



Wambo Coal Pty Limited
Wambo Coal Mine
Independent Environmental Audit

November 2021

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1. Introduction

1.1 Introduction and purpose of this report

The Wambo Coal Mine (the Mine) is an open cut and underground coal mining operation located approximately 15 kilometres (km) west of Singleton, near the village of Warkworth, New South Wales (NSW). Wambo is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited (Peabody).

A range of open cut and underground mine operations have been conducted at the Mine since mining operations commenced in 1969. Mining under the Development Consent (DA 305-7-2003) commenced in 2004 and currently both open cut and underground operations are conducted. The approved run-of-mine (ROM) coal production rate is 14.7 million tonnes per annum (Mtpa) and product coal is transported from Wambo by rail.

The latest modification to DA 305-7-2003 (Mod 16), approved by the Independent Planning Commission of NSW on 29 August 2019, requires development at the Mine to be undertaken in the following stages:

- **Phase 1** – open cut mining operations at Wambo open cut mine, underground mining operations at Wambo underground mine and the operation of Wambo mine infrastructure (including minor upgrades to this infrastructure) within the green operational area identified in the Phase 1 Figure.
- **Phase 2** – underground mining operations at Wambo underground mine, the operation of Wambo mine infrastructure within the green operational area identified in the Phase 2 Figure and associated surface development.
- **Phase 3** – following the cessation of underground mining operations that includes mine closure.

Phase 1 is anticipated to continue until end of November 2020.

WCPL commissioned GHD Pty Ltd (GHD) to conduct an independent environmental audit (IEA) of the Mine. The audit was conducted in accordance with Condition D11 of Development Consent 305-7-2003 (DA 305-7-2003) and DA 177-8-2004. The audit assessed the compliance status of operations at the Mine against DA 305-7-2003 and DA 177-8-2004, and other relevant environmental approvals and licences/leases, for operations during the period 1 September 2017 to 19 November 2020 (the date of the final day of the site inspection). However, it is noted the audit has considered data up to the end of November 2020 (i.e. end of Phase 1 operations).

The site inspection component of the IEA was conducted on Wednesday, 18 and Thursday, 19 November 2020. This report provides an outline of the audit methodology and results, and provides recommended actions for achieving full compliance with environmental approvals.

The audit was led by *Elliot Holland*, Lead Auditor – Environmental Management Systems (number: 115351) with technical review completed by *Simon Murphy*, Technical Lead – Environment. The following technical specialists were also included in the audit:

- *Michelle Kiejda*: All rehabilitation-related aspects of the audit.
- *Tyler Tinkler*: All water-related aspects of the audit.
- *Evelyn Potoczny*: All noise and blasting-related aspects of the audit.
- *Evan Milton*: All air quality-related aspects of the audit.

Condition D11 of DA 305-7-2003 and DA 177-8-2004 require an IEA to be undertaken by the end of October 2020, and every three years thereafter. Condition D11 constitutes the audit scope and requires that:

By the end of October 2020, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:

- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;*
- (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;*
- (c) be carried out in consultation with the relevant agencies and the CCC;*
- (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);*
- (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;*
- (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and*
- (g) be conducted and reported to the satisfaction of the Planning Secretary.*

As required by Condition D11 of DA 305-7-2003 and DA 177-8-2004 the audit team was approved by the Department of Planning, Industry and Environment (DPIE) to undertake the audit on 11 September 2020 (see Appendix A).

1.2 Scope of the audit

The audit took the following form:

- An initial start-up teleconference was held with relevant WCPL representatives to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring on the Mine, documentation for review and to schedule a date for the Mine inspection.
- Relevant agencies, including the Biodiversity Conservation Division (BCD) (formerly the Office of Environment and Heritage (OEH)), Natural Resources Access Regulator (NRAR) (formerly the Department of Primary Industries (DPI) – Water), Environment Protection Authority (EPA), the NSW Resources Regulator and Singleton Council were requested to provide comment on the performance and/or compliance of the project with relevant requirements and/or approvals.
- A review of available key documentation including the Environmental Assessment (EA) documentation, Development Consent, Environment Protection Licence (EPL) and other relevant site and environmental information (such as correspondence with relevant agencies and management plans and/or monitoring results) was undertaken prior to interviews with WCPL representatives and the Mine inspection. Additional documents were reviewed during and following the interviews with WCPL representatives and the Mine inspection.
- A two-day site inspection, including interviews, to assess the general environmental performance of site and discuss Development Consent and EPL compliance with key site-based personnel.
- Preparation of a draft audit report for WCPL to review.
- Finalisation of the audit report and submission to WCPL.

1.3 Audit participants

The personnel listed in Table 1-1. were involved over the course of the audit.

Table 1-1 Audit team members

Audit team members	Organisation	Role
Simon Murphy	GHD	Technical review
Michelle Kiejda	GHD	Technical Specialist - Rehabilitation
Elliot Holland	GHD	Lead Auditor
Tyler Tinkler	GHD	Technical Specialist – Water
Evan Smith	GHD	Technical Specialist – Air Quality
Evelyn Potoczny	GHD	Technical Specialist – Noise and Blasting
Peter Jaeger	WCPL	Manager – Environment and Community
Nicole Dobbins	WCPL	Senior Environment Advisor
Kimberley Hines	WCPL	Senior Environment Advisor
Jeff Hanlon	WCPL	Open Cut Mine Manager

1.4 Limitations

This report has been prepared by GHD for WCPL and may only be used and relied on by WCPL for the purpose agreed between GHD and the WCPