion	Particulate matter < 10 µm (PM ₁₀)	24 hour	^a 150 µg/m ³	Particulate matter < 10 µm (PM ₁₀)	24 hour	^b 50 µg/m ³	Pollutant	Averaging period	Maximum increase ^c in deposited dust level	Maximum total ^f deposited dust level	^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month	C	No exceedances of the relevant acquisition criteria were triggered during the period.	None
Pollutant	Averaging period	^a Criterion																												
Total suspended particulate (TSP) matter	Annual	^a 90 µg/m ³																												
Particulate matter < 10 µm (PM ₁₀)	Annual	^a 30 µg/m ³																												
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^c Deposited dust	Annual	^b 2 g/m ² /month	^a 4 g/m ² /month																											
Operating Conditions																														
18	<p>The Proponent shall:</p> <p>(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;</p> <p>(b) minimise any visible air pollution generated by the project;</p> <p>(c) minimise any surface disturbance on site; and</p> <p>(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 Director-General.</p>	C	<p>The Air Quality and Greenhouse Gas management plan has been approved by the Director General. Further control procedures are outlined in the AQGHG Management Plan and the AEMR 2013/2014 and include Rehabilitation Programs, Management of pre-strip areas, Dust Suppression through the use of water carts and water sprays, Realtime particulate monitoring to inform site operations, Dust Management of haul roads, drilling, overburden and interburden excavation, blasting, conveying of coal and the transport of coal offsite by rail.</p> <p>Achieved through the implementation of the above measures.</p> <p>Achieved through the implementation of Rehabilitation Program and management of Pre-Strip areas.</p> <p>The Trigger Action Response Plan (TARP) in place and outlined within the AQGHG Management Plan acts to modify, cease or relocate operations during certain wind conditions. Work is currently ongoing relating to PRP U2 and U3 which will assess measures for control of dust emissions from the handling and disturbing of overburden, during adverse weather conditions.</p>	None																										
Air Quality and Greenhouse Gas Management Plan																														
	<p>The Proponent shall prepare and implement an Air Quality and Greenhouse Gas Management Plan for the project to the satisfaction of the Director-General. This plan must:</p> <p>(a) be prepared in consultation with EPA, and submitted to the Director-General by the end of April 2012;</p> <p>(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;</p>		<p>The Air Quality and Greenhouse Gas Management Plan has been approved by the Director General on 29 April 2014.</p> <p>The Trigger Action Response Plan (TARP) is in place and outlined within the AQGHG Management Plan acts to modify, cease or relocate operations during certain wind conditions.</p>																											

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
19	(c) describe the measures that would be implemented to minimise the release of greenhouse gas emissions from the site; and (d) include an air quality monitoring program, that: · uses a combination of real-time monitors and supplementary monitors, to evaluate the performance of the project; · evaluates and reports on the effectiveness of the real-time air quality management system; and · includes a protocol for determining any exceedances of the relevant conditions of this approval.	C	Section 8.3 of the AQGHG Management Plan. A comprehensive system is included in Section 9 of the AQGHG Management Plan.	None
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 Approved Methods for Sampling of Air Pollutants in New South Wales guideline; and (b) is capable of continuous real-time measurement of temperature lapse rate, in accordance with the NSW Industrial Noise Policy, or as otherwise approved by EPA.	C	Met data stored on site. Section 3.17 of the 2013/14 AEMR outlines met data. Met data calibrated on 23 September 2013. WCC Maintains Met Station M2 and M3. Field inspection noted met stations. Temperature lapse rate results are outlined in section 3.17 of the 2013-14 AEMR.	None
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.	C	Water licenses at site are outlined in section 1.1 of the AEMR - 2013-14.	None
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 Director-General.	C	The site has surplus water. Water is discharged (controlled) through the licensed discharge points - LDP 10, 12 and 14.	None
Surface Water Discharges				
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.	NC	Volume limits do not apply to the EPL. 2011/12 AEMR period - There were 21 discharge events during the AEMR period - criteria met. 2012/13 AEMR period - There were 11 discharge events during the AEMR period - criteria met. 2013/14 AEMR period - There were four discharge events during the AEMR period - criteria met. WCC is permitted to discharge when the dirty water quality is within the criteria specified in EPL 12290, however if a rainfall event greater than 39.2mm occurs in a consecutive 5 day period then the TSS limit does not apply. There was an uncontrolled discharge on 11 March 2012 from Void Water Dam 3. Void Water Dam 3 is not a licensed discharge point therefore this condition is non-compliant.	Automated float system to be installed in 2014.
Water Management Plan				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
23	<p>The Proponent shall prepare and implement a Water Management Plan for the project to the satisfaction of the Director-General. This plan must be prepared in consultation with NOW and EPA by suitably qualified and experienced persons whose appointment has been approved by the Director-General, and submitted to the Director-General 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) a Site Water Balance that:</p> <ul style="list-style-type: none"> - includes details of: - sources of water supply; - water use on site; - water management on site; - reporting procedures, which provide for the update of the site water balance in each annual review; and - describes what measures would be implemented to minimise potable water use on site; 	C	<p>Section 8 and Appendix B of SWMP.</p> <p>Section 2.8.2 of the AEMR outlines the void water balance and the stored water balance for each annual reporting period.</p> <p>Section 2.8 of the AEMR (2013-14) summarises the site water balance</p> <p>In 2013 WCC engaged Environ Pty Ltd to investigate the increased void water managed in pit, finding that the source was from high intensity rainfall events and not from the Werrie Basalt (Environ, 2014a). The continue high volume of water pumped around in pit at WCC was due to the recycling of water in pit for spon comb management that drains almost immediately back into the pit because the former underground workings are now entirely up dip of the mine (Environ, 2014e). WCC is not detrimentally impacting on local groundwater levels in the Quipolly Alluvium aquifer (Environ, 2014b&c) as groundwater intercepted by mining operations is within the levels predicted from the Werrie Basalt aquifer in the LOM EA.</p>	<p>The audit team endorses ENVIRONs recommendation to expand the groundwater monitoring database statistical analysis (Groundwater Monitoring Report - April 2014).</p> <p>'To further assess the variation in groundwater levels, it is recommended that the groundwater monitoring database be expanded to include a statistical analysis of groundwater level variations using a statistical trending analysis such as one-sided cumulative sum analysis (CUSUM). These tools allow for identification of trends that are independent of background variation.'</p> <p>The WCC Environmental Officer is in the process of installing a float system to determine when the water level is near the capacity of the Void Dams (high water level alarm).</p> <p>Continue weekly inspections to review water levels.</p>
	<p>(b) a Surface Water Management Plan, that includes:</p> <ul style="list-style-type: none"> - detailed baseline data of the surface water flows and quality in the waterbodies that could be affected by the project; - a detailed description of the water management system on site, including the: - clean water diversion systems; - erosion and sediment controls; and - water storages; - a plan for identifying, extracting, handling, and the long-term storage of potentially acid forming material on site; - detailed plans, including design objectives and performance criteria, for: - design and management of the final void; - reinstatement of drainage lines on the rehabilitated areas of the site; and - control of any potential water pollution from the rehabilitated areas of the site; - a program to monitor the effectiveness of the water management system; - a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse surface water impacts of the project; and 		<p>Section 4, 8 and 14 of SWMP.</p> <p>Section 3.2 of the SWMP outlines surface water management and monitoring. Quarterly sampling of dams and Quipolly and Werris Creeks is undertaken by WCC.</p> <p>Following the uncontrolled discharge event of 11 March 2012, there were several upgrades to the void water management system.</p> <p>The following actions have been completed to ensure effective management of surface water onsite"</p> <p>The following actions have been completed to ensure effective management of surface water onsite:</p> <ul style="list-style-type: none"> - Engineering review on 3 major dams - redesign and reconstruct - Operating level - Prescribed Dams (DSC) - 0.5m diameter pipe spillway capable of managing a 1 in 10,000 year 5 day storm event - WCC Environmental Officer has completed DSC dam inspection report - Void Management pumping (copy) dedicated - Real time monitoring system (SentinelX/Observant) capable of sending alarms when High Water Levels are triggered <p>Field inspection noted water management in rehabilitation areas and the upgraded Void Water Dams.</p>	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action																
	(c) a Groundwater Management Plan, which includes: <ul style="list-style-type: none">· detailed baseline data of groundwater levels and quality surrounding the site;· groundwater assessment criteria, including trigger levels for investigating any potentially adverse groundwater impacts;· a program to monitor :<ul style="list-style-type: none">- groundwater inflows to the open cut mining operations;- the impacts of the project on any groundwater bores on privately-owned land;- the seepage/leachate from water storages or backfilled voids on site; and· a program to validate the groundwater model for the project, and calibrate it to site specific conditions; and· a plan to respond to any exceedances of the performance criteria, and mitigate and/or offset any adverse groundwater impacts of the project.	C	<p>This information is covered in the Groundwater Management Plan component of the SWMP (including section 8.7).</p> <p>Groundwater Modelling Report completed by ENVIRON for the AEMR. Groundwater levels in monitoring wells within the basalt aquifer have been observed to decrease in excess of that predicted to occur from mining operations. These effects are also observed at bores remote from the mining operations. On this basis it is considered that these effects are representative of a general decline in the groundwater level as a result of below average rainfall conditions.</p> <p>Groundwater monitoring program is outlined in section 9.1 of SWMP. GW Triggers are outlined in Table 3.23 of the AEMR. The changes in groundwater levels closely follow rainfall with all bores showing a decline until January 2013 due to the below average rainfall for the first nine months of the period before a rapid rise in response to the heavy rainfall across the Summer months.</p>																	
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 Director-General and EPA, certified by a practising engineer, confirming that the expanded dam has been constructed to its design specifications.	C	Construction Review Report completed by URS - Dated 13 Feb 2013. The Dam was fully constructed in December 2012.	None																
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 Director-General.</p> <table><thead><tr><th>Offset Areas</th><th>Minimum Size (hectares)</th></tr></thead><tbody><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>TOTAL</td><td>1,287.92</td></tr></tbody></table> <p>Notes:</p> <ul style="list-style-type: none">· To identify the areas referred to in Table 12, see the applicable figure in Appendix 4;· The strategy includes the enhancement of existing fauna habitat within these areas, and where necessary the targeted establishment of naturally scarce fauna habitat; and· Greenslopes/Banool must have at least 74 hectares of Box Gum Woodland EEC.	Offset Areas	Minimum Size (hectares)	Eurunderee	363.93	Hillview	57.32	Marengo	284.12	Railway View	243.69	Mine Site	215.86	Greenslopes/Banool	123	TOTAL	1,287.92	C	<p>Letter sent to DP&I on 22/6/2012 seeking approval for BOMP. BOMP approved by the DP&I on 30/8/2013.</p> <p>Section 8.8 of the BOMP outlines the management strategy of these areas.</p> <p>Section 3.5 of the 2013-14 AEMR outlines the management of the offset areas.</p> <p>The audit team inspected the 'mine site' offset area. See photo 9 in audit report.</p>	None
Offset Areas	Minimum Size (hectares)																			
Eurunderee	363.93																			
Hillview	57.32																			
Marengo	284.12																			
Railway View	243.69																			
Mine Site	215.86																			
Greenslopes/Banool	123																			
TOTAL	1,287.92																			
25	By the end of June 2012, unless the Director-General agrees otherwise, the Proponent shall update the biodiversity offset strategy for the project, in consultation with OEH, and to the satisfaction of the Director-General. The updated strategy must include the specific details of the Additional Offset Area (see Table 12).	C	<p>Director-General - SEWPAC letter sent 27/6/12, Letter approving the BOMP sent from DPI on 30/8/13</p> <p>OEH - letter sent 27/6/12, 20/12/12 response requiring further clarification and review. WCC did not respond to the OEH following the updates to the BOMP.</p>	Send the OEH a final copy of the BOMP for their records.																

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
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	C	Offset strategy outlined in the BOMP. See section 8.2, 8.3 and 8.5 of the BOMP. Species consistent with these vegetation communities are used in the rehabilitation program. The key management actions within the offset areas are outlined in the AEMR 2013-14 and include: • Grazing Management: Continued to exclude grazing from the Mine Site and parts of Eurunderee and Railway View since 2010 and the remainder of the BOA since 2012; • Revegetation: Replacement planting of 95 trees in Black Gully, North & Flat Paddock of Marengo BOA in March 2013.	None
	(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.		Section 8.6 of the BOMP outlines key processes for habitat augmentation. Goal is to improve the habitat connectivity of the rehabilitation areas and offset areas.	
Long Term Security of Offsets				
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 Director-General, to the satisfaction of the Director-General.	C	From section 8.2.1 of BOMP. WCC intends to secure the BOA initially using a 'conservation covenant' (s88E of the Conveyancing Act 1919) registered on the title of the land to provide security of the BOA in perpetuity. WCC has previously consulted with DoP and DSEWPaC in 2012 (correspondence in Appendix A) agreeing in concept with the use of this instrument to secure the BOA. In addition, DoP have requested that over time WCC commit to transferring the BOA security into conservation agreements under the National Parks and Wildlife Act 1974 Act. Such a transfer of BOA security is contingent on OEH agreeing to any conservation agreements for land considered suitable under the Act. Depending on OEH's position, it is anticipated that a mix of conservation agreements and s88E covenants over the BOA landholdings will be held; and pending the successful restoration of land, will be transferred to conservation agreements over time. Update provided in the 2013-14 AEMR. BOA Security negotiation is continuing with DP&I regarding acceptance of Section 88E application of the Conveyancing Act 1919 to register covenants on each land title of the BOA.	SLR recommends that WCC progress consultation with the DP&I in order to close out this condition.
Biodiversity Offset Management Plan				
	The Proponent shall prepare and implement a Biodiversity Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared in consultation with OEH, and submitted to the Director-General for approval by the end of December 2012;		BOMP submitted to the DP&I for approval in November 2012, following updates of MOD 1. BOMP approved 30 August 2013. WCC committed to completing quarterly inspections in the offset area. Offset inspection from 20 February 2014 sighted.	
	(b) describe how the implementation of the biodiversity offset strategy would be integrated with the overall rehabilitation of the site;		Section 8.3 of the BOMP.	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
28	(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;	C	Section 8.0, 8.5 and 7.1 of the BOMP.	None
	(d) include detailed performance and completion criteria for evaluating the performance of the biodiversity offset strategy, and triggering remedial action (if necessary);		Inspections undertaken quarterly. Inspection dated 20 February 2014. Section 7.1 of the BOMP.	
	(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;		Section 8.0 of the BOMP. Section 3.16 of 2013-14 AEMR (Feral Animal Control). Section 3.5 and 3.6 of AEMR 2013-14 (Biodiversity and Weed 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;		Section 9.0 of the BOMP and section 3.5 of the AEMR 2013-14. Includes vegetation monitoring and fauna monitoring. Has been completed in Winter and Spring 2013 by Ecological.	
	(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		Section 6.0 of the BOMP.	
	(h) include details of who would be responsible for monitoring, reviewing, and implementing the plan.		Section 2.0 of the BOMP.	
	Conservation Bond			
	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. The sum of the bond shall be determined by: (a) calculating the full cost of implementing the offset strategy (other than land acquisition costs); and		Letter from DPI - Bond agreed 4/2/14. Lodged in January 2014.	

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
29	(b) employing a suitably qualified quantity surveyor to verify the calculated costs, to the satisfaction of the Director-General. If the offset strategy is completed generally in accordance with the completion criteria in the Biodiversity Management Plan to the satisfaction of the Director-General, the Director-General will release the bond. If the offset strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Director-General will call in all or part of the conservation bond, and arrange for the satisfactory completion of the relevant works. With the agreement of the Director-General, this bond may be combined with rehabilitation security deposit administered by DRE.	C	Report completed by Lindsey Doyle. Quality surveying report for the calculated costs - dated 30 January 2014.	None
HERITAGE				
Historic Heritage				
30	By the end of April 2012, the Proponent shall: (a) undertake primary historical investigations and provide a report prepared by an experienced heritage consultant approved by the Director-General on the archaeological potential of the former Werris Creek Colliery site, remaining buildings and surrounds; (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; (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 (d) provide a copy of this report to the Department, Heritage Council of NSW and Council, to the satisfaction of the Director-General.	C	Report prepared by Advitech Environmental Archaeological Investigation and Heritage. Records for Werris Creek Colliery. Section 5 of the above report (AEMR 2012-2013). Report contained archival recording, photographic reporting and the location of heritage structures. Evidence of letters to these departments. Evidence of resubmission of the report following correspondence with the Heritage Council.	None
Human Remains				
31	This approval does not allow the Proponent to disturb any human remains found on the site.	C	No human remains have been identified. The Environmental Officer has held toolbox talks (sighted presentation and sign off sheet) of items being found.	None
Heritage Management Plan				
	The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Director-General. This plan must: (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General; (b) be prepared in consultation with OEH and the Aboriginal stakeholders (in relation to the management of Aboriginal heritage values); (c) be submitted to the Director-General for approval by the end of June 2012, unless the Director-General agrees otherwise;		Letter to Director-General sent 1/11/12 stating the management plan had been revised. Letter from Planning and Infrastructure approving archaeologists from Advitech. OEH - letter (not dated) noted receipt of draft plan and provided copy for schedules for WCC to consider . There was no follow up from OEH. Table 4 in MP covers off on the points. Copy of Management Plan sent to the Nungaroo LACC for comment - no response. Letter dated 18 June. Consultation with Aboriginal groups outlined in section 8.12 of Heritage Management Plan. The Heritage Management Plan June 2012, reviewed and resubmitted 25 October 2012. DPI approved 1/2/12 letter.	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
32	(d) include the following for the management of Aboriginal Heritage: · a description of the measures that would be implemented for: * protecting, relocating, monitoring and/or managing the axe-grinding grooves known as the “Narrawolga site”; * managing the discovery of any human remains or previously unidentified Aboriginal objects on site; * maintaining and managing reasonable access for Aboriginal stakeholders to heritage items on site and within any Aboriginal heritage conservation areas; * 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 * ensuring any workers on site receive suitable heritage inductions and that suitable records are kept of these inductions; * a strategy for the storage of any heritage items salvaged on site, both during the project and in the long-term;	C	Section 8 and section 10 of the Heritage Management Plan outlines these points. Consultation outlined in section 8.12. 2013-14 AEMR - section 3.10.4 outlines an example of consultation and management. A request from was received in correspondence from The Nungaroo Land Council and the Liverpool Plains Shire Council Aboriginal Advisory Committee to relocate that Axe Grinding Groove Rocks from WCC to the Willow Tree Visitor Information Centre for a public display. With the support of the Nungaroo Aboriginal Land Council, WCC engaged an archaeologist to complete the relevant applications, amendment to the Heritage Management Plan and methodology reports required to obtain approval to transport the rocks to Willow Tree and transfer the care agreement over to the Nungaroo Aboriginal Land Council to be completed in the 2014-2015 AEMR period.	None
	(e) include the following for the management of historic heritage: · a detailed plan for the implementation of any measures resulting from the further investigations into the former Werris Creek Colliery site and buildings; · a description of the measures that would be implemented for: * managing the discovery of human remains or previously unidentified heritage items on site; and * ensuring any workers on site receive suitable heritage inductions and that suitable records are kept of these inductions. <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>		Section 8.5 to 8.10 of the Heritage Management Plan outlines Historical Heritage. Inductions outlined in section 10 of Heritage Management Plan. The Environmental Officer has held toolbox talks (sighted presentation and sign off sheet) on heritage management. 2012/13 AEMR: WCC delivered the mileage marker to the Quirindi Historical Society Cottage & Museum in September 2012 and discovered the relic is in fact a topographic marker with north, east, south and west labelled on the four sides of the object. 2011/12 AEMR: WCC Published a booklet on the history of the former underground mine (Werris Creek Colliery) titled “A History of Coal Mining at Werris Creek”. The WCC CCC has donated the booklets to Australian Railway Monument and Rail Journeys Museum at Werris Creek so that the not-for-profit organisation can collect the proceeds from the sale of the booklet from their gift shop.	
TRANSPORT				
Roadworks				
33	Prior to the use of the Northern Site Access Road, the Proponent shall: (a) construct the intersection of the Northern Site Access Road (see the figure in Appendix 2) to the satisfaction of Council;	NT	Not yet triggered - not using the proposed Northern Site Access Road.	None
	(b) tar seal Escott Road from Werris Creek Road to the coal haul road to the satisfaction of Council;		Whitehaven Coal has now leased and negotiated the purchase of the Escott Road reserve from Liverpool Plains Shire Council. Escott Road is now a private road with only Zeolite Australia, “Cintra” and “Escott” permitted to use the road.	
	(c) upgrade the intersection of Escott Road and Werris Creek Road to a CHR type intersection to the satisfaction of RMS and Council;		No plans to tar the road.	
	(d) install appropriate rail crossings at the rail loop on Escott Road; and		Not yet triggered	
	(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.		Not required road goes around in loop.	
34	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).	NT	Not yet triggered	
Road Maintenance				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
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.	C	Sighted email dated 23 April 2014 regarding Taylors Lane costs	None
Monitoring of Coal Transport				
36	The Proponent shall: (a) keep accurate records of the amount of coal transported from the site (on a monthly basis); and	C	Recorded monthly. Records uploaded to the website.	None
	(b) make these records available on its website at the end of each calendar year.		Uploaded on the website.	
VISUAL				
Visual Amenity				
37	The Proponent shall: (a) implement all reasonable and feasible measures to minimise the visual and off-site lighting impacts of the project, including: · progressively rehabilitating overburden emplacement areas (particularly the outer batters), including partial rehabilitation of temporarily inactive areas and proposed topsoil storage stockpiles; · constructing a 15 metre high visual/amenity bund along the north-eastern perimeter of the northern extent of the open-cut pit, and · 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;	C	Field inspection noted. Visual bund in the north eastern perimeter recorded in Figure 2.4 of AEMR 2013/14. Visual bund is still under construction and sections need to be vegetated.	Finalise the construction of the visual bund and revegetate the visual bund.
	(b) establish and maintain an effective vegetative screen along the boundary of the site adjoining public roads;		Field inspection noted bunding. Visual bunding along the boundary of the site. Bunding has been completed in accordance with the EA, with the bund on the north eastern perimeter of the site still under construction. During 2014/15 AEMR WCC has a target to complete a visual amenity bund along Werris Creek Road. WCC have looked at options to place physical barriers at the train load out facility however given the topography would need to be 25m high.	None
	(c) ensure no outdoor lights shine above the horizontal; and		Section 3.9 of the AEMR outlines the management of visual amenity. A lighting monitoring camera established on the southern edge of Werris Creek township facing the mine site to monitor in real time and provide a daily summary of lighting emissions for feedback to production personnel to mitigate potential impacts and also to verify community complaints. This has assisted in reviewing complaints regarding lighting.	None
	(d) ensure that all external lighting associated with the development complies with Australian Standard AS4282 (INT) 1995 – Control of Obtrusive Effects of Outdoor Lighting, to the satisfaction of the Director-General.		Evidence of Lighting Compliance Report for the WCC Train Load Out Facility. Report dated 29 January 2014 by TCT Electrical Engineering.	
Additional Visual Impact Mitigation				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
38	<p>Upon receiving a written request from the owner of any residence on privately-owned land which has, or would have, significant direct views of the mining operations 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.</p> <p>If the Proponent and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Director-General for resolution.</p> <p>Notes:</p> <ul style="list-style-type: none"> 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; 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). 	C	<p>Complaints have been received regarding lighting of the WCC rail load out facility.</p> <p>Written request from a landowner in the town of Werris Creek has been received by the DP&I. February 2012.</p> <p>Visual Impact Mitigation Assessment (RW Corkery July 2012) has been prepared. WCC offered the complainant additional curtaining and tree planting in the property to further filter lighting impacts from the Rail Load Out Facility</p>	Finalise construction of the visual north perimeter bund. The WCC rail load out facility is visual from the town of Werris Creek. Consider additional visual screening/bunding in this area.
WASTE				
39	<p>39. The Proponent shall:</p> <p>(a) implement all reasonable and feasible measures to minimise the waste generated by the project;</p> <p>(b) ensure that the waste generated by the project is appropriately stored, handled and disposed of; and</p> <p>(c) monitor and report on effectiveness of the waste minimisation and management measures in the annual review.</p>	C	<p>No waste management strategy documented for the site. Waste toolbox talks have been undertaken.</p> <p>Waste oil evacuation looks to be sufficient - spills not used for training of staff. - seen as a low risk by site and not a priority.</p> <p>Section 2.6 of the 2014 AEMR</p> <p>During the audit there was minimal evidence that the various waste streams were being separated. An inspection of one bin in the workshop area found that the recyclable and oily waste material was being co-mingled general rubbish. It was noted in the AEMR that recyclable paper and cardboard and timber which is deposited in specified recycling bins and are collected by Merinda Aboriginal Corporation for sorting and recycling at their depot.</p> <p>No waste management strategy documented for the site. Waste toolbox talks have been undertaken.</p> <p>The Waste oil evacuation looks to be sufficient – however WCC staff indicated that there had not been any training on spill response because it was seen as a low risk by site and not a priority.</p> <p>Whilst it is acknowledged by the auditors that the location of the mine presents some challenges in terms of accessing a waste management contractor who can provide recycling and oily waste bins, the current practices do not meet current industry practice.</p> <p>AEMR - reporting was kept for 2013-2014. Table 2.5 of the AEMR.</p>	<p>Develop a waste management plan for the site to document the waste management strategy for the site.</p> <p>Investigate options for implementing a total waste management service which includes the separation of all recyclable material as well as the oily waste.</p> <p>Training on oil spill response, cleanup and general waste management is to be undertaken for all staff in the field of operations and maintenance.</p>
BUSHFIRE MANAGEMENT				
40	<p>The Proponent shall:</p> <p>(a) ensure that the project is suitably equipped to respond to any fires on site; and</p> <p>(b) assist the Rural Fire Service and emergency services as much as possible if there is a fire in the surrounding area.</p>	C	<p>Hunter Land Management have prepared a Fire Management Strategy for the site. This included hazard reduction burns and maintenance.</p> <p>Rural Fire Service were involved in hazard burns.</p>	<p>None</p> <p>None</p>

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action												
REHABILITATION																
Rehabilitation Objectives																
41	The Proponent shall rehabilitate the site to the satisfaction of the Executive Director, Mineral resources in 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>	C	The MOP has been accepted by the DRE as the Rehabilitation Plan (letter dated 16/2/2012). MOP is dated 1/11/2011. Site inspections noted progressive rehabilitation. Rehabilitation generally of good quality. See photographs in report - Photo 4-6.	None												
	<table><tr><th>Feature</th><th>Objective</th></tr><tr><td>Mine site (as a whole)</td><td><ul style="list-style-type: none">Safe, stable & non-polluting;A landform consistent with the surrounding environment, and final land uses compatible with surrounding land uses;Establishment of 280 hectares of the White Box-Yellow Box-Blakely's Red Gum Woodland EEC; andRestoration of ecosystem function, including maintaining or establishing self-sustaining native ecosystems, comprised of:<ul style="list-style-type: none">local native plant species;at least 180 hectares of shrubby woodland.</td></tr><tr><td>Amenity Bunds and Overburden Emplacements</td><td><ul style="list-style-type: none">Early revegetation and planting with local native woodland species; andFree draining.</td></tr><tr><td>Final Void</td><td><ul style="list-style-type: none">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.</td></tr><tr><td>Project Infrastructure</td><td><ul style="list-style-type: none">To be decommissioned and removed, unless the Executive Director, DRE agrees otherwise.</td></tr><tr><td>Community</td><td><ul style="list-style-type: none">Minimise the adverse socio-economic effects associated with mine closure.</td></tr></table>				Feature	Objective	Mine site (as a whole)	<ul style="list-style-type: none">Safe, stable & non-polluting;A landform consistent with the surrounding environment, and final land uses compatible with surrounding land uses;Establishment of 280 hectares of the White Box-Yellow Box-Blakely's Red Gum Woodland EEC; andRestoration of ecosystem function, including maintaining or establishing self-sustaining native ecosystems, comprised of:<ul style="list-style-type: none">local native plant species;at least 180 hectares of shrubby woodland.	Amenity Bunds and Overburden Emplacements	<ul style="list-style-type: none">Early revegetation and planting with local native woodland species; andFree draining.	Final Void	<ul style="list-style-type: none">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.	Project Infrastructure	<ul style="list-style-type: none">To be decommissioned and removed, unless the Executive Director, DRE agrees otherwise.	Community	<ul style="list-style-type: none">Minimise the adverse socio-economic effects associated with mine closure.
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	Project Infrastructure				<ul style="list-style-type: none">To be decommissioned and removed, unless the Executive Director, DRE agrees otherwise.											
Community	<ul style="list-style-type: none">Minimise the adverse socio-economic effects associated with mine closure.															
Progressive Rehabilitation																
42	The Proponent shall rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance.	C	The audit team is satisfied with the planning and implementation of progressive rehabilitation. Plan in 2014 AEMR shows the status of rehabilitation. Generally the rehabilitation was of a good quality (see Photo 4-6 of audit report). WCC's rehabilitation objectives focus on restoration of native woodland vegetation, specifically the endangered ecological community Grassy White Box Woodland.	There were a couple of small areas where weeds are dominant. These areas are already known and have been fenced off and signed. Continue to implement the strategy to remove these weeds from site and complete additional rehabilitation once weeds are removed. See photo 7 of audit report.												
Rehabilitation Management Plan																
43	The Proponent shall prepare and implement a Rehabilitation Management Plan for the project to the satisfaction of the Executive Director, Mineral Resources in DRE. This plan must: (a) be prepared in consultation with the Department, NOW, OEH, Council and the CCC;	C	The DRE have indicated in a letter dated 16/2/2012 that the MOP satisfies the requirement for a Rehabilitation Management Plan. In approval letter, DRE were satisfied that these agencies and the CCC were consulted.	None												
	(b) be submitted to the Executive Director, Mineral Resources in DRE by the end of April 2012		The MOP was sent to the DRE 16 February 2012.	None												
	(c) be prepared in accordance with any relevant DRE guideline;		Letter from DRE indicates that it meets guidelines.	None												
	(d) describe how the rehabilitation of the site would be integrated with the implementation of the biodiversity offset strategy;		Section 4.7 outlines rehabilitation management in the offset areas. BOMP covers offset management in additional detail.	None												
	(e) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and triggering remedial action (if necessary);		Table 5.3 outlines completion criteria for the site.	Update rehabilitation management plan during the preparation of the next MOP. The current MOP is not aligned with current MOP requirements for completion criteria and rehabilitation phases.												
	(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;		Section 4.3 and 5.3 of the MOP outlines this information.	None												
	(g) include a program to monitor and report on the effectiveness of the measures, and progress against the detailed performance and completion criteria; and		Table 5.3 outlines monitoring, but not in great detail. Section 9 of the BOMP however does provide additional information on rehabilitation monitoring.	None												
	(h) build to the maximum extent practicable on the other management plans required under this approval.		Linkages with other management plans including BOMP.	None												
Schedule 4 Additional Procedures																
NOTIFICATION OF LANDOWNERS																

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
1	By the end of December 2011, the Proponent shall: (a) notify in writing the owners of: · any residence on the land listed in Table 3 of schedule 3 that they are entitled to ask the Proponent to install additional noise mitigation measures at their residence at any stage during the project; and · any privately-owned land within 2 kilometres of the approved open cut mining pit that they are entitled to ask the proponent for a property inspection to establish the baseline condition of any buildings or structures on their land, or to have a previous property inspection report updated; and	C	Letter sent to land owners notifying them of the right of this condition. Letters sent on 20 December 2011.	None
	(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.		Letter dated 20 December 2011 to owner of 'Greenslopes' and 'Plain View' with the fact sheet.	
2	As soon as practicable after obtaining monitoring results showing: (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	C	Letter sent out on 24 July 2013, regarding noise exceedance on 11 July 2013.	None
	(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.		Letter dated 20 December 2011 to owner of 'Greenslopes' and 'Plain View' with the fact sheet.	
INDEPENDENT REVIEW				
3	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 Director-General in writing for an independent review of the impacts of the project on his/her land. If the Director-General is satisfied that an independent review is warranted, then within 2 months of the Director-General's decision the Proponent shall: (a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Director-General, to: · consult with the landowner to determine his/her concerns; · conduct monitoring to determine whether the project is complying with the relevant criteria in schedule 3; and · if the project is not complying with these criteria, then identify the measures that could be implemented to ensure compliance with the relevant criteria; and	C	No privately owned resident has requested an independent review to the DP&I.	None.
	(b) give the Director-General and landowner a copy of the independent review.		No privately owned resident has requested an independent review to the DP&I.	
4	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 Director-General. If the independent review determines that the project is not complying with the relevant criteria in schedule 3, then the Proponent shall: (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	C	No privately owned resident has requested an independent review to the DP&I.	None.

Condition Number	Condition	Compliance Status (C/O//NC/NA)	Evidence	Recommended Action
	(b) secure a written agreement with the landowner to allow exceedances of the relevant criteria; to the satisfaction of the Director-General. 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.		No privately owned resident has requested an independent review to the DP&I.	
LAND ACQUISITION				
	<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">· existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and· presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of 'additional noise mitigation measures' in condition 4 of schedule 3;			
	<p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none">· relocating within the Liverpool Plains Shire local government area, or to any other local government area agreed to by the Director-General;· 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			

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
5	<p>(c) reasonable compensation for any disturbance caused by the land acquisition process. 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 Director-General for resolution. Upon receiving such a request, the Director-General will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> consider submissions from both parties; determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in paragraphs (a)-(c) above; prepare a detailed report setting out the reasons for any determination; and provide a copy of the report to both parties. <p>Within 14 days of receiving the independent valuer's report, the Proponent shall make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Director-General 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 Director-General 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 Director-General'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</p>	C	No written requests for land acquisition.	None.
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.	C	No written requests for land acquisition. Not triggered as no request for acquisition has been made.	
SCHEDULE 5 ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Environmental Management Strategy				
1	<p>1. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must:</p> <p>(a) be submitted to the Director-General 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"> keep the local community and relevant agencies informed about the operation and environmental performance of the project; receive, handle, respond to, and record complaints; resolve any disputes that may arise during the course of the project; respond to any non-compliance; respond to emergencies; and 	C	<p>Environmental Management Strategy document has been submitted but has not been approved. First sent 30 April 2012. WCC have liaised with the DP&I and have requested the EMS document be updated. This was updated to reflect new management plans.</p> <p>Section 8 of EMS.</p> <p>Section 3 of EMS.</p> <p>Section 2 of EMS.</p> <p>Section 12 of EMS.</p>	<p>Continue to liaise with DP&I regarding approval.</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>

Condition Number	Condition	Compliance Status (C/O//NC/NA)	Evidence	Recommended Action
	(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.		Section 8 and 9 of EMS.	None
Management Plan Requirements				
2	<p>The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(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;</p> <p>(c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p> <p>(d) a program to monitor and report on the: · impacts and environmental performance of the project; · effectiveness of any management measures (see (c) above);</p> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences;</p> <p>(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</p> <p>(g) a protocol for periodic review of the plan.</p>	C	Management Plans have been prepared under the Environmental Management Strategy. Management Plans have been prepared to generally meet this condition.	None
Annual Review				
3	<p>By the end of March each year, the Proponent shall review the environmental performance of the project to the satisfaction of the Director-General. This review must:</p> <p>(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;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past year, which includes a comparison of these results against the: · relevant statutory requirements, limits or performance measures/criteria; · monitoring results of previous years; and · relevant predictions in the EA;</p> <p>(c) identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the next year to improve the environmental performance of the project.</p>	C	<p>The document has been labelled an AEMR, instead of an Annual Review. The AEMR has been prepared to meet the requirements of an Annual Review. The AEMR is of a high level of detail.</p> <p>AEMR covers the period 1 April 2013 - 31 March 2013. Sighted and reviewed previous AEMR's at WCC. AEMR submitted within 2 months.</p> <p>Monitoring results outlined in section 3.</p> <p>Section 1.4 of AEMR.</p> <p>Section 3 of the AEMR.</p> <p>Key sections of the AEMR compare results of predicted vs actual impacts. eg. section 3.1.5 predicted vs actual dust impacts.</p> <p>See section 6 of the AEMR.</p>	None
Revision of Strategies, Plans and Programs				
	<p>Within 3 months of:</p> <p>(a) the submission of an annual review under condition 3 above;</p>		The management Plans have just been approved and not triggered Annual Review. To be reviewed annually and updated in consultation with DP&I and other departments if required.	

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
4	(b) the submission of an incident report under condition 6 below;	C	The draft SWMP was updated in April 2012 (17th and 27th) for consultation with the EPA and DP&I. This follows the incident - Void Water discharge on 11 March 2012.	None
	(c) the submission of an audit under condition 8 below; or		New Management Plans have been prepared for the new project approval - PA10_0059. It is expected that management plans will be reviewed and updated if necessary (in consultation with DP&I) within three months of this audit.	
	(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 Director-General. <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>		Management Plans were updated following approval of MOD 1 in August 2012.	
Community Consultative Committee				
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 Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version), and to the satisfaction of the Director-General. <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.	C	Advertisement in the Quirindi Advocate on 15 Jan, 2014 requesting additional members of the CCC. The Director-General has approved recent additions but existing CCC has been ongoing for some time. The last development consent had quarterly and so that has been continued. Letter from DP&I dated 7/3/1012 regarding community representatives approving new members to the CCC. Letter from DP&I dated 1/12/2012 approving independent chair of the CCC. CCC meeting minutes posted online. Chairperson is independent. 1 member from Werris Creek, 2 members from Quipolly, 1 Currabubula.	None
REPORTING				
Incident Reporting				
6	The Proponent shall notify, at the earliest opportunity, the Director-General 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 Director-General 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 Director-General and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	C	The only serious incident during the reporting period was the Void 1 discharge on 11 March 2012. EPA was advised by the pollution hotline. DPI was advised by letter. Incident occurred on 11th March and was reported on the 19th March (detailed letter report). This the detailed letter report was submitted 8 days after the incident. The Environmental Officer (Andrew Wright) from WCC obtained written approval by Michael Lewis (EPA Armidale) to submit the report on the 19th March (therefore compliant). PIRMP requirement has been enacted by the EPA since this incident, with a PIRMP prepared for the site. The PIRMP has more detailed reporting requirements for environmental incidents. The PIRMP has not been enacted at WCC since it has been required by the EPA. Upgrades to the Void Dams were completed during the audit period.	No additional actions.
Regular Reporting				
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.	C	The WCC website contains relevant environment and community information including: the EA, news letters, management plans and monitoring data.	None
INDEPENDENT ENVIRONMENTAL AUDIT				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
8	By the end of June 2014, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:	C	SLR was endorsed by the Director General on 15 April 2014 to complete the audit.	None
	(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Director-General;		Emails sent to DRE, DP&I, Liverpool Plains Council and EPA by the SLR audit team on 1 July 2014. SLR only received one reply from the government agencies (Kharl Turnbull – EPA) on the 16 July 2014. Kharl Turnbull requested that the audit team ensure aspects such as noise, blast (overpressure, ground vibration and fume), air (dust) and surface water management are covered during the audit.	
	(b) include consultation with the relevant agencies;		EPL, Project Approval and EA Statement of Commitments were assessed for compliance. Key management plans were reviewed.	
	(c) assess the: · environmental performance of the project; and · 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 (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 Director-General.</i>		The audit team has made recommendations in the audit report.	
9	Within 6 weeks of the completion of this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, together with its response to any recommendations contained in the audit report.	C	WCC to send off the report along with the response to recommendations within 6 weeks of the end of June 2014.	None
ACCESS TO INFORMATION				
10	The Proponent shall: (a) make copies of the following publicly available on its website: · the EA; · current statutory approvals for the project; · approved strategies, plans and programs required under the conditions of this approval; · a comprehensive summary of the monitoring results of the project, which have been reported in accordance with the conditions of this approval or any approved plans or programs; · a complaints register, which is to be updated on a monthly basis; · minutes of any CCC meetings; · the last five annual reviews; · any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit; · any other matter required by the Director-General; and (b) keep this information up-to-date, to the satisfaction of the Director-General.	C	This information is available on the website.	None

APPENDIX 2 – STATEMENT OF COMMITMENTS COMPLIANCE TABLE

EA Statement of Commitments

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
1. Groundwater					
Effective management of water dewatered from the former Werris Creek Colliery underground workings.	1.1 Dewater water from the underground workings to the already approved groundwater storage cells and use it preferentially for dust suppression activities.	Ongoing	C	Section 8.2.3 of the SWMP. Active dewatering of the former underground workings ceased in July 2013 as mining advanced through the former dewatering bore. Dewatering of the former underground continues passively as seepage into the open cut is managed as part of dewatering activities (water pumped to Void Dams and used as dust suppression).	None
Effective management of the potential contamination of groundwater resources.	1.2 Implement mitigation measures associated with the contamination of groundwater due to a hydrocarbon spill in accordance with the existing Groundwater Contingency Plan.	If contamination of groundwater due to a hydrocarbon spill occurs	C	Section 8.7.4 of the SWMP. Controls also outlined in section 3.4 of the AEMR.	None
	1.3 Fill the final void above the equilibrium water level following the cessation of mining in order to avoid leaving a potentially saline water body, which may have the potential to contaminate the surrounding aquifers.	Following the cessation of mining	NT	Section 8.7.5 of the SWMP. Currently N/A.	None
	1.4 Increase the groundwater monitoring regime analytes monitored and/or frequency of sampling to confirm the magnitude and extent of any change in water chemistry and verify the change is a consequence of operations associated with the LOM Project.	If pH or EC trigger level exceeded	C	Section 10 of the SWMP. In 2010-11 AEMR groundwater sites were monitored quarterly with a more detailed selection of water quality parameters tested annually. In 2013-14 AEMR groundwater sites were monitored every 6 months, with a more detailed selection of water quality parameters tested annually. Monitoring completed in accordance with the Draft SWMP. But with no exceedance in pH or EC triggers there has not been a requirement to increase monitoring frequency.	The audit team endorses ENVIRONs recommendation to expand the groundwater monitoring database statistical analysis (Groundwater Monitoring Report - April 2014).
	1.5 Install one or more piezometers into the back filled void and monitor water chemistry to confirm back filled overburden and interburden is not adversely affecting the local groundwater.	Within 2 years of project approval	C	Section 9.1 of the SWMP (P1). Results outlined in the AEMR.	None
	1.6 Ongoing analysis of overburden / interburden samples to confirm the low potential for acid and soluble salt generation, or other potential contamination.	Ongoing	C	Section 9.1 of SWMP. Completed. Material generated from open cut mining is regularly tested. Laboratory report sighted for Western Rehabilitation Zone A - Overburden.	None
Ensure the availability of groundwater to surrounding users is maintained.	1.7 Review, update and incorporate the Groundwater Contingency Plan into a Water Management Plan for the Werris Creek Coal Mine.	Within 6 months of project approval	C	SWMP Updated within that required timeframe, with the most recent update - May 2014. Awaiting approval from DP&I.	None
	1.8 In the event that routine monitoring indicates that a groundwater trigger has been reached, commence contingency procedures which will require an increased monitoring frequency to confirm a breach of the trigger. If the breach confirmed, commission a hydrogeologist to review the data, and provide independent advice as to the cause of the trigger. The outcomes of that review, including any recommendations, will be subject to discussion and agreement with hydrogeologists from NOW.	In the event that routine monitoring indicates that a groundwater trigger has been reached	C	Section 14 of the SWMP. Groundwater trigger levels are outlined in section 3.3 of the AEMR's. There were no groundwater trigger levels (levels or quality) reached during the past three AEMR's.	None
Ensure the availability of groundwater to surrounding users is maintained.	1.9 If the saturated thickness in any bore is reduced below trigger level, notify the affected landowner(s).	If the saturated thickness trigger level is achieved in any bore	C	Saturated thickness levels are not below the trigger levels of bores.	None
	1.10 If a reduction in the saturated thickness within any bore is in excess of the trigger level, and is determined to be as a consequence of operations associated with the LOM Project, negotiate with the affected landowner(s) with the intent of formulating an agreement in accordance with the Groundwater Contingency Plan.	In the event that monitoring identifies a reduction in the saturated thickness and is determined to be a consequence of operations associated with the LOM Project	C	Saturated thickness levels are not below the trigger levels of bores.	None
2. Surface Water					
Separate clean water	2.1 Construct temporary diversion banks on the upslope boundary of all areas to be stripped of groundcover and soil.	Prior to clearing and stripping operations	C	Section 8.4 of the SWMP.	None
	2.2 Construct catch drains or banks and/or install a sediment fence on the downslope boundary of an area to be stripped of groundcover and soil.	Prior to clearing and stripping operations	C	Section 8.3 of the SWMP. Sediment fences were installed in areas of temporary disturbance.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Separate clean water from dirty water.	2.3 Direct sediment-laden runoff into sediment basins for treatment prior to discharge (if required).	Ongoing	C	Section 8.3 and 8.6 of the SWMP. Site inspections noted surface water is directed to sediment basins and is generally in accordance with the SWMP.	None
	2.4 Construct all water management infrastructure in accordance with Volume 2E of the guideline document "Soils and Construction: Managing Urban Stormwater" (DECC, 2008).	Construction of water management infrastructure	C	Section 8 and Appendix B of SWMP. Void Dams have been redesigned and signed off for geotechnical stability since the off site discharge in March 2012.	None
Prevent the discharge of contaminated water from the Project Site	2.5 Install a sediment trap in the coal crushing/stockpiling and maintenance area to remove coal fines from surface flows.	Ongoing	C	Section 8.3 of SWMP. SB 10 and SB 13 cover the crushing/stockpile area.	None
	2.6 Install an oil/water separating unit to receive and treat potentially contaminated water from the maintenance and wash-down bay prior to further treatment within the dirty water management system.	Ongoing	C	Section 8.2.10 of the SWMP. Photo illustrating evidence of oil water separator.	None
Implementation of a comprehensive and ongoing surface water monitoring program.	2.7 Monitor surface water quality for pH, electrical conductivity, total suspended solid concentration, Oil & Grease levels, within: · licensed discharge points; · receiving waters (Werris and Quipolly Creeks); and · Clean, Dirty and Void Water Dams	Quarterly and during discharge Quarterly and within 12 hours after discharge Quarterly	C	Section 9 of SWMP. See AEMR's section 2.8 and 3.2 of the AEMR	None
Prevention of saline water discharge off site.	2.8 Retain all void water within the Void Water Dams or sumps within the open cut.	Ongoing	NC	<p>Penalty notice advised (24/09/2012) a mine water dam had failed and discharged into Quipolly Creek (Site reported to the EPA) - PIN issued x3. Previous event July 2007.</p> <p>The following actions have been completed to ensure effective management of surface water onsite: - Engineering review on 3 major dams - redesign and reconstruct - Operating levels maintained - Prescribed Dams (DSC) - 0.5m diameter pipe spillway capable of managing a 1 in 10,000 year 5 day storm event - WCC Environmental Officer has completed DSC dam inspection report - Void Management pumping (copy) dedicated - Real time monitoring system (SentinelX/Observant) capable of sending alarms when High Water Levels are triggered.</p> <p>Despite this non compliance WCC have made all reasonable attempts to ensure this incident will not happen again.</p>	<p>The WCC Environmental Officer is in the process of installing a float gauge to determine when the water level is near the capacity of the Void Dams (high water level alarm).</p> <p>Continue weekly inspections to review water levels.</p>
Prevention of dirty water flowing into Werris and Quipolly Creeks.	2.9 Where practically possible, ensure the licensed discharge points / sediment basins are maintained in a dry condition to provide full storage capacity in the event of rainfall events exceeding 39.2 mm of rain over a 5-day period.	Ongoing	C	<p>Section 8.3.1 and 8.3.2 of the SWMP.</p> <p>Inspections of Void Dams indicated WCC's approach to reduce the amount of water stored in these dams at any one point.</p>	None
3. Biodiversity					
Avoid and minimise impacts on native vegetation (including the two identified EECs) where possible.	3.1 Ensure disturbance associated with the relocation of site infrastructure occurs in the locations specified on Figure 2.1, i.e. on cleared and cultivated land (Condition Class 1), or derived native grassland without native tree overstore (Condition Class 3).	Prior to and during relocation of infrastructure	C	New infrastructure has been established in the locations outlined in the Project Approval and the EA.	None
	3.2 Limit vegetation clearing each year to an area required for the following 12 months mine development.	Annual	C	Plan 3 of AEMR outlines vegetation clearing proposed for the next 12 months. Clearing minimised in accordance with Biodiversity Offset Management Plan.	None
	3.3 Clearly mark / peg areas required for surface infrastructure establishment and mining.	Ongoing	C	Pre clearance inspection. Photo of pegs dated 26 May 2014.	None
	3.4 Retain felled trees on the Project Site for subsequent use during rehabilitation activities.	Site establishment and rehabilitation phases	C	<p>AEMR outlines salvaging of trees. 133 mature trees to be salvaged during 2013 - 14. Section 3.5.2 of 2013/14 AEMR outlines use of trees in rehabilitation.</p> <p>Sighted stockpiled felled trees during field inspection.</p>	None
Mitigate unavoidable disturbance to native vegetation and fauna habitat.	3.5 Identify, as part of the Pre-start Clearing Inspection, biological resources within the disturbance area including habitat resources such as hollows, stag trees and coarse woody debris, and the availability of endemic seed.	During annual clearing campaigns	C	<p>Ecologists engaged to undertake inspections and monitoring of 31ha of vegetation cleared for mining in February 2014.</p> <p>During 2013/14 AEMR period Pre/During/Post Clearing Inspections were undertaken by an Ecologist in accordance with Section 3.1 of the MOP and Section 8.1 of the BOMP.</p>	None
	3.6 Implement a seed collection strategy and program to harvest endemic seed from local vegetation to either directly sow or propagate for tube stock planting in either biodiversity offset or rehabilitation areas.	Ongoing	C	During 2013/14 AEMR period WCC collected 140kg of local providence native grass seed from the Eurunderree BOA and spread across 41ha of rehabilitation.	None
	3.7 Complete monitoring and inspection programs to review the progress of rehabilitation against criteria based on vegetation community benchmark data.	Annual	C	Section 5.4 of the 2013-14 AEMR outlines the rehabilitation monitoring completed at site. Includes inspections and vegetation monitoring.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Rehabilitate disturbed areas to create a final landform that maintains or improves biodiversity values of the Project Site.	3.8 Create a final landform generally similar to that of the pre-mining landform, i.e. approximating the conceptual final landform provided by Figure 2.18.	Ongoing	NT	Site is still operating so final landform not yet applicable.	None
	3.9 Revegetate the final landform as nominated by Figure 2.18 (or subsequent Rehabilitation Management Plan), i.e. predominantly native woodland vegetation which will supplement the LOM Project BOS and improve the linkage between remnant areas of native woodland vegetation to the east and west.	Ongoing	NT	Site is still operating so final landform not yet applicable. Most of rehabilitation completed at site has been native woodland rehabilitation.	None
	3.10 Designate approximately 3.7ha of the final landform as Brigalow woodland.	During rehabilitation	NT	Brigalow woodland rehabilitation has been completed.	None
Rehabilitate disturbed areas to create a final landform that maintains or improves biodiversity values of the Project Site.	3.11 Augment habitat through the placement of previously cleared timber (on the ground as well as upright 'stags') to provide important habitat value for arboreal and ground hollow dependant fauna and perching sites.	During rehabilitation operations	C	Stag trees have been used in several rehabilitation areas.	None
Manage the impacts of noxious weeds.	3.12 Monitor noxious weeds on a regular basis, and if required, conduct weed management campaigns to manage weed outbreaks.	Ongoing	C	Regular weed management at site. AEMR 2013/14 notes weed management. Predominately herbicide spraying treating environmental and noxious weeds over 1282 ha of the BOA and Rehabilitation areas.	None
Minimise or avoid impacts on native fauna (including threatened species).	3.13 Undertake vegetation clearing during a single campaign each year (except when there are extenuating circumstances), preferably during seasons that minimise the risk of impacting on hibernating microbats or breeding woodland birds, i.e. Autumn.	Vegetation clearing and ongoing	C	Vegetation clearing completed during single campaign. All vegetation clearing was undertaken following a Pre/During/Post Clearing Inspections by an Ecologist in accordance with Section 3.1 of the MOP and Section 8.1 of the BOMP.	None
	3.14 Commission a Pre-start Clearing Inspection of the proposed disturbance area by an ecologist to identify the presence of native fauna (including threatened species such as the Koala and microbats).	Vegetation clearing and ongoing	C	All vegetation clearing was undertaken following a Pre/During/Post Clearing Inspections by an Ecologist in accordance with Section 3.1 of the MOP and Section 8.1 of the BOMP.	None
	3.15 Suspend all clearing activities, in the event a koala (or other threatened fauna species) is present in the trees to be cleared, until it moves away from the subject area or is relocated by a suitably qualified person.	Prior to clearing operations within areas of remnant vegetation	C	Noted. Clearing at site has been completed in accordance with pre clearance permits.	None
Offset residual impact of the LOM Project.	3.16 Develop and implement, in consultation with the DECCW, DoP and DSEWPac, a Biodiversity Offset Strategy for the LOM Project.	Within 18 months of Project Approval	C	BOMP prepared. Submitted to DP&I in November 2012. Approved June 2013.	None
	3.17 Prepare a Biodiversity Offset Management Plan which includes a detailed description of the procedures to be applied within the offset area including: • erosion and sediment control; • soil and water management, bushfire management; • exclusion of domestic stock; • weed management; • retention of regrowth and native vegetation; • retention of dead timber and fallen logs; • in-fill planting with locally indigenous species where required; • feral animal control; • limitation of human access; and • an annual review and reporting requirement.	Within 18 months of Project Approval	C	BOMP prepared. Submitted to DP&I in November 2012. Approved June 2013.	None
	3.18 Provide for the completion of an independent review of the BOMP at least every 5 years to report on the success of BOMP procedures (see Commitment 3.17).	Every 5 years following the establishment of the BOMP	C	BOMP has been reviewed, as most recent as August 2013. Meets condition.	None
4. Heritage					
Maintain Aboriginal heritage values on site.	4.1 Update the Aboriginal Cultural Heritage Management Plan to reflect the approval of the LOM Project.	Within 12 months of project approval	C	ACHMP submitted to DP&I for approval October 2012. Project Approval approved 25 October 2011.	None
	4.2 Re-instate the Narrawolga Axe Grinding Grooves to a position as close as possible to their original location following rehabilitation of the Project Site in consultation with local Aboriginal community representatives.	Following mine closure	NT		None
	4.3 Continue awareness training of staff and contractors for cultural heritage matters	Ongoing	C	As required. Training was undertaken during the audit period. 2013 Training folder was sighted.	None
	4.4 In the event the Project Site disturbance footprint changes, ensure that appropriate consultation and field survey is undertaken to confirm no sites or objects of Aboriginal heritage significance are impacted.	If the disturbance footprint changes	C	Full Heritage surveys have been completed for any areas of disturbance.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Maintain Aboriginal heritage values on site.	4.5 In the event any previously unidentified 'objects' or other Aboriginal sites (such as burials) are uncovered, ensure that work in that area is suspended and the DECCW Western Regional Archaeologist (Dubbo Office) and local Aboriginal community are contacted to discuss how to proceed.	If a previously unidentified object or Aboriginal site is uncovered	C	As required. Training was undertaken during the audit period. 2013 Training folder sighted. Heritage Management Plan.	None
Develop an historic context for the Project Site particularly in reference to the operation of the former Werris Creek Colliery.	4.6 Salvage the concrete marked with the hand and footprints of the former Deputy Mine Manager's daughter at the residence and provide to Ms Dora Koops (one of the daughters) for posterity.	Prior to the demolition of the residence	C	The WCC Environmental Officer informed the audit team that the concrete was removed and provided to the daughter of Ms Dora Koops. Outlined in the Heritage Management Plan - section 4.2.4.1.	None
	4.7 Provide the photo record held by the Proponent and its consultants to the Werris Creek Historical Society (or other similar community group) as a record of the remnant features at the time of removal.	Once available	C	Photo record produced as part of documenting former Mine Managers residence. (scheduled 3 cond 30). See letter from WCC to historical society dated 18 June 2012 with photos and heritage assessment.	None
	4.8 Provide a copy of the Cultural Heritage Assessment (Landscape, 2010) to the Werris Creek Historical Society (or other similar community group) as a record of the remnant features at the time of removal.	Once available	C	Photo record produced as part of documenting former Mine Managers residence. (scheduled 3 cond 30). See letter from WCC to historical society dated 18 June 2012 with photos and heritage assessment.	None
5. Transport Aspects					
Product haulage by public road is conducted in an appropriate and safe manner.	5.1 Limit the road transportation of coal to 50 000tpa.	Ongoing	C	Section 2.5 of AEMRs outline road transportation below this limit.	None
	5.2 Provide final detailed design for the proposed road upgrades to accommodate B-Double use and in accordance with Austroads Pt. 4 – Road Design Guide.	In designing road and intersection upgrades	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.3 Complete all intersections to a standard providing appropriate dimensional capacity and signage and to the satisfaction of the relevant road authority.	During road and intersection construction	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.4 Prevent spillage from the trucks through the continuation of a 'covered load' policy.	Ongoing	C	Covered load policy in place at WCC.	None
	5.5 Obtain school bus timetable at the beginning of each year and manage road haulage despatch to avoid potential conflict.	Ongoing	C	Coal (less than 50,000 tonnes per year) is hauled by road to hospitals at Tamworth and Armidale. WCC only allowed to close road between 9:30am and 2:30pm so does not interrupt school buses	None
Accommodate the increased volume of traffic using Escott Road.	5.6 Upgrade the intersection between Escott Road and Werris Creek Road generally in accordance with the designs provided by Constructive Solutions (2010) and in accordance with Austroads Pt. 4 – Road Design Guide 2009.	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.7 Upgrade Escott Road as recommended by Constructive Solutions (2010) and in accordance with AUSTROADS Pt. 4 – Road Design Guide 2009.	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.8 Provide for a seal of at least 50m of the Northern Site Access Road from the Escott Road Entrance	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
Accommodate the increased volume of traffic using the Rail Load-out Road	5.9 Construct the Escott Road – Rail Load-out Road cross-junction as an RTA Modified BAR type intersection.	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
Maintain access across the rail turn-around loop.	5.10 Construct two level crossings across the rail turn-around loop.	During construction of the rail turnaround loop	C	Viewed during site inspection.	None
	5.11 Construct an all-weather side track around the rail loop to allow emergency access should the road be blocked by a train.	During construction of the rail turn-around loop	C	Viewed during site inspection.	None
Contribute to the maintenance of Taylors Lane.	5.12 Provide ongoing funding for maintenance of Taylors Lane on a per tonne basis (in the form of section 94 contributions) as per the current agreement that exists with Liverpool Plains Shire Council.	Ongoing	C	Sighted email dated 23 April 2014 regarding Taylors Arm costs	None
Provide traffic management for road closures required for blasting	5.13 Review and update (as required) the traffic management procedure "Whitehaven Coal Procedure – Road Closure".	During the construction phase of the Project	C	Not required as Escott Road upgrade is not being completed	None
6. Noise					
	6.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Once mining operations reach the base of "Old Colliery" Hill	C	Sighted during site inspection.	None
	6.2 Locate all mining-related infrastructure, e.g.. the Coal Processing Area and Site Administration and Facilities Area, in such a way that local topography (of "Old Colliery" and "Cintra" Hills) provides a natural acoustic barrier to the town of Werris Creek and the residential receivers located to the south of the town.	During the construction phase of the Project	C	Relocation of infrastructure sighted during site inspection.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Attenuate mining noise sources to ensure compliance with Project Specific Noise Criteria.	6.3 Use temporary ROM coal stockpiles from time to time within the open cut mine area to minimise the transmission of noise during night-time operations.	Ongoing during night-time period	NT	Interview with Environmental Officer - never done but if required then it would be completed.	None
	6.4 Continue to enclose the conveyor belt of the rail load out facility.	Ongoing	C	Covered - not enclosed. Sighted during site inspection.	None
	6.5 Ensure that all noise mitigation measures are implemented to ensure that all noise emissions from the Project Site meet predicted noise levels. This may include the following. · Apply the manufacturer specified attenuator kits to each truck to achieve a noise reduction of 8dB. · Apply a 1 600rpm reverse gear limiter on bulldozers operating on exposed areas of the Project Site such as the Product Coal Storage Area and ROM Pad. · Construct a 5m high barrier around the north-eastern perimeter of the relocated coal processing infrastructure. · Ensure that all equipment exhibits sound power levels consistent with the schedules in Appendix D of Spectrum Acoustics (2010). · Limit the number of operating drills (non exploration) on the Project Site to two at any one time. · Stand down all mobile equipment operating to the north of the advancing open cut under noise enhancing conditions during the evening and night time, i.e. temperature inversion and winds from the south-southeast or northwest. · Whilst the Coal Processing Area remains in its current location, limit the number of trucks and excavators operating during inversion conditions to 10 and 3 respectively. · Ensure that during periods of noise enhancing winds, overburden emplacement activities are preferentially undertaken 'in-pit'	Ongoing Ongoing Within 6 months of Project Approval Ongoing Ongoing During adverse meteorological conditions during the night-time period Ongoing until the coal crushing and screening infrastructure are relocated Ongoing	C	Attenuators to some existing CAT785's, purchase of new quieter trucks CAT793XQ. Reverse gear limiter now not feasible - refer to NMP (2014) regarding noise remodelling of unlimited dozers. Barrier sighted during site inspection - in progress. SWL results presented in monthly noise monitoring reports indicate general compliance with the exception of some trucks (CAT785C's) Number of drills revised - NMP (2014) includes details of re-modelling including 3 drills. Refer to NMP (2014) - contains protocol for managing noise sources during adverse weather. Not applicable now processing area has been relocated. Refer to NMP (2014) - contains protocol for managing noise sources during adverse weather.	None
	6.6 Update the Noise Management Plan (NMP) for the LOM Project.	Within 12 months of project approval	C	WCC EMS - Noise Management Plan dated 16 April 2014. The NMP contains direct reference to relevant communication with the EPA and expert approval from the Director-General (Appendix A of NMP). Letter from DPI to WCC dated 29/4/14 Werris Creek Mine Extension Project (MP 10_005) Approval of revised Air and Noise Management Plans.	None
	6.7 Continue the existing monthly Noise Monitoring Program at the existing site to include five new locations to be affected by the Project.	Ongoing	C	WCC EMS - Noise Management Plan dated 16 April 2014.	None
Monitor and manage noise generated by the LOM Project	6.8 Implement a real-time noise monitoring program at selected residential locations that would be most affected by the LOM Project.	Within 12 months of project approval	C	WCC EMS - Noise Management Plan dated 16 April 2014. Real time noise monitoring locations sighted. <i>Continuous Environmental Noise Monitoring</i> report prepared by Advitech dated 4 April 2014.	None
	6.9 Implement a real-time meteorological monitoring program at the Project Site to gather data on wind speed and direction, and deduce inversion conditions.	Within 12 months of project approval	C	Sighted during site inspection.	None
	6.10 Use the real time meteorological data in the management of mining operations to minimise impact of noise on the environment.	Ongoing	C	Noise auditor witnessed use of real time weather data in management of blasting activities. NCO records sighted.	None
7. Blasting					
	7.1 Maintain the Deed of Agreement that has been established with ARTC.	Ongoing	C	Executed copy of Deed. WCC Blast Management Plan (BMP) dated 19 December 2013.	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris
	7.2 Continue to implement the road closure management procedure when blasting occurs within the 500m of Werris Creek Road.	Ongoing	C	Whitehaven Coal Procedure Road Closure dated 18 May 2012. Notification of blast via Quirindi Advocate, Road Closure notification Contact listing to emergency services dated 30 May 2012.	
	7.3 Minimise the number of blasts by maximising blast size without compromising compliance with the environmental criteria.	Ongoing	C	Blast prediction methodology was witnessed - interview with Blast Engineer indicated that formula was developed by trial blasting and monitoring vibration levels in close proximity. Blast design process was witnessed - blast parameters are determined based on predicted blast impacts (vibration and airblast).	

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Minimise impacts from blasting on surrounding receptors and infrastructure.	7.4 Implement refinements to blast design components on the basis of monitoring results and the achievement of specific blasting objectives.	Ongoing	C	Blast prediction methodology was witnessed - interview with Blast Engineer indicated that formula was developed by trial blasting and monitoring vibration levels in close proximity. Blast design process was witnessed - blast parameters are determined based on predicted blast impacts (vibration and airblast).	Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
	7.5 Blast design and implementation is undertaken by a suitably qualified blasting engineer and/or experienced and appropriately certified shot firer.	All blasts	C	Qualifications of Blast Engineer.	
	7.6 Ensure that the minimum practicable weight of explosive detonates at an instant for each blast.	All blasts	C	Blast design process was witnessed - blast parameters are determined based on predicted blast impacts (vibration and airblast).	
	7.7 Maintain a blast exclusion zone of 500m around each blast.	All blasts	C	Blast exclusion map sighted. Interview with Environment and Community Coordinator indicated that Blast Exclusion map is communicated at daily meeting (if relevant).	
	7.8 Continue to monitor blasting impacts at the current monitoring locations.	All blasts	C	Blast monitoring results presented in AEMR's.	
8. Air Quality					
Minimise impacts to air quality relating to the Project.	8.1 Maintain the enclosed conveyor belt on the rail load out facility.	Ongoing	C	Sighted.	None
	8.2 Cleared vegetation would not be burnt.	Ongoing	C	AQGHG Management Plan Section 8.1.3.	None
	8.3 Limit groundcover removal in advance of mining to be consistent with operational requirements.	Ongoing	C	AQGHG Management Plan Section 8.1.3.	None
	8.4 Where practicable, soil stripping operations would be undertaken at a time when there is sufficient soil moisture to prevent significant liftoff of dust.	During soil stripping operations	C	AQGHG Management Plan Section 8.1.3.	None
	8.5 Overburden emplacement would be limited on the top lift of the overburden emplacement area when winds are from a northerly direction and greater than 3m/s over more than four consecutive 15 minute periods during operations similar to those operations modelled in Scenario 1.	Ongoing until Coal Processing Area relocated to the north	NA	Commitment no longer applicable as WCC has acquired 'Plain View' (R15).	None
	8.6 Apply water at the feed hopper, crusher and at all conveyor transfer and discharge points.	Ongoing	C	AQGHG MP Section 8.1.12.	None
	8.7 Fit all conveyors with appropriate cleaning and collection devices to minimise the amount of material falling from the return conveyor belts.	Ongoing in the current CHPP and prior to the operation of the relocated CHPP	C	AQGHG MP Section 8.1.12.	None
	8.8 Cease coal processing activities during periods of concurrent high winds and temperatures which cause coal dust dispersal, independent of water applications.	During high winds and temperatures which cause coal dispersal independent of water applications	C	AEMR Page 139.	None
	8.9 Apply water to exposed surfaces with emphasis on those areas subject to frequent vehicle /equipment movements which may cause dust generation and dispersal.	Ongoing	C	AQGHG Management Plan Section 8.1.4.	None
	8.10 Water all internal haul roads regularly.	Ongoing	C	AQGHG Management Plan Section 8.1.4. Noted during site inspection.	None
	8.11 Ensure operators use appropriate speeds to limit trafficable dust emissions on all vehicles and equipment.	Ongoing	C	AQGHG Management Plan Section 8.1.6.	None
	8.12 Progressively rehabilitate areas of disturbance once they are no longer required for mining purposes.	Ongoing	C	AQGHG Management Plan Section 8.1.2.	None
	8.13 Use water injection on all drill rigs.	Ongoing during drilling operations	C	AQGHG Management Plan Section 8.1.8.	None
	8.14 Cover all product coal trucks prior to leaving the Project Site	Ongoing	C	Trucks are not filled above gunnels and are tarped.	None
Monitor and manage dust emissions generated by the LOM Project	8.15 Update the Air Quality Monitoring Program (AQMP) for the LOM Project.	Within 12 months of project approval	C	Approved by Director General.	None
	8.16 Continue the existing deposited dust, PM10 and TSP monitoring at the existing site locations.	Ongoing	C	Ongoing.	None
	8.17 Implement a real-time particulate matter monitoring program at locations to be determined within 12 months of approval.	Within 12 months of project approval	C	Ongoing.	None
	8.18 Use the real time monitoring data in the management of mining operations to minimise the impact of PM10 and PM2.5 on the environment.	Ongoing	C	Ongoing.	None
	8.19 Review the existing Energy Savings Action Plan.	In accordance with approval conditions	C	ESAP now incorporated into the AQGHG MP.	None
9. Visibility					
	9.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Once mining operations reach the base of “Old Colliery” Hill	C	Field inspection noted. Visual bund recorded in Figure 2.4 of AEMR 2013/14. Visual bund is still under construction and sections need to be vegetated.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Screen the operation visually from the surrounding local area.	9.2 Locate all mining-related infrastructure, e.g. the Coal Processing Area and Site Administration and Facilities Area, in such a way that local topography (of “Old Colliery” and “Cintra” Hills) provides a visual barrier to the town of Werris Creek and the residential receivers located to the south of the town.	As infrastructure is constructed	C	Infrastructure located as per EA layout. Section 3.9 of the 2013/14 AEMR outlines visual amenity.	None
	9.3 Plant a screen of native trees and shrubs in front of the Acoustic and Visual Amenity Bund prior to its construction.	Commencement of the Project	C	Visual screen has been planted. Photos in AEMR.	None
	9.4 Plant trees around the perimeter of the extended product coal storage area.	On completion of construction of the extended product coal storage area	C	Completed. See AEMR. Visual inspection.	None
	9.5 Continue to construct the existing overburden emplacement area to create a visual barrier to the east of the Project Site including Werris Creek Road.	Ongoing	C	Tree planting completed along this area. See 3.9.1 of 2013/14 AEMR.	None
	9.6 Progressively rehabilitate areas of disturbance once they are no longer required for mining purposes.	Ongoing	C	Progressive rehabilitation is completed. Noted in field inspection. Section 5 of AEMR 2013/14.	None
	9.7 Continue to position and direct floodlights to minimise emissions.	During night-time operations	C	Section 3.9.1 of 2013/14 AEMR outlines visual management. Noted in field inspection.	None
	9.8 Maintain the LOM Project area and associated areas of disturbance in a clean and tidy condition at all times.	Ongoing	C	Field inspection noted the site is clean and tidy. Inspection included workshop area.	None
10. Soils, and Capability and Agricultural Suitability					
Create a final landform that is safe, stable and is amenable to a combination of agricultural and native flora/fauna conservation activities.	10.1 (Where practicable), immediately transfer stripped soil from source to active rehabilitation.	During soil stockpiling activities	C	This is completed when practical. Where not practical topsoil is stored and managed in accordance with the BOMP.	None
	10.2 Stockpile the soils of each soil unit separately. This will allow the Dark Brown Vertosol soils to be preferentially used for areas of the final landform designated for the re-establishment of higher quality agricultural land.	During soil stockpiling activities	C	Topsoil management is outlined in the MOP. Inspections noted that topsoil is stockpiled separately. Topsoil is monitored for pH and other parameters. See section 5.4 of the AEMR.	None
	10.3 Maintain a soil inventory: · to ensure appropriate volumes of different soil units are stripped consistently with the soil requirements of the final landform. · to identify the age of various soil stockpiles on the Project Site and therefore assist in minimising the length of time soils remained stockpiled. · to assist the Proponent in using the most appropriate soils for the different elements of the final landform.	Ongoing	C	Topsoil management is outlined in the MOP. Inspections noted that topsoil is stockpiled separately. Topsoil is monitored for pH and other parameters. See section 5.4 of the AEMR. Soil inventory kept on site. Signage used.	None
	10.4 Construct the eastern, southern and western surfaces of the overburden emplacement at 10° or less.	During regrading of the final slopes	NT	Final slopes are being shaped as mining progresses. Table 5.6 of 2013/14 AEMR outlines no rehabilitation has been completed over 10 degrees.	None
	10.5 Construct the northern surface of the overburden emplacement, which runs into the open cut void with steeper slopes which would ultimately be reduced to 18° (1V:3H) or less in the final landform.	During regrading of the final slopes	NT	Not end of mine life.	None
	10.6 Create a series of contour banks, similar to those on the existing landform, on the outer slopes of the regraded emplacement to manage surface water runoff and assist in minimising erosion of these slopes.	During rehabilitation activities	C	MOP outlines the preparation of contour banks. Inspection noted rehabilitated contour banks. Rehabilitation contour banks are generally vegetated and stable.	None
	10.7 Conduct monitoring of rehabilitation performance against the proposed sustainable land use outcome and carry out amelioration works where necessary.	During rehabilitation activities	C	Rehabilitation monitoring is undertaken regularly at WCC. Section 5.4 outlines rehabilitation monitoring results.	None
	10.8 Reinstate at least 37a of Class III land on the rehabilitated landform.	By the end of mine life	NT	Not end of mine life.	None
	10.9 Backfill the final void to above the modelled final water table level.	During construction of the final void	NT	Not end of mine life.	None
Minimise the degradation to soil resources.	10.10 Undertake vegetation clearing activities so as to minimise soil disturbance.	During clearing of larger vegetation	C	Vegetation clearing completed during single campaign each year. All vegetation clearing was undertaken following a Pre/During/Post Clearing Inspections by an Ecologist in accordance with Section 3.1 of the MOP and AEMR.	None
	10.11 Retain smaller vegetation and leaf litter in the soil to be stripped.	During soil stripping activities	C	Top layer of material is kept when topsoil is removed.	None
	10.12 Stripping of soil during periods of excessive soil moisture content will be avoided to reduce the likelihood of damage to soil structure.	During soil stripping activities	C	Soil stripping is outlined in section 3.3 of the MOP.	None
	10.13 Soil to be preferentially respread on areas of the final landform immediately following stripping rather than being stockpiled.	During soil stripping activities	C	Where practical soil is spread onto rehabilitation areas immediately. However generally soil is stockpiled for future use in rehabilitation.	None
	10.14 Where stockpiling is necessary, soil stockpiles would not exceed 3m in height.	During soil stockpiling activities	C	Inspections indicated several topsoil stockpiles, with all inspected being less than 3m in height.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Maximise the retention of soil resources.	10.15 Soil is to be generally stripped in accordance with Table 2.7.	During soil stripping activities	C	Topsoil stripping generally in accordance with the table.	None
11. Waste					
Manage waste appropriately on site.	11.1 Maintain a register of the types and quantities of wastes produced on the Project Site.	Ongoing	C	Waste Register viewed.	Develop a waste management plan for the site to document the waste management strategy for the site. Investigate options for implementing a total waste management service which includes the separation of all recyclable material as well as the oily waste. Training on oil spill response, cleanup and general waste management is to be undertaken for all staff in the field of operations and maintenance.
	11.2 Design and maintain storage areas to contain spillages.	Ongoing	C	Storage area noted during field inspection. Section 3.4 of AEMR outlines hydrocarbon management.	
	11.3 Segregate and retain recyclable and non-recyclable waste in designated storage areas prior to removal from the Project Site.	Ongoing	C	Tool box talk training has been completed. Waste management reviewed during field inspection. Improvements can be made in segregating waste. It was noted in the AEMR that recyclable paper and cardboard and timber which is deposited in specified recycling bins and are collected by Merinda Aboriginal Corporation for sorting and recycling at their depot. No plan in place outlining waste management.	
	11.4 Keep the Project Site in a clean and tidy condition.	Ongoing	C	Noted during field inspection. Housekeeping is of a good level.	
	11.5 Ensure waste is regularly removed from the Project Site by a licensed contractor.	Ongoing	C	Noted during field inspection. Contract to regularly remove waste. Waste recorded.	
12. Hazards					
Manage bushfire hazards appropriately.	12.1 Maintain an immediate method of egress from the Project Site to Project personnel in the event of bushfire attack on the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
	12.2 Follow all instructions provided by the NSW Rural Fire Service (RFS) or police in the event of a local bushfire event threatening the Project Site.	In the event of a local bushfire event threatening the Project Site.	N/A	N/A for environmental audit.	None
	12.3 Provide access to all Project Site water storages to the RFS and any reasonable assistance offered to RFS or police personnel.	In the event of a local bushfire event threatening the Project Site.	N/A	N/A for environmental audit.	None
	12.4 Refuelling to be undertaken within designated fuel bays or within cleared area of the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
	12.5 Turn off vehicles during refuelling.	During refuelling.	N/A	N/A for environmental audit.	None
	12.6 Enforce a no smoking policy in designated areas of the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
	12.7 Maintain fire extinguishers within site vehicles and refuelling areas.	Ongoing	N/A	N/A for environmental audit.	None
	12.8 Ensure a water cart is available to assist in extinguishing any fire ignited.	In the event of a fire.	N/A	N/A for environmental audit.	None
	12.9 Equip all equipment on site with adequate and fully operational fire suppression equipment in accordance with AS 1841 and AS 1851.	Ongoing	N/A	N/A for environmental audit.	None
	12.10 Train all employees in the proper use of fire fighting equipment held on site.	Ongoing	N/A	N/A for environmental audit.	None
	12.11 Set aside water especially for fire fighting on site.	Ongoing	N/A	N/A for environmental audit.	None
	12.12 Ensure that fire fighting equipment is made available to the local Rural Fire Service if required in the event of a bushfire in the land surrounding the Project Site.	In the event of a bushfire in the land surrounding the Project Site	N/A	N/A for environmental audit.	None
	12.13 Develop and maintain firebreaks at the edge of the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
Minimise the potential for a traffic incident on a public road involving a Project related vehicle.	12.14 Locate the Escott Road Entrance to the Project Site to the east of the Rail Load-out Road with light vehicle traffic to the Project Site offices not required to cross the Rail Load-out Road.	During the construction phase of the Project	N/A	N/A for environmental audit.	None
	12.15 Install level crossings at the two points where Escott Road crosses the turn-around rail loop.	During construction of the rail loop	N/A	N/A for environmental audit.	None
	12.16 Construct an all-weather access road around the perimeter of the turn-around rail loop.	During construction of the rail loop	N/A	N/A for environmental audit.	None
The storage and handling of hazardous materials is	12.17 Direct all water from wash-down areas and workshops to oil separators and containment systems.	Ongoing	C	All water from workshop is directed to the dirty water management system. Inspection noted washdown and maintenance areas.	None
	12.18 Ensure that all storage tanks are either self bunded tanks or bunded with an impermeable surface and a capacity to contain a minimum 110% of the largest storage tank capacity.	Ongoing	C	Double skinned tank is used to store diesel at WCC. Sufficient capacity. Section 3.4 of the 2013/14 AEMR outlines hydrocarbon management.	Tank storage and management of spills should be outlined in a Waste/Hydrocarbon Management Plan.
	12.19 Securely store all hydrocarbon products.	Ongoing	C	Other hydrocarbon products are stored within the bunded areas near the workshop. Section 3.4 of the 2013/14 AEMR outlines hydrocarbon management.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
appropriately managed.	12.20 Designate areas for refuelling and minor maintenance work (with the exception of less mobile mining equipment, e.g. excavators which would be refuelled within the open cut area) and enforce the use of these areas.	Ongoing	C	Fuel storage and refuelling facilities comprising of 2 x 60 000L self-bunded fuel tanks and a refuelling bay would be relocated within the Site Administration and Workshop. Refuelling of equipment onsite is to be undertaken from this facility, or via a mobile fuel service truck used to service active and less-mobile equipment within the open cut mine.	None
13. Community Consultation					
Provide for ongoing support to the Werris Creek local community and Liverpool Plains Shire Council.	13.1 Maintain the Community Consultative Committee and include local community representative as stipulated by project approval conditions.	Ongoing	C	CCC maintained. Meeting in May 2014. Meeting minutes on website.	None
	13.2 Complete and distribute regular newsletters regarding project progress and operations.	At least 6 monthly	C	Newsletters on website. Most recent Summer 2014.	None
	13.3 Continue to provide funding towards maintenance of Taylors Lane through S94 contributions as per the current contributions agreement with LPSC	Ongoing	C	Sighted email dated 23 April 2014 regarding Taylors Arm costs	None
	13.4 Establish a Community Enhancement Fund through Liverpool Plains Shire Council as agreed by Council in their 5 July 2010.	Ongoing	C	Community Enhancement Fund sighted by the audit team.	None
14. Environmental Monitoring					
Implement a comprehensive and ongoing surface water monitoring program.	14.1 Monitor surface water quality for: pH, electrical conductivity, total suspended solid concentration, Oil & Grease levels at licensed discharge points, receiving waters (Werris and Quipolly Creeks) and clean, dirty and void water dams. (See also Commitment 2.7).	Quarterly and during surface overflow events from licensed discharge points Quarterly and within 12 hours after an over flow event to the receiving waters	C	Surface water is monitored quarterly. Locations outlined in SWMP and AEMR. Discharge monitoring is completed.	None
Implement a comprehensive and ongoing groundwater monitoring program.	14.2 Continue monitoring of piezometers and groundwater bores on and surrounding the Project Site in accordance with the current Groundwater Monitoring Program.	Both monthly and continuous (dependent on particular piezometer or groundwater bore)	NC	2013-14 AEMR indicates groundwater monitoring (levels) is undertaken bimonthly, instead of monthly as per this commitment. SWMP is still in draft and outlines monitoring is completed bimonthly for water levels. The audit team considers monitoring every two months to be sufficient.	None
	14.3 Update the Groundwater Monitoring Program.	Within 12 months of receiving project approval	C	Draft first sent to DP&I for consultation in April 2012 (within 12 months of approval).	None
	14.4 Commission an experienced hydrogeologist to collate and review the monitoring data collected annually in order to assess the impacts of the project on the groundwater environment, and to compare any observed impacts with those predicted from groundwater modelling.	Annual	C	Annual Groundwater Report is completed. Attached to AEMR. Completed by ENVIRON in 2013.	None
	14.5 Implement the Groundwater Contingency Plan as required.	In the event that routine monitoring indicates that a trigger has been reached	C	Contingency Plan has been prepared but has not yet been required to be implemented.	None
Implementation of an appropriate noise monitoring program to ensure continuing compliance with DECCW guideline levels.	14.6 Undertake attended noise monitoring at the residences most likely to be affected by the LOM Project. · R20: "Tonsley Park" · R9: "Almawillee" · R11: "Glenara" · R12: Fletcher · Werris Creek Town (R55 or R62) · R14: "Greenslopes & Banool"	Monthly	C	Monthly noise monitoring reports	
	14.7 Implement a real-time noise monitoring program with monitoring to be conducted at the most affected receiver based on the prevailing conditions at the time	Within 12 months of project approval	C	Sighted the monitoring equipment. Sighted noise control operator records.	
	14.8 Update the Noise Monitoring Program to reflect additional attended and real time monitoring sites.	Within 12 months of receiving project approval	C	Updated within the Noise Management Plan.	
Implementation of an appropriate air quality monitoring program to ensure continuing compliance with DECCW guideline levels.	14.9 Maintain the existing dust (WC1 to WC10), PM10 (WCHV1 to WCHV4) and TSP (WCTSP) monitoring network as identified in the Werris Creek Coal Mine Air Quality Monitoring Program.	Ongoing	C	Sighted.	None
	14.10 Install a new High Volume Air Sampler, monitoring for PM2.5	Within 12 months of project approval	C	PM2.5 monitored by TEOM rather than HVAS but this is an improvement.	None
	14.11 Implement a real-time particulate matter monitoring program at locations to be determined within 12 months of approval.	Within 12 months of project approval	C	Sighted.	None
	15.1 Incorporate the environmental procedures in an on-site management system.	Prior to relevant activity	C	Environmental procedures contained within the Environmental Management Strategy (not yet approved).	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
A systematic set of documents are in place to guide the planning and implementation of all environmental management strategies.	15.2 Prepare or update the following management and monitoring plans; <ul style="list-style-type: none">· Mining Operations Plan· Aboriginal Cultural Heritage Management Plan· Energy Savings Action Plan· Water Management Plan· Erosion & Sediment Control Plan· Noise Management Plan· Noise Monitoring Program· Air Quality Monitoring Program· Rehabilitation and Landscape Management Plan· Biodiversity Offset Management Plan	Various and as nominated by project approval	C	These management plans have been prepared. There is no requirement to prepare a Rehabilitation Management Plan as this has been incorporated in the MOP.	None
	15.3 Incorporate relevant environmental data /information in Annual Environmental Management Reports.	Annually	C	Relevant data is recorded in the AEMR.	None

APPENDIX 3 – EPL 12290 COMPLIANCE TABLE

EA Statement of Commitments

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
1. Groundwater					
Effective management of water dewatered from the former Werris Creek Colliery underground workings.	1.1 Dewater water from the underground workings to the already approved groundwater storage cells and use it preferentially for dust suppression activities.	Ongoing	C	Section 8.2.3 of the SWMP. Active dewatering of the former underground workings ceased in July 2013 as mining advanced through the former dewatering bore. Dewatering of the former underground continues passively as seepage into the open cut is managed as part of dewatering activities (water pumped to Void Dams and used as dust suppression).	None
Effective management of the potential contamination of groundwater resources.	1.2 Implement mitigation measures associated with the contamination of groundwater due to a hydrocarbon spill in accordance with the existing Groundwater Contingency Plan.	If contamination of groundwater due to a hydrocarbon spill occurs	C	Section 8.7.4 of the SWMP. Controls also outlined in section 3.4 of the AEMR.	None
	1.3 Fill the final void above the equilibrium water level following the cessation of mining in order to avoid leaving a potentially saline water body, which may have the potential to contaminate the surrounding aquifers.	Following the cessation of mining	NT	Section 8.7.5 of the SWMP. Currently N/A.	None
	1.4 Increase the groundwater monitoring regime analytes monitored and/or frequency of sampling to confirm the magnitude and extent of any change in water chemistry and verify the change is a consequence of operations associated with the LOM Project.	If pH or EC trigger level exceeded	C	Section 10 of the SWMP. In 2010-11 AEMR groundwater sites were monitored quarterly with a more detailed selection of water quality parameters tested annually. In 2013-14 AEMR groundwater sites were monitored every 6 months, with a more detailed selection of water quality parameters tested annually. Monitoring completed in accordance with the Draft SWMP. But with no exceedance in pH or EC triggers there has not been a requirement to increase monitoring frequency.	The audit team endorses ENVIRONs recommendation to expand the groundwater monitoring database statistical analysis (Groundwater Monitoring Report - April 2014).
	1.5 Install one or more piezometers into the back filled void and monitor water chemistry to confirm back filled overburden and interburden is not adversely affecting the local groundwater.	Within 2 years of project approval	C	Section 9.1 of the SWMP (P1). Results outlined in the AEMR.	None
	1.6 Ongoing analysis of overburden / interburden samples to confirm the low potential for acid and soluble salt generation, or other potential contamination.	Ongoing	C	Section 9.1 of SWMP. Completed. Material generated from open cut mining is regularly tested. Laboratory report sighted for Western Rehabilitation Zone A - Overburden.	None
Ensure the availability of groundwater to surrounding users is maintained.	1.7 Review, update and incorporate the Groundwater Contingency Plan into a Water Management Plan for the Werris Creek Coal Mine.	Within 6 months of project approval	C	SWMP Updated within that required timeframe, with the most recent update - May 2014. Awaiting approval from DP&I.	None
	1.8 In the event that routine monitoring indicates that a groundwater trigger has been reached, commence contingency procedures which will require an increased monitoring frequency to confirm a breach of the trigger. If the breach confirmed, commission a hydrogeologist to review the data, and provide independent advice as to the cause of the trigger. The outcomes of that review, including any recommendations, will be subject to discussion and agreement with hydrogeologists from NOW.	In the event that routine monitoring indicates that a groundwater trigger has been reached	C	Section 14 of the SWMP. Groundwater trigger levels are outlined in section 3.3 of the AEMR's. There were no groundwater trigger levels (levels or quality) reached during the past three AEMR's.	None
Ensure the availability of groundwater to surrounding users is maintained.	1.9 If the saturated thickness in any bore is reduced below trigger level, notify the affected landowner(s).	If the saturated thickness trigger level is achieved in any bore	C	Saturated thickness levels are not below the trigger levels of bores.	None
	1.10 If a reduction in the saturated thickness within any bore is in excess of the trigger level, and is determined to be as a consequence of operations associated with the LOM Project, negotiate with the affected landowner(s) with the intent of formulating an agreement in accordance with the Groundwater Contingency Plan.	In the event that monitoring identifies a reduction in the saturated thickness and is determined to be a consequence of operations associated with the LOM Project	C	Saturated thickness levels are not below the trigger levels of bores.	None
2. Surface Water					
Separate clean water	2.1 Construct temporary diversion banks on the upslope boundary of all areas to be stripped of groundcover and soil.	Prior to clearing and stripping operations	C	Section 8.4 of the SWMP.	None
	2.2 Construct catch drains or banks and/or install a sediment fence on the downslope boundary of an area to be stripped of groundcover and soil.	Prior to clearing and stripping operations	C	Section 8.3 of the SWMP. Sediment fences were installed in areas of temporary disturbance.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Separate clean water from dirty water.	2.3 Direct sediment-laden runoff into sediment basins for treatment prior to discharge (if required).	Ongoing	C	Section 8.3 and 8.6 of the SWMP. Site inspections noted surface water is directed to sediment basins and is generally in accordance with the SWMP.	None
	2.4 Construct all water management infrastructure in accordance with Volume 2E of the guideline document "Soils and Construction: Managing Urban Stormwater" (DECC, 2008).	Construction of water management infrastructure	C	Section 8 and Appendix B of SWMP. Void Dams have been redesigned and signed off for geotechnical stability since the off site discharge in March 2012.	None
Prevent the discharge of contaminated water from the Project Site	2.5 Install a sediment trap in the coal crushing/stockpiling and maintenance area to remove coal fines from surface flows.	Ongoing	C	Section 8.3 of SWMP. SB 10 and SB 13 cover the crushing/stockpile area.	None
	2.6 Install an oil/water separating unit to receive and treat potentially contaminated water from the maintenance and wash-down bay prior to further treatment within the dirty water management system.	Ongoing	C	Section 8.2.10 of the SWMP. Photo illustrating evidence of oil water separator.	None
Implementation of a comprehensive and ongoing surface water monitoring program.	2.7 Monitor surface water quality for pH, electrical conductivity, total suspended solid concentration, Oil & Grease levels, within: · licensed discharge points; · receiving waters (Werris and Quipolly Creeks); and · Clean, Dirty and Void Water Dams	Quarterly and during discharge Quarterly and within 12 hours after discharge Quarterly	C	Section 9 of SWMP. See AEMR's section 2.8 and 3.2 of the AEMR	None
Prevention of saline water discharge off site.	2.8 Retain all void water within the Void Water Dams or sumps within the open cut.	Ongoing	NC	<p>Penalty notice advised (24/09/2012) a mine water dam had failed and discharged into Quipolly Creek (Site reported to the EPA) - PIN issued x3. Previous event July 2007.</p> <p>The following actions have been completed to ensure effective management of surface water onsite: - Engineering review on 3 major dams - redesign and reconstruct - Operating levels maintained - Prescribed Dams (DSC) - 0.5m diameter pipe spillway capable of managing a 1 in 10,000 year 5 day storm event - WCC Environmental Officer has completed DSC dam inspection report - Void Management pumping (copy) dedicated - Real time monitoring system (SentinelX/Observant) capable of sending alarms when High Water Levels are triggered.</p> <p>Despite this non compliance WCC have made all reasonable attempts to ensure this incident will not happen again.</p>	<p>The WCC Environmental Officer is in the process of installing a float gauge to determine when the water level is near the capacity of the Void Dams (high water level alarm).</p> <p>Continue weekly inspections to review water levels.</p>
Prevention of dirty water flowing into Werris and Quipolly Creeks.	2.9 Where practically possible, ensure the licensed discharge points / sediment basins are maintained in a dry condition to provide full storage capacity in the event of rainfall events exceeding 39.2 mm of rain over a 5-day period.	Ongoing	C	<p>Section 8.3.1 and 8.3.2 of the SWMP.</p> <p>Inspections of Void Dams indicated WCC's approach to reduce the amount of water stored in these dams at any one point.</p>	None
3. Biodiversity					
Avoid and minimise impacts on native vegetation (including the two identified EECs) where possible.	3.1 Ensure disturbance associated with the relocation of site infrastructure occurs in the locations specified on Figure 2.1, i.e. on cleared and cultivated land (Condition Class 1), or derived native grassland without native tree overstore (Condition Class 3).	Prior to and during relocation of infrastructure	C	New infrastructure has been established in the locations outlined in the Project Approval and the EA.	None
	3.2 Limit vegetation clearing each year to an area required for the following 12 months mine development.	Annual	C	Plan 3 of AEMR outlines vegetation clearing proposed for the next 12 months. Clearing minimised in accordance with Biodiversity Offset Management Plan.	None
	3.3 Clearly mark / peg areas required for surface infrastructure establishment and mining.	Ongoing	C	Pre clearance inspection. Photo of pegs dated 26 May 2014.	None
	3.4 Retain felled trees on the Project Site for subsequent use during rehabilitation activities.	Site establishment and rehabilitation phases	C	<p>AEMR outlines salvaging of trees. 133 mature trees to be salvaged during 2013 - 14. Section 3.5.2 of 2013/14 AEMR outlines use of trees in rehabilitation.</p> <p>Sighted stockpiled felled trees during field inspection.</p>	None
Mitigate unavoidable disturbance to native vegetation and fauna habitat.	3.5 Identify, as part of the Pre-start Clearing Inspection, biological resources within the disturbance area including habitat resources such as hollows, stag trees and coarse woody debris, and the availability of endemic seed.	During annual clearing campaigns	C	<p>Ecologists engaged to undertake inspections and monitoring of 31ha of vegetation cleared for mining in February 2014.</p> <p>During 2013/14 AEMR period Pre/During/Post Clearing Inspections were undertaken by an Ecologist in accordance with Section 3.1 of the MOP and Section 8.1 of the BOMP.</p>	None
	3.6 Implement a seed collection strategy and program to harvest endemic seed from local vegetation to either directly sow or propagate for tube stock planting in either biodiversity offset or rehabilitation areas.	Ongoing	C	During 2013/14 AEMR period WCC collected 140kg of local providence native grass seed from the Eurunderree BOA and spread across 41ha of rehabilitation.	None
	3.7 Complete monitoring and inspection programs to review the progress of rehabilitation against criteria based on vegetation community benchmark data.	Annual	C	Section 5.4 of the 2013-14 AEMR outlines the rehabilitation monitoring completed at site. Includes inspections and vegetation monitoring.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Rehabilitate disturbed areas to create a final landform that maintains or improves biodiversity values of the Project Site.	3.8 Create a final landform generally similar to that of the pre-mining landform, i.e. approximating the conceptual final landform provided by Figure 2.18.	Ongoing	NT	Site is still operating so final landform not yet applicable.	None
	3.9 Revegetate the final landform as nominated by Figure 2.18 (or subsequent Rehabilitation Management Plan), i.e. predominantly native woodland vegetation which will supplement the LOM Project BOS and improve the linkage between remnant areas of native woodland vegetation to the east and west.	Ongoing	NT	Site is still operating so final landform not yet applicable. Most of rehabilitation completed at site has been native woodland rehabilitation.	None
	3.10 Designate approximately 3.7ha of the final landform as Brigalow woodland.	During rehabilitation	NT	Brigalow woodland rehabilitation has been completed.	None
Rehabilitate disturbed areas to create a final landform that maintains or improves biodiversity values of the Project Site.	3.11 Augment habitat through the placement of previously cleared timber (on the ground as well as upright 'stags') to provide important habitat value for arboreal and ground hollow dependant fauna and perching sites.	During rehabilitation operations	C	Stag trees have been used in several rehabilitation areas.	None
Manage the impacts of noxious weeds.	3.12 Monitor noxious weeds on a regular basis, and if required, conduct weed management campaigns to manage weed outbreaks.	Ongoing	C	Regular weed management at site. AEMR 2013/14 notes weed management. Predominately herbicide spraying treating environmental and noxious weeds over 1282 ha of the BOA and Rehabilitation areas.	None
Minimise or avoid impacts on native fauna (including threatened species).	3.13 Undertake vegetation clearing during a single campaign each year (except when there are extenuating circumstances), preferably during seasons that minimise the risk of impacting on hibernating microbats or breeding woodland birds, i.e. Autumn.	Vegetation clearing and ongoing	C	Vegetation clearing completed during single campaign. All vegetation clearing was undertaken following a Pre/During/Post Clearing Inspections by an Ecologist in accordance with Section 3.1 of the MOP and Section 8.1 of the BOMP.	None
	3.14 Commission a Pre-start Clearing Inspection of the proposed disturbance area by an ecologist to identify the presence of native fauna (including threatened species such as the Koala and microbats).	Vegetation clearing and ongoing	C	All vegetation clearing was undertaken following a Pre/During/Post Clearing Inspections by an Ecologist in accordance with Section 3.1 of the MOP and Section 8.1 of the BOMP.	None
	3.15 Suspend all clearing activities, in the event a koala (or other threatened fauna species) is present in the trees to be cleared, until it moves away from the subject area or is relocated by a suitably qualified person.	Prior to clearing operations within areas of remnant vegetation	C	Noted. Clearing at site has been completed in accordance with pre clearance permits.	None
Offset residual impact of the LOM Project.	3.16 Develop and implement, in consultation with the DECCW, DoP and DSEWPaC, a Biodiversity Offset Strategy for the LOM Project.	Within 18 months of Project Approval	C	BOMP prepared. Submitted to DP&I in November 2012. Approved June 2013.	None
	3.17 Prepare a Biodiversity Offset Management Plan which includes a detailed description of the procedures to be applied within the offset area including: • erosion and sediment control; • soil and water management, bushfire management; • exclusion of domestic stock; • weed management; • retention of regrowth and native vegetation; • retention of dead timber and fallen logs; • in-fill planting with locally indigenous species where required; • feral animal control; • limitation of human access; and • an annual review and reporting requirement.	Within 18 months of Project Approval	C	BOMP prepared. Submitted to DP&I in November 2012. Approved June 2013.	None
	3.18 Provide for the completion of an independent review of the BOMP at least every 5 years to report on the success of BOMP procedures (see Commitment 3.17).	Every 5 years following the establishment of the BOMP	C	BOMP has been reviewed, as most recent as August 2013. Meets condition.	None
4. Heritage					
Maintain Aboriginal heritage values on site.	4.1 Update the Aboriginal Cultural Heritage Management Plan to reflect the approval of the LOM Project.	Within 12 months of project approval	C	ACHMP submitted to DP&I for approval October 2012. Project Approval approved 25 October 2011.	None
	4.2 Re-instate the Narrawolga Axe Grinding Grooves to a position as close as possible to their original location following rehabilitation of the Project Site in consultation with local Aboriginal community representatives.	Following mine closure	NT		None
	4.3 Continue awareness training of staff and contractors for cultural heritage matters	Ongoing	C	As required. Training was undertaken during the audit period. 2013 Training folder was sighted.	None
	4.4 In the event the Project Site disturbance footprint changes, ensure that appropriate consultation and field survey is undertaken to confirm no sites or objects of Aboriginal heritage significance are impacted.	If the disturbance footprint changes	C	Full Heritage surveys have been completed for any areas of disturbance.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Maintain Aboriginal heritage values on site.	4.5 In the event any previously unidentified 'objects' or other Aboriginal sites (such as burials) are uncovered, ensure that work in that area is suspended and the DECCW Western Regional Archaeologist (Dubbo Office) and local Aboriginal community are contacted to discuss how to proceed.	If a previously unidentified object or Aboriginal site is uncovered	C	As required. Training was undertaken during the audit period. 2013 Training folder sighted. Heritage Management Plan.	None
Develop an historic context for the Project Site particularly in reference to the operation of the former Werris Creek Colliery.	4.6 Salvage the concrete marked with the hand and footprints of the former Deputy Mine Manager's daughter at the residence and provide to Ms Dora Koops (one of the daughters) for posterity.	Prior to the demolition of the residence	C	The WCC Environmental Officer informed the audit team that the concrete was removed and provided to the daughter of Ms Dora Koops. Outlined in the Heritage Management Plan - section 4.2.4.1.	None
	4.7 Provide the photo record held by the Proponent and its consultants to the Werris Creek Historical Society (or other similar community group) as a record of the remnant features at the time of removal.	Once available	C	Photo record produced as part of documenting former Mine Managers residence. (scheduled 3 cond 30). See letter from WCC to historical society dated 18 June 2012 with photos and heritage assessment.	None
	4.8 Provide a copy of the Cultural Heritage Assessment (Landscape, 2010) to the Werris Creek Historical Society (or other similar community group) as a record of the remnant features at the time of removal.	Once available	C	Photo record produced as part of documenting former Mine Managers residence. (scheduled 3 cond 30). See letter from WCC to historical society dated 18 June 2012 with photos and heritage assessment.	None
5. Transport Aspects					
Product haulage by public road is conducted in an appropriate and safe manner.	5.1 Limit the road transportation of coal to 50 000tpa.	Ongoing	C	Section 2.5 of AEMRs outline road transportation below this limit.	None
	5.2 Provide final detailed design for the proposed road upgrades to accommodate B-Double use and in accordance with Austroads Pt. 4 – Road Design Guide.	In designing road and intersection upgrades	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.3 Complete all intersections to a standard providing appropriate dimensional capacity and signage and to the satisfaction of the relevant road authority.	During road and intersection construction	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.4 Prevent spillage from the trucks through the continuation of a 'covered load' policy.	Ongoing	C	Covered load policy in place at WCC.	None
	5.5 Obtain school bus timetable at the beginning of each year and manage road haulage despatch to avoid potential conflict.	Ongoing	C	Coal (less than 50,000 tonnes per year) is hauled by road to hospitals at Tamworth and Armidale. WCC only allowed to close road between 9:30am and 2:30pm so does not interrupt school buses	None
Accommodate the increased volume of traffic using Escott Road.	5.6 Upgrade the intersection between Escott Road and Werris Creek Road generally in accordance with the designs provided by Constructive Solutions (2010) and in accordance with Austroads Pt. 4 – Road Design Guide 2009.	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.7 Upgrade Escott Road as recommended by Constructive Solutions (2010) and in accordance with AUSTROADS Pt. 4 – Road Design Guide 2009.	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
	5.8 Provide for a seal of at least 50m of the Northern Site Access Road from the Escott Road Entrance	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
Accommodate the increased volume of traffic using the Rail Load-out Road	5.9 Construct the Escott Road – Rail Load-out Road cross-junction as an RTA Modified BAR type intersection.	During the construction phase of the Project	NT	Escott Road upgrade is not being completed. Escott Road is now a private road with only Zeolite Australia, "Cintra" and "Escott" permitted to use the road.	None
Maintain access across the rail turn-around loop.	5.10 Construct two level crossings across the rail turn-around loop.	During construction of the rail turnaround loop	C	Viewed during site inspection.	None
	5.11 Construct an all-weather side track around the rail loop to allow emergency access should the road be blocked by a train.	During construction of the rail turn-around loop	C	Viewed during site inspection.	None
Contribute to the maintenance of Taylors Lane.	5.12 Provide ongoing funding for maintenance of Taylors Lane on a per tonne basis (in the form of section 94 contributions) as per the current agreement that exists with Liverpool Plains Shire Council.	Ongoing	C	Sighted email dated 23 April 2014 regarding Taylors Arm costs	None
Provide traffic management for road closures required for blasting	5.13 Review and update (as required) the traffic management procedure "Whitehaven Coal Procedure – Road Closure".	During the construction phase of the Project	C	Not required as Escott Road upgrade is not being completed	None
6. Noise					
	6.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Once mining operations reach the base of "Old Colliery" Hill	C	Sighted during site inspection.	None
	6.2 Locate all mining-related infrastructure, e.g.. the Coal Processing Area and Site Administration and Facilities Area, in such a way that local topography (of "Old Colliery" and "Cintra" Hills) provides a natural acoustic barrier to the town of Werris Creek and the residential receivers located to the south of the town.	During the construction phase of the Project	C	Relocation of infrastructure sighted during site inspection.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Attenuate mining noise sources to ensure compliance with Project Specific Noise Criteria.	6.3 Use temporary ROM coal stockpiles from time to time within the open cut mine area to minimise the transmission of noise during night-time operations.	Ongoing during night-time period	NT	Interview with Environmental Officer - never done but if required then it would be completed.	None
	6.4 Continue to enclose the conveyor belt of the rail load out facility.	Ongoing	C	Covered - not enclosed. Sighted during site inspection.	None
	6.5 Ensure that all noise mitigation measures are implemented to ensure that all noise emissions from the Project Site meet predicted noise levels. This may include the following. · Apply the manufacturer specified attenuator kits to each truck to achieve a noise reduction of 8dB. · Apply a 1 600rpm reverse gear limiter on bulldozers operating on exposed areas of the Project Site such as the Product Coal Storage Area and ROM Pad. · Construct a 5m high barrier around the north-eastern perimeter of the relocated coal processing infrastructure. · Ensure that all equipment exhibits sound power levels consistent with the schedules in Appendix D of Spectrum Acoustics (2010). · Limit the number of operating drills (non exploration) on the Project Site to two at any one time. · Stand down all mobile equipment operating to the north of the advancing open cut under noise enhancing conditions during the evening and night time, i.e. temperature inversion and winds from the south-southeast or northwest. · Whilst the Coal Processing Area remains in its current location, limit the number of trucks and excavators operating during inversion conditions to 10 and 3 respectively. · Ensure that during periods of noise enhancing winds, overburden emplacement activities are preferentially undertaken 'in-pit'	Ongoing Ongoing Within 6 months of Project Approval Ongoing Ongoing During adverse meteorological conditions during the night-time period Ongoing until the coal crushing and screening infrastructure are relocated Ongoing	C	Attenuators to some existing CAT785's, purchase of new quieter trucks CAT793XQ. Reverse gear limiter now not feasible - refer to NMP (2014) regarding noise remodelling of unlimited dozers. Barrier sighted during site inspection - in progress. SWL results presented in monthly noise monitoring reports indicate general compliance with the exception of some trucks (CAT785C's) Number of drills revised - NMP (2014) includes details of re-modelling including 3 drills. Refer to NMP (2014) - contains protocol for managing noise sources during adverse weather. Not applicable now processing area has been relocated. Refer to NMP (2014) - contains protocol for managing noise sources during adverse weather.	None
	6.6 Update the Noise Management Plan (NMP) for the LOM Project.	Within 12 months of project approval	C	WCC EMS - Noise Management Plan dated 16 April 2014. The NMP contains direct reference to relevant communication with the EPA and expert approval from the Director-General (Appendix A of NMP). Letter from DPI to WCC dated 29/4/14 Werris Creek Mine Extension Project (MP 10_005) Approval of revised Air and Noise Management Plans.	None
	6.7 Continue the existing monthly Noise Monitoring Program at the existing site to include five new locations to be affected by the Project.	Ongoing	C	WCC EMS - Noise Management Plan dated 16 April 2014.	None
Monitor and manage noise generated by the LOM Project	6.8 Implement a real-time noise monitoring program at selected residential locations that would be most affected by the LOM Project.	Within 12 months of project approval	C	WCC EMS - Noise Management Plan dated 16 April 2014. Real time noise monitoring locations sighted. <i>Continuous Environmental Noise Monitoring</i> report prepared by Advitech dated 4 April 2014.	None
	6.9 Implement a real-time meteorological monitoring program at the Project Site to gather data on wind speed and direction, and deduce inversion conditions.	Within 12 months of project approval	C	Sighted during site inspection.	None
	6.10 Use the real time meteorological data in the management of mining operations to minimise impact of noise on the environment.	Ongoing	C	Noise auditor witnessed use of real time weather data in management of blasting activities. NCO records sighted.	None
7. Blasting					
	7.1 Maintain the Deed of Agreement that has been established with ARTC.	Ongoing	C	Executed copy of Deed. WCC Blast Management Plan (BMP) dated 19 December 2013.	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris
	7.2 Continue to implement the road closure management procedure when blasting occurs within the 500m of Werris Creek Road.	Ongoing	C	Whitehaven Coal Procedure Road Closure dated 18 May 2012. Notification of blast via Quirindi Advocate, Road Closure notification Contact listing to emergency services dated 30 May 2012.	
	7.3 Minimise the number of blasts by maximising blast size without compromising compliance with the environmental criteria.	Ongoing	C	Blast prediction methodology was witnessed - interview with Blast Engineer indicated that formula was developed by trial blasting and monitoring vibration levels in close proximity. Blast design process was witnessed - blast parameters are determined based on predicted blast impacts (vibration and airblast).	

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Minimise impacts from blasting on surrounding receptors and infrastructure.	7.4 Implement refinements to blast design components on the basis of monitoring results and the achievement of specific blasting objectives.	Ongoing	C	Blast prediction methodology was witnessed - interview with Blast Engineer indicated that formula was developed by trial blasting and monitoring vibration levels in close proximity. Blast design process was witnessed - blast parameters are determined based on predicted blast impacts (vibration and airblast).	Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
	7.5 Blast design and implementation is undertaken by a suitably qualified blasting engineer and/or experienced and appropriately certified shot firer.	All blasts	C	Qualifications of Blast Engineer.	
	7.6 Ensure that the minimum practicable weight of explosive detonates at an instant for each blast.	All blasts	C	Blast design process was witnessed - blast parameters are determined based on predicted blast impacts (vibration and airblast).	
	7.7 Maintain a blast exclusion zone of 500m around each blast.	All blasts	C	Blast exclusion map sighted. Interview with Environment and Community Coordinator indicated that Blast Exclusion map is communicated at daily meeting (if relevant).	
	7.8 Continue to monitor blasting impacts at the current monitoring locations.	All blasts	C	Blast monitoring results presented in AEMR's.	
8. Air Quality					
Minimise impacts to air quality relating to the Project.	8.1 Maintain the enclosed conveyor belt on the rail load out facility.	Ongoing	C	Sighted.	None
	8.2 Cleared vegetation would not be burnt.	Ongoing	C	AQGHG Management Plan Section 8.1.3.	None
	8.3 Limit groundcover removal in advance of mining to be consistent with operational requirements.	Ongoing	C	AQGHG Management Plan Section 8.1.3.	None
	8.4 Where practicable, soil stripping operations would be undertaken at a time when there is sufficient soil moisture to prevent significant liftoff of dust.	During soil stripping operations	C	AQGHG Management Plan Section 8.1.3.	None
	8.5 Overburden emplacement would be limited on the top lift of the overburden emplacement area when winds are from a northerly direction and greater than 3m/s over more than four consecutive 15 minute periods during operations similar to those operations modelled in Scenario 1.	Ongoing until Coal Processing Area relocated to the north	NA	Commitment no longer applicable as WCC has acquired 'Plain View' (R15).	None
	8.6 Apply water at the feed hopper, crusher and at all conveyor transfer and discharge points.	Ongoing	C	AQGHG MP Section 8.1.12.	None
	8.7 Fit all conveyors with appropriate cleaning and collection devices to minimise the amount of material falling from the return conveyor belts.	Ongoing in the current CHPP and prior to the operation of the relocated CHPP	C	AQGHG MP Section 8.1.12.	None
	8.8 Cease coal processing activities during periods of concurrent high winds and temperatures which cause coal dust dispersal, independent of water applications.	During high winds and temperatures which cause coal dispersal independent of water applications	C	AEMR Page 139.	None
	8.9 Apply water to exposed surfaces with emphasis on those areas subject to frequent vehicle /equipment movements which may cause dust generation and dispersal.	Ongoing	C	AQGHG Management Plan Section 8.1.4.	None
	8.10 Water all internal haul roads regularly.	Ongoing	C	AQGHG Management Plan Section 8.1.4. Noted during site inspection.	None
	8.11 Ensure operators use appropriate speeds to limit trafficable dust emissions on all vehicles and equipment.	Ongoing	C	AQGHG Management Plan Section 8.1.6.	None
	8.12 Progressively rehabilitate areas of disturbance once they are no longer required for mining purposes.	Ongoing	C	AQGHG Management Plan Section 8.1.2.	None
	8.13 Use water injection on all drill rigs.	Ongoing during drilling operations	C	AQGHG Management Plan Section 8.1.8.	None
	8.14 Cover all product coal trucks prior to leaving the Project Site	Ongoing	C	Trucks are not filled above gunnels and are tarped.	None
Monitor and manage dust emissions generated by the LOM Project	8.15 Update the Air Quality Monitoring Program (AQMP) for the LOM Project.	Within 12 months of project approval	C	Approved by Director General.	None
	8.16 Continue the existing deposited dust, PM10 and TSP monitoring at the existing site locations.	Ongoing	C	Ongoing.	None
	8.17 Implement a real-time particulate matter monitoring program at locations to be determined within 12 months of approval.	Within 12 months of project approval	C	Ongoing.	None
	8.18 Use the real time monitoring data in the management of mining operations to minimise the impact of PM10 and PM2.5 on the environment.	Ongoing	C	Ongoing.	None
	8.19 Review the existing Energy Savings Action Plan.	In accordance with approval conditions	C	ESAP now incorporated into the AQGHG MP.	None
9. Visibility					
	9.1 Construct an Acoustic and Visual Amenity Bund at the northern extent of mining operations.	Once mining operations reach the base of “Old Colliery” Hill	C	Field inspection noted. Visual bund recorded in Figure 2.4 of AEMR 2013/14. Visual bund is still under construction and sections need to be vegetated.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Screen the operation visually from the surrounding local area.	9.2 Locate all mining-related infrastructure, e.g. the Coal Processing Area and Site Administration and Facilities Area, in such a way that local topography (of “Old Colliery” and “Cintra” Hills) provides a visual barrier to the town of Werris Creek and the residential receivers located to the south of the town.	As infrastructure is constructed	C	Infrastructure located as per EA layout. Section 3.9 of the 2013/14 AEMR outlines visual amenity.	None
	9.3 Plant a screen of native trees and shrubs in front of the Acoustic and Visual Amenity Bund prior to its construction.	Commencement of the Project	C	Visual screen has been planted. Photos in AEMR.	None
	9.4 Plant trees around the perimeter of the extended product coal storage area.	On completion of construction of the extended product coal storage area	C	Completed. See AEMR. Visual inspection.	None
	9.5 Continue to construct the existing overburden emplacement area to create a visual barrier to the east of the Project Site including Werris Creek Road.	Ongoing	C	Tree planting completed along this area. See 3.9.1 of 2013/14 AEMR.	None
	9.6 Progressively rehabilitate areas of disturbance once they are no longer required for mining purposes.	Ongoing	C	Progressive rehabilitation is completed. Noted in field inspection. Section 5 of AEMR 2013/14.	None
	9.7 Continue to position and direct floodlights to minimise emissions.	During night-time operations	C	Section 3.9.1 of 2013/14 AEMR outlines visual management. Noted in field inspection.	None
	9.8 Maintain the LOM Project area and associated areas of disturbance in a clean and tidy condition at all times.	Ongoing	C	Field inspection noted the site is clean and tidy. Inspection included workshop area.	None
10. Soils, and Capability and Agricultural Suitability					
Create a final landform that is safe, stable and is amenable to a combination of agricultural and native flora/fauna conservation activities.	10.1 (Where practicable), immediately transfer stripped soil from source to active rehabilitation.	During soil stockpiling activities	C	This is completed when practical. Where not practical topsoil is stored and managed in accordance with the BOMP.	None
	10.2 Stockpile the soils of each soil unit separately. This will allow the Dark Brown Vertosol soils to be preferentially used for areas of the final landform designated for the re-establishment of higher quality agricultural land.	During soil stockpiling activities	C	Topsoil management is outlined in the MOP. Inspections noted that topsoil is stockpiled separately. Topsoil is monitored for pH and other parameters. See section 5.4 of the AEMR.	None
	10.3 Maintain a soil inventory: · to ensure appropriate volumes of different soil units are stripped consistently with the soil requirements of the final landform. · to identify the age of various soil stockpiles on the Project Site and therefore assist in minimising the length of time soils remained stockpiled. · to assist the Proponent in using the most appropriate soils for the different elements of the final landform.	Ongoing	C	Topsoil management is outlined in the MOP. Inspections noted that topsoil is stockpiled separately. Topsoil is monitored for pH and other parameters. See section 5.4 of the AEMR. Soil inventory kept on site. Signage used.	None
	10.4 Construct the eastern, southern and western surfaces of the overburden emplacement at 10° or less.	During regrading of the final slopes	NT	Final slopes are being shaped as mining progresses. Table 5.6 of 2013/14 AEMR outlines no rehabilitation has been completed over 10 degrees.	None
	10.5 Construct the northern surface of the overburden emplacement, which runs into the open cut void with steeper slopes which would ultimately be reduced to 18° (1V:3H) or less in the final landform.	During regrading of the final slopes	NT	Not end of mine life.	None
	10.6 Create a series of contour banks, similar to those on the existing landform, on the outer slopes of the regraded emplacement to manage surface water runoff and assist in minimising erosion of these slopes.	During rehabilitation activities	C	MOP outlines the preparation of contour banks. Inspection noted rehabilitated contour banks. Rehabilitation contour banks are generally vegetated and stable.	None
	10.7 Conduct monitoring of rehabilitation performance against the proposed sustainable land use outcome and carry out amelioration works where necessary.	During rehabilitation activities	C	Rehabilitation monitoring is undertaken regularly at WCC. Section 5.4 outlines rehabilitation monitoring results.	None
	10.8 Reinstate at least 37a of Class III land on the rehabilitated landform.	By the end of mine life	NT	Not end of mine life.	None
	10.9 Backfill the final void to above the modelled final water table level.	During construction of the final void	NT	Not end of mine life.	None
Minimise the degradation to soil resources.	10.10 Undertake vegetation clearing activities so as to minimise soil disturbance.	During clearing of larger vegetation	C	Vegetation clearing completed during single campaign each year. All vegetation clearing was undertaken following a Pre/During/Post Clearing Inspections by an Ecologist in accordance with Section 3.1 of the MOP and AEMR.	None
	10.11 Retain smaller vegetation and leaf litter in the soil to be stripped.	During soil stripping activities	C	Top layer of material is kept when topsoil is removed.	None
	10.12 Stripping of soil during periods of excessive soil moisture content will be avoided to reduce the likelihood of damage to soil structure.	During soil stripping activities	C	Soil stripping is outlined in section 3.3 of the MOP.	None
	10.13 Soil to be preferentially respread on areas of the final landform immediately following stripping rather than being stockpiled.	During soil stripping activities	C	Where practical soil is spread onto rehabilitation areas immediately. However generally soil is stockpiled for future use in rehabilitation.	None
	10.14 Where stockpiling is necessary, soil stockpiles would not exceed 3m in height.	During soil stockpiling activities	C	Inspections indicated several topsoil stockpiles, with all inspected being less than 3m in height.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
Maximise the retention of soil resources.	10.15 Soil is to be generally stripped in accordance with Table 2.7.	During soil stripping activities	C	Topsoil stripping generally in accordance with the table.	None
11. Waste					
Manage waste appropriately on site.	11.1 Maintain a register of the types and quantities of wastes produced on the Project Site.	Ongoing	C	Waste Register viewed.	Develop a waste management plan for the site to document the waste management strategy for the site. Investigate options for implementing a total waste management service which includes the separation of all recyclable material as well as the oily waste. Training on oil spill response, cleanup and general waste management is to be undertaken for all staff in the field of operations and maintenance.
	11.2 Design and maintain storage areas to contain spillages.	Ongoing	C	Storage area noted during field inspection. Section 3.4 of AEMR outlines hydrocarbon management.	
	11.3 Segregate and retain recyclable and non-recyclable waste in designated storage areas prior to removal from the Project Site.	Ongoing	C	Tool box talk training has been completed. Waste management reviewed during field inspection. Improvements can be made in segregating waste. It was noted in the AEMR that recyclable paper and cardboard and timber which is deposited in specified recycling bins and are collected by Merinda Aboriginal Corporation for sorting and recycling at their depot. No plan in place outlining waste management.	
	11.4 Keep the Project Site in a clean and tidy condition.	Ongoing	C	Noted during field inspection. Housekeeping is of a good level.	
	11.5 Ensure waste is regularly removed from the Project Site by a licensed contractor.	Ongoing	C	Noted during field inspection. Contract to regularly remove waste. Waste recorded.	
12. Hazards					
Manage bushfire hazards appropriately.	12.1 Maintain an immediate method of egress from the Project Site to Project personnel in the event of bushfire attack on the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
	12.2 Follow all instructions provided by the NSW Rural Fire Service (RFS) or police in the event of a local bushfire event threatening the Project Site.	In the event of a local bushfire event threatening the Project Site.	N/A	N/A for environmental audit.	None
	12.3 Provide access to all Project Site water storages to the RFS and any reasonable assistance offered to RFS or police personnel.	In the event of a local bushfire event threatening the Project Site.	N/A	N/A for environmental audit.	None
	12.4 Refuelling to be undertaken within designated fuel bays or within cleared area of the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
	12.5 Turn off vehicles during refuelling.	During refuelling.	N/A	N/A for environmental audit.	None
	12.6 Enforce a no smoking policy in designated areas of the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
	12.7 Maintain fire extinguishers within site vehicles and refuelling areas.	Ongoing	N/A	N/A for environmental audit.	None
	12.8 Ensure a water cart is available to assist in extinguishing any fire ignited.	In the event of a fire.	N/A	N/A for environmental audit.	None
	12.9 Equip all equipment on site with adequate and fully operational fire suppression equipment in accordance with AS 1841 and AS 1851.	Ongoing	N/A	N/A for environmental audit.	None
	12.10 Train all employees in the proper use of fire fighting equipment held on site.	Ongoing	N/A	N/A for environmental audit.	None
	12.11 Set aside water especially for fire fighting on site.	Ongoing	N/A	N/A for environmental audit.	None
	12.12 Ensure that fire fighting equipment is made available to the local Rural Fire Service if required in the event of a bushfire in the land surrounding the Project Site.	In the event of a bushfire in the land surrounding the Project Site	N/A	N/A for environmental audit.	None
	12.13 Develop and maintain firebreaks at the edge of the Project Site.	Ongoing	N/A	N/A for environmental audit.	None
Minimise the potential for a traffic incident on a public road involving a Project related vehicle.	12.14 Locate the Escott Road Entrance to the Project Site to the east of the Rail Load-out Road with light vehicle traffic to the Project Site offices not required to cross the Rail Load-out Road.	During the construction phase of the Project	N/A	N/A for environmental audit.	None
	12.15 Install level crossings at the two points where Escott Road crosses the turn-around rail loop.	During construction of the rail loop	N/A	N/A for environmental audit.	None
	12.16 Construct an all-weather access road around the perimeter of the turn-around rail loop.	During construction of the rail loop	N/A	N/A for environmental audit.	None
The storage and handling of hazardous materials is	12.17 Direct all water from wash-down areas and workshops to oil separators and containment systems.	Ongoing	C	All water from workshop is directed to the dirty water management system. Inspection noted washdown and maintenance areas.	None
	12.18 Ensure that all storage tanks are either self bunded tanks or bunded with an impermeable surface and a capacity to contain a minimum 110% of the largest storage tank capacity.	Ongoing	C	Double skinned tank is used to store diesel at WCC. Sufficient capacity. Section 3.4 of the 2013/14 AEMR outlines hydrocarbon management.	Tank storage and management of spills should be outlined in a Waste/Hydrocarbon Management Plan.
	12.19 Securely store all hydrocarbon products.	Ongoing	C	Other hydrocarbon products are stored within the bunded areas near the workshop. Section 3.4 of the 2013/14 AEMR outlines hydrocarbon management.	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
appropriately managed.	12.20 Designate areas for refuelling and minor maintenance work (with the exception of less mobile mining equipment, e.g. excavators which would be refuelled within the open cut area) and enforce the use of these areas.	Ongoing	C	Fuel storage and refuelling facilities comprising of 2 x 60 000L self-bunded fuel tanks and a refuelling bay would be relocated within the Site Administration and Workshop. Refuelling of equipment onsite is to be undertaken from this facility, or via a mobile fuel service truck used to service active and less-mobile equipment within the open cut mine.	None
13. Community Consultation					
Provide for ongoing support to the Werris Creek local community and Liverpool Plains Shire Council.	13.1 Maintain the Community Consultative Committee and include local community representative as stipulated by project approval conditions.	Ongoing	C	CCC maintained. Meeting in May 2014. Meeting minutes on website.	None
	13.2 Complete and distribute regular newsletters regarding project progress and operations.	At least 6 monthly	C	Newsletters on website. Most recent Summer 2014.	None
	13.3 Continue to provide funding towards maintenance of Taylors Lane through S94 contributions as per the current contributions agreement with LPSC	Ongoing	C	Sighted email dated 23 April 2014 regarding Taylors Arm costs	None
	13.4 Establish a Community Enhancement Fund through Liverpool Plains Shire Council as agreed by Council in their 5 July 2010.	Ongoing	C	Community Enhancement Fund sighted by the audit team.	None
14. Environmental Monitoring					
Implement a comprehensive and ongoing surface water monitoring program.	14.1 Monitor surface water quality for: pH, electrical conductivity, total suspended solid concentration, Oil & Grease levels at licensed discharge points, receiving waters (Werris and Quipolly Creeks) and clean, dirty and void water dams. (See also Commitment 2.7).	Quarterly and during surface overflow events from licensed discharge points Quarterly and within 12 hours after an over flow event to the receiving waters	C	Surface water is monitored quarterly. Locations outlined in SWMP and AEMR. Discharge monitoring is completed.	None
Implement a comprehensive and ongoing groundwater monitoring program.	14.2 Continue monitoring of piezometers and groundwater bores on and surrounding the Project Site in accordance with the current Groundwater Monitoring Program.	Both monthly and continuous (dependent on particular piezometer or groundwater bore)	NC	2013-14 AEMR indicates groundwater monitoring (levels) is undertaken bimonthly, instead of monthly as per this commitment. SWMP is still in draft and outlines monitoring is completed bimonthly for water levels. The audit team considers monitoring every two months to be sufficient.	None
	14.3 Update the Groundwater Monitoring Program.	Within 12 months of receiving project approval	C	Draft first sent to DP&I for consultation in April 2012 (within 12 months of approval).	None
	14.4 Commission an experienced hydrogeologist to collate and review the monitoring data collected annually in order to assess the impacts of the project on the groundwater environment, and to compare any observed impacts with those predicted from groundwater modelling.	Annual	C	Annual Groundwater Report is completed. Attached to AEMR. Completed by ENVIRON in 2013.	None
	14.5 Implement the Groundwater Contingency Plan as required.	In the event that routine monitoring indicates that a trigger has been reached	C	Contingency Plan has been prepared but has not yet been required to be implemented.	None
Implementation of an appropriate noise monitoring program to ensure continuing compliance with DECCW guideline levels.	14.6 Undertake attended noise monitoring at the residences most likely to be affected by the LOM Project. · R20: "Tonsley Park" · R9: "Almawillee" · R11: "Glenara" · R12: Fletcher · Werris Creek Town (R55 or R62) · R14: "Greenslopes & Banool"	Monthly	C	Monthly noise monitoring reports	
	14.7 Implement a real-time noise monitoring program with monitoring to be conducted at the most affected receiver based on the prevailing conditions at the time	Within 12 months of project approval	C	Sighted the monitoring equipment. Sighted noise control operator records.	
	14.8 Update the Noise Monitoring Program to reflect additional attended and real time monitoring sites.	Within 12 months of receiving project approval	C	Updated within the Noise Management Plan.	
Implementation of an appropriate air quality monitoring program to ensure continuing compliance with DECCW guideline levels.	14.9 Maintain the existing dust (WC1 to WC10), PM10 (WCHV1 to WCHV4) and TSP (WCTSP) monitoring network as identified in the Werris Creek Coal Mine Air Quality Monitoring Program.	Ongoing	C	Sighted.	None
	14.10 Install a new High Volume Air Sampler, monitoring for PM2.5	Within 12 months of project approval	C	PM2.5 monitored by TEOM rather than HVAS but this is an improvement.	None
	14.11 Implement a real-time particulate matter monitoring program at locations to be determined within 12 months of approval.	Within 12 months of project approval	C	Sighted.	None
	15.1 Incorporate the environmental procedures in an on-site management system.	Prior to relevant activity	C	Environmental procedures contained within the Environmental Management Strategy (not yet approved).	None

Desired Outcome	Action	Timing	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
A systematic set of documents are in place to guide the planning and implementation of all environmental management strategies.	15.2 Prepare or update the following management and monitoring plans; · Mining Operations Plan · Aboriginal Cultural Heritage Management Plan · Energy Savings Action Plan · Water Management Plan · Erosion & Sediment Control Plan · Noise Management Plan · Noise Monitoring Program · Air Quality Monitoring Program · Rehabilitation and Landscape Management Plan · Biodiversity Offset Management Plan	Various and as nominated by project approval	C	These management plans have been prepared. There is no requirement to prepare a Rehabilitation Management Plan as this has been incorporated in the MOP.	None
	15.3 Incorporate relevant environmental data /information in Annual Environmental Management Reports.	Annually	C	Relevant data is recorded in the AEMR.	None

APPENDIX 4 – MINING LEASES COMPLIANCE TABLE

ML 1671

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
NOTICE TO LANDLORDS				
1	(a) Within a period of three months from the date of grant/renewal of this lease or within such a time as the Minis may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that the 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. (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 must be granted/renewed; state whether the lease includes the surface and must contact an adequate plan and description of the lease area.	N/A	NA as WCC owns all land within the mining lease.	None
ENVIRONMENTAL HARM				
2	(a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activates under this lease. (b) For the purposes of this condition: (i) environment means components of the earth, including: (A) land, air and water, and (B) any layer of the atmosphere, and (C) any organic or inorganic matter and any living organism, and (D) human-made or modified structures and areas, and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C). (ii) harm to the environment include 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 degrading of any threatened species, populations, contributes to the extinction or degradation of any threatened species, population or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.	C	Site has implemented measures to minimise hard to the environment. A surface water discharge occurred from Void Dam 1, but this is outside the area of this lease.	None
MINING OPERATIONS PLAN				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
3	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General.</p> <p>(b) The MOP must:</p> <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 mine closure;</p> <p>(iv) identify how mining operations will be carried out in order to prevent and or minimise harm to the environment;(v) reflect the conditions of approval under:</p> <p>* the <i>Environmental Planning and Assessment Act 1979</i></p> <p>* the <i>Protection of the Environment Operations Act 1997</i></p> <p>* and any other approvals relevant to the development including the conditions of this lease; and</p> <p>* have regard to any relevant guidelines adopted by the Director-General.</p> <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 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/ Coal Mine Health and Safety Act 2002 and Mine Health and Safety Regulation 2007/ Coal Mine Health and Safety Regulation 2006</i> or the <i>Occupational Health and Safety ACT 2000</i>; and</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>	C	<p>MOP has been prepared and approved 29 November 2011.</p> <p>MOP covers the period of 1 September 2011 - 31 August 2018. MOP has been prepared to meet these conditions. Includes rehabilitation and closure components.</p>	None
ENVIRONMENTAL MANAGEMENT REPORT				
4	<p>(a) The lease holder must lodge Environmental Management Report (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>	C	<p>AEMR is prepared for the site. Prepared to meet the AEMR guidelines Covers required information.</p> <p>Outlines rehabilitation monitoring and progress.</p>	None
ENVIROMENT INCIDENT REPORT				
5	<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 incidents 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 and 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 and 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 expense that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.</p>	C	<p>Environmental incidents are reported to the relevant government agencies. They are to be contacted immediately following an incident. This is a component of the Pollution Incident Response Management Plan.</p> <p>Detailed incident reports are to be sent to the EPA and other relevant agencies within 7 days of an incident.</p>	None
ADDITIONAL ENVIRONMENTAL REPORTS				
6	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.	C	Additional environmental reports are completed if requested.	None
REHABILITATION				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
7	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	C	Progressive rehabilitation is of a good quality. As the site is still operational no rehabilitation has been signed off by the DG.	There was a couple of small areas where weeds are dominant. These areas are already known and have been fenced off and signed. Continue to implement the strategy to remove these weeds from site and complete additional rehabilitation once weeds are removed.
BLASTING				
10	<p>(a) Ground Vibration 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>(b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 db (linear) and does not exceed 115 db (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.</p>	C	<p>Monitoring results presented in AEMR's.</p> <p>2011/12 reporting period: 84 blasts, 2 blasts caused exceedance of 115dBA at two locations. One of these locations; "Greenslopes" was purchased by WCC in December 2011.</p> <p>2012/13 reporting period: 82 blasts in total, no airblast measured above 115dBA.</p> <p>2013/14 reporting period: 90 blasts in total, 2 blasts caused airblast levels above 115dBA at two privately owned residences.</p> <p>Complaints recorded in AEMR.</p>	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
SAFETY				
11	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.	N/A	N/A to this audit	None
PREVENTION OF SOIL EROSION AND POLLUTION				
12	Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	C	Disturbance permits completed during exploration activities. Exploration on site appears to have been managed effectively.	None
TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES				
13	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.	C	No impact	None
ROAD AND TRACKS				
14	<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 road authority in making good any damage to roads or tracks caused by the 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 (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>	C	Haul roads and access tracks are generally kept to a minimum. Inspections noted maintenance of roads.	None
TREES AND VEGETATION				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
15	<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 on Crown land is subject to the requirements of the Forestry Act 1916</i></p>	C	<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>	None
INDEMNITY				
18	<p>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.</p>	N/A	N/A for this audit.	None
SINGLE SECURITY				
20	<p>A single security in the sum of \$4,062,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under each mining lease 1563 (Act 1992) and any lease granted in satisfaction of Mining Lease Applications 407, 408 and 409 (Act 1992).</p>	C	<p>A security deposit has been completed for the whole of the WCC operation and has been completed in accordance with the DRE closure tool. This security deposit covers this lease.</p>	None
COOPERATION AGREEMENT				
24	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> * access arrangements * operational interaction procedures * dispute resolution * information exchange * well location * timing of drilling * potential resource extraction conflicts and * rehabilitation issues <p><i>Note: Exploration Reports (Geological and Geophysical)</i> <i>The lease holder must lodge reports to the satisfaction of the Director-General in accordance with section 163c of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</i></p> <p><i>Reports must be prepared in accordance with Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales. (Department of Trade and Investment; Regional Infrastructure and Services 2010)</i></p>	N/A	NA as WCC owns all land within the mining lease.	None

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Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
NOTICE TO LANDLORDS				
1	<p>(a) Within a period of three months from the date of grant/renewal of this lease or within such a time as the Minister may allow, the lease holder must serve on each landholder of the land a notice in writing indicating that the 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 must be granted/renewed; state whether the lease includes the surface and must contact an adequate plan and description of the lease area.</p>	N/A	NA as WCC owns all land within the mining lease.	None
ENVIRONMENTAL HARM				
2	<p>(a) The lease holder must implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction, operation or rehabilitation of any activates under this lease.</p> <p>(b) For the purposes of this condition:</p> <p>(i) environment means components of the earth, including:</p> <p>(A) land, air and water, and</p> <p>(B) any layer of the atmosphere, and</p> <p>(C) any organic or inorganic matter and any living organism, and</p> <p>(D) human-made or modified structures and areas,</p> <p>and includes interacting natural ecosystems that include components referred to in paragraphs (A)-(C).</p> <p>(ii) harm to the environment include 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 degrading of any threatened species, populations, contributes to the extinction or degradation of any threatened species, population or ecological communities and their habitats and causes impacts to places, objects and features of significance to Aboriginal people.</p>	C	Site has implemented measures to minimise hard to the environment. A surface water discharge occurred from Void Dam 1, but this is outside the area of this lease.	None
MINING OPERATIONS PLAN				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
3	<p>(a) Mining operations must not be carried out otherwise than in accordance with a Mining Operations Plan (MOP) which has been approved by the Director-General.</p> <p>(b) The MOP must:</p> <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 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> <p>* the <i>Environmental Planning and Assessment Act 1979</i></p> <p>* the <i>Protection of the Environment Operations Act 1997</i></p> <p>* and any other approvals relevant to the development including the conditions of this lease; and</p> <p>* have regard to any relevant guidelines adopted by the Director-General.</p> <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 lawful order or direction given under the <i>Mining Act 1992</i>, the <i>Environmental Planning and Assessment Act 1979</i>, <i>Protection of the Environment Operations Act 1997</i>, <i>Mine Health and Safety Act 2004</i>/ <i>Coal Mine Health and Safety Act 2002</i> and <i>Mine Health and Safety Regulation 2007</i>/ <i>Coal Mine Health and Safety Regulation 2006</i> or the <i>Occupational Health and Safety ACT 2000</i>; and</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>	C	<p>MOP has been prepared and approved 29 November 2011.</p> <p>MOP covers the period of 1 September 2011 - 31 August 2018. MOP has been prepared to meet these conditions. Includes rehabilitation and closure components.</p>	None
ENVIRONMENTAL MANAGEMENT REPORT				
4	<p>(a) The lease holder must lodge Environmental Management Report (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>	C	<p>AEMR is prepared for the site. Prepared to meet the AEMR guidelines. Covers required information.</p> <p>Outlines rehabilitation monitoring and progress.</p>	None
ENVIRONMENT INCIDENT REPORT				
5	<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 incidents 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 and 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 and 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 expense that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.</p>	C	<p>Environmental incidents are reported to the relevant government agencies. They are to be contacted immediately following an incident. This is a component of the Pollution Incident Response Management Plan.</p> <p>Detailed incident reports are to be sent to the EPA and other relevant agencies within 7 days of an incident.</p>	None
ADDITIONAL ENVIRONMENTAL REPORTS				
6	Additional environmental reports may be required from time to time as directed in writing by the Director-General and must be lodged as instructed.	C	Additional environmental reports are completed if requested.	None
REHABILITATION				
7	Any disturbance as a result of activities under this lease must be rehabilitated to the satisfaction of the Director-General.	C	Progressive rehabilitation is of a good quality. As the site is still operational no rehabilitation has been signed off by the DG.	There was a couple of small areas where weeds are dominant. These areas are already known and have been fenced off and signed. Develop and implement a strategy to remove these weeds from site and complete additional rehabilitation once weeds are removed.

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
SUBSIDENCE MANAGEMENT				
8	<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 and 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 Subsidence Management Approvals.</p> <p>(e) Subsidence Management Plans as approved shall form part of the Mining Operations Plan required under condition 3 and 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>	N/A	WCC is an open cut mine	None
WORKING REQUIREMENT				
9	<p>The lease holder must:</p> <p>(a) ensure that at least six (6) competent people are efficiently employed in relation to the mining process or mining operations on the lease area</p> <p>OR</p> <p>(b) expand on operations carried out in the course of prospecting or mining the lease area, an amount of not less than \$105,000 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>	C	WCC operation as a whole meets this requirement.	None
BLASTING				
10	<p>(a) Ground Vibration 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>(b) Blast Overpressure The lease holder must ensure that the blast overpressure noise level generated by any blasting within the lease area does not exceed 120 db (linear) and does not exceed 115 db (linear) in more than 5% of the total number of blasts over a period of 12 months, at any dwelling or occupied premises, as the case may be, unless determined otherwise by the Department of Environment, Climate Change and Water.</p>	C	<p>Monitoring results presented in AEMR's.</p> <p>2011/12 reporting period: 84 blasts, 2 blasts caused exceedance of 115dBA at two locations. One of these locations; "Greenslopes" was purchased by WCC in December 2011.</p> <p>2012/13 reporting period: 82 blasts in total, no airblast measured above 115dBA.</p> <p>2013/14 reporting period: 90 blasts in total, 2 blasts caused airblast levels above 115dBA at two privately owned residences.</p> <p>Complaints recorded in AEMR.</p>	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
SAFETY				
11	Operations must be carried out in a manner that ensures the safety of persons or stock in the vicinity of the operations. All drill holes shafts and excavations must be appropriately protected, to the satisfaction of the Director-General, to ensure that access to them by persons and stock is restricted. Abandoned shafts and excavations opened up or used by the lease holder must be notified in writing to the Department and filled in or otherwise rendered safe to a standard acceptable to the Director-General.	N/A	N/A to this audit	None

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
PREVENTION OF SOIL EROSION AND POLLUTION				
12	Prospecting operations must be carried out in a manner that does not cause or aggravate air pollution, water (including groundwater) pollution, soil contamination or erosion, unless otherwise authorised by a relevant approval, and in accordance with an accepted Mining Operations Plan.	C	Disturbance permits completed during exploration activities. Exploration on site appears to have been managed effectively.	None
TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES				
13	Operations must not interfere with or impair the stability or efficiency of any transmission line, communication line, pipeline or any other utility on the lease area without the prior written approval of the Director-General and subject to any conditions stipulated.	C	No impact	None
ROAD AND TRACKS				
14	(a) The lease holder must pay to the relevant roads authority in control of the road or track the reasonable costs incurred by the road authority in making good any damage to roads or tracks caused by the operations carried out under this lease less any amount paid or payable from the Mine Subsidence Compensation Fund. (b) During wet weather the use of any road or track must be restricted so as to prevent damage to the road or track. (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. (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.	C	Haul roads and access tracks are generally kept to a minimum. Inspections noted maintenance of roads.	None
TREES AND VEGETATION				
15	(a) The lease holder must not fell trees, strip bark or cut timber on any land subject of this lease without the consent of the landholder who is entitled to the use of the timber. (b) The lease holder must contact Forests NSW and obtain any required permit, licence or approval before taking timber from a Crown land within the lease area. <i>Note: Any clearing not authorised under the Act must comply with the requirements of the Native Vegetation Act 2003. Any clearing or taking on Crown land is subject to the requirements of the Forestry Act 1916</i>	C	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.	None
RESOURCE RECOVERY				
17	(a) Notwithstanding any description of mining methods and their sequence 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 the environmental reasons are necessary to be removed, notice in writing to the lease holder may be given requiring the holder to recover such minerals. (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. (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.	NT	Mining is completed as per the MOP.	
INDEMNITY				
18	The lease holder must indemnify and keep indemnified the Crown from and against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses which may be brought against the lease holder or which the lease holder may incur in respect of any accident or injury to any person or property which may arise out of the construction, maintenance or working of any workings now existing or to be made by the lease holder within the lease area or in connection with any of the operations notwithstanding that all other conditions of this lease shall in all respects have been observed by the lease holder or that any such accident or injury shall arise from any act or thing which the lease holder may be licensed or compelled to do.	N/A	N/A for this audit.	None
SINGLE SECURITY				

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
20	A single security in the sum of \$4,062,000 must be given and maintained with the Minister by the lease holder for the purpose of ensuring the fulfilment by the lease holder of obligations under each mining lease 1563 (Act 1992) and any lease granted in satisfaction of Mining Lease Applications 407, 408 and 409 (Act 1992).	C	A security deposit has been completed for the whole of the WCC operation and has been completed in accordance with the DRE closure tool. This security deposit covers this lease.	None
SUSPENSION OF MINING OPERATIONS				
23	The holder of a mining lease may not suspend mining operations in the mining area other than in accordance with the consent of the Minister.	C	Mining operations continued during the audit period.	
COOPERATION AGREEMENT				
24	<p>The lease holder must make every reasonable attempt, and be able to demonstrate their attempts, to enter into a cooperation agreement with the holder(s) of any overlapping title(s). The cooperation agreement should address but not be limited to issues such as:</p> <ul style="list-style-type: none"> * access arrangements * operational interaction procedures * dispute resolution * information exchange * well location * timing of drilling * potential resource extraction conflicts and * rehabilitation issues <p><i>Note: Exploration Reports (Geological and Geophysical)</i> <i>The lease holder must lodge reports to the satisfaction of the Director-General in accordance with section 163c of the Mining Act 1992 and in accordance with clause 57 of the Mining Regulation 2010.</i></p> <p><i>Reports must be prepared in accordance with <u>Exploration Reporting: A guide for reporting on exploration and prospecting in New South Wales</u>. (Department of Trade and Investment; Regional Infrastructure and Services 2010)</i></p>	N/A	NA as WCC owns all land within the mining lease.	None

ML 1563

Condition Number	Condition	Compliance Status (C/O/I/NC/NA)	Evidence	Recommended Action
NOTICE TO LANDLORDS				
1	<p>Within a period of three months from the date of grant of this lease or within such further time as the Minister will allow, the lease holder must serve on each landholder of the land a notice in writing indicating that the 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 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>	N/A	NA as WCC owns all land within the mining lease.	None
MINING, REHABILITATION, ENVIRONMENTAL MANAGEMENT PROCESS (MREMP)				
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 any current Plan; and</p> <p>(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: -</p> <p>(a) area(s) proposed to be disturbed under the Plan</p> <p>(b) mining and rehabilitation method(s) to be used and their sequence</p> <p>(c) areas to be used for disposal of tailings/waste;</p> <p>(d) existing and proposed surface infrastructure'</p> <p>(e) existing flora and fauna on the site;</p> <p>(f) progressive rehabilitation schedules;</p> <p>(g) areas of particular environmental, ecological and cultural sensitivity and measures to protect these areas;</p> <p>(h) water management systems (including erosion and sediment controls);</p> <p>(i) proposed resource recovery; and</p> <p>(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 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>	C	<p>MOP has been prepared and approved 29 November 2011.</p> <p>MOP covers the period of 1 September 2011 - 31 August 2018. MOP has been prepared to meet these conditions. Includes rehabilitation and closure components.</p>	None
ANNUAL ENVIRONMENTAL MANAGEMENT REPORT (AEMR)				
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 (AEMR) 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 ensuring twelve months of:</p> <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>	C	<p>AEMR is prepared for the site. Prepared to meet the AEMR guidelines. Covers required information.</p> <p>Outlines rehabilitation monitoring and progress.</p>	None
SUBSIDENCE MANAGEMENT				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
4	<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 <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 of subsidence monitoring and report set out in the document <i>New Approval Process for Management of Coal Mining Subsidence - Policy</i></p>	N/A	WCC is an open cut mine	None
WORKING REQUIREMENT				
5	<p>The lease holder must:</p> <p>(a) ensure that at least 28 competent people are efficiently employed on the lease area on each week day except Saturday or any week day this 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 not less than \$490,000.00 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>	C	WCC operation as a whole meets this requirement.	None
CONTROL OF OPERATIONS				
6	<p>(a) If an Environmental Office 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; and</p> <p>(ii) cease that part of the operation not complying under the Act or conditions; until in the opinion of the Environmental Office 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 the condition may be served on the Mine Manager</p>	NT	No issues have required for this condition to be triggered. Any non compliances reported in the AEMR.	None
REPORTS				
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 acquired through mining or development evaluation activities;</p> <p>(d) 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>	C	Sighted copy of Annual Exploration Report for ML 1563 covering period of 23 March 2013 - 22 March 2014.	None
LICENCE TO USE REPORTS				
8	<p>(a) The lease holder grants to the Minister, by way of a non-exclusive licence, the right to 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 purpose of section 365 of the Mining Act 1992.</p>	C	WCC allows for exploration reports to be published by the minister.	None
CONFIDENTIALITY				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
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>	C	All exploration reports are confidential (with exception of DRE and DG).	None
TERMS OF THE NON-EXCLUSIVE LICENCE				
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 copyrights 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 the period of not less than three months notice</p>	N/A	Condition is noted.	None
BLASTING				
11	<p>(a) Ground Vibration 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 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 and Conservation</p>	C	<p>Monitoring results presented in AEMR's.</p> <p>2011/12 reporting period: 84 blasts, 2 blasts caused exceedance of 115dBA at two locations. One of these locations; "Greenslopes" was purchased by WCC in December 2011.</p> <p>2012/13 reporting period: 82 blasts in total, no airblast measured above 115dBA.</p> <p>2013/14 reporting period: 90 blasts in total, 2 blasts caused airblast levels above 115dBA at two privately owned residences.</p> <p>Complaints recorded in AEMR.</p>	WCC receives a high level of blasting complaints from the communities of Werris Creek and Quipolly and mining operations are going to continue to advance closer to Werris Creek over the next decade. During the 2013-14 AEMR, WCC received 55 blast complaints from 23 complainants. SLR recommends a third party assessment is completed of blasting practices to determine if it is practicable and cost effective to modify current practices to further reduce community complaints. This assessment is to be undertaken by an expert in the field of blast management in consultation with the DP&I and EPA.
SAFETY				
12	Operations must be carried out in a manner that ensures the safety of a 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.	N/A	N/A to this audit	None
REHABILITATION				
13	<p>(a) Land disturbed must be rehabilitated to a stable and permanent form suitable for subsequent land use acceptable to the Director-General and in accordance with the Mining Operations Plan so that:-</p> <ul style="list-style-type: none"> * there is no adverse environmental effect outside the disturbed area and that the land is properly drained and protected from soil erosion * the state of land is compatible with the surrounding land and land use requirements * the landforms, soil, hydrology and flora require no greater maintenance than that in the surrounding land * in cases where revegetation is require 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 density. * the land does not pose a threat to public safety <p>(b) Any topsoil that is removed must be stored and maintained in a manner acceptable to the Director-General</p> <p>The lease holder must comply with any direction given by the Director-General regarding the stabilisation and revegetation of any mines residues, tailings or overburden dumps situated on the lease area.</p>	C	<p>Progressive rehabilitation is of a good quality. As the site is still operational no rehabilitation has been signed off by the DG.</p> <p>Current shaping and rehabilitation has produced good results. Topsoil is stored at site and labelled.</p>	There was a couple of small areas where weeds are dominant. These areas are already known and have been fenced off and signed. Develop and implement a strategy to remove these weeds from site and complete additional rehabilitation once weeds are removed.
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.	C	WCC has completed work at site with the direction provided by the DG.	None

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
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 drill exploratory drill holes he must satisfy the Director-General that:-</p> <p>(a) all cored holes are accurately surveyed and permanently marked in accordance with Departmental guidelines so that their location can be easily established;</p> <p>(b) all holes cored or otherwise are sealed to prevent the collapse of the surrounding surface;</p> <p>(c) all drill hole meet natural or noxious 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>	C	<p>A brief summary of the proposed exploration program is outlined in the AEMR - estimation on the total number of drill holes.</p> <p>The AEMR is provided to several government agencies including DRE.</p>	None
PREVENTION OF SOIL EROSION AND POLLUTION				
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, water body or groundwaters. The lease holder must observe and perform any instructions given by the Director-General in this regard.	NC	<p>Void Water Dam 1 is located within this mining lease.</p> <p>The Void Water Dam 1 discharged offsite on 11 March 2012. The PIN letter from EPA dated 24 September 2012 regarding the discharge of water from the dam noted the water had entered Quipolly Creek. With this being a discharge from a dam which is not a licensed discharge, it is therefore classified as a 'pollutant' under section 120 of the Protection of the Environment Operations Act 1997.</p> <p>It should be noted that since this discharge there have been several changes including major upgrades to Void Water Dams (certified geotechnical/construction design), update to the SWMP, training, regular inspections and maintenance, correspondence with EPA and DP&I. An automated float system (high water alarm) will be installed in 2014 to monitor water levels of the Void Water Dams.</p>	Automated float gauge to be installed in 2014.
TRANSMISSION LINES, COMMUNICATION LINES AND PIPELINES				
17	Operations must not interfere with or impair the stability of 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 he may stipulate.	C	No impact	None
FENCES, GATES				
18	<p>(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.</p> <p>(b) Gates within the lease area must be closed or left open in accordance with the requirements of the landholder.</p>	C	Inspections by the audit team noted fences were maintained. Fences reviewed during regular site inspections.	None
ROADS AND TRACKS				
19	<p>(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.</p> <p>(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 Mines Subsidence Compensation Fund.</p> <p>Access tracks must be kept to a minimum and be positioned so that they do not cause any unnecessary damaged 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</p>	C	Haul roads and access tracks are generally kept to a minimum. Inspections noted maintenance of roads.	None
TREES AND TIMBER				
21	<p>(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.</p> <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 out 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>	C	<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>	None
RESOURCE RECOVERY				

Condition Number	Condition	Compliance Status (C/O/NC/NA)	Evidence	Recommended Action
23	<p>(a) Notwithstanding any description of mining methods and their sequence 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 the environmental reasons are necessary to be removed, 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> <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 injury 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>	NT	Mining is completed as per the MOP.	None
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.	N/A	N/A for this audit.	None
SECURITY				
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 or 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:</p> <p>(i) cash</p> <p>(ii) a security certificate in a form approved by the Minister and issued by an authorised deposit-taking institution.</p>	C	A security deposit has been completed for the whole of the WCC operation and has been completed in accordance with the DRE closure tool. This security deposit covers this lease.	None
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 - ABN 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 Minister 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>	C	<p>Mining is completed within 50 metres of the former underground workings.</p> <p>WCC has approval to mine through these old underground workings using open cut mining methods as part of the LOM Project.</p>	None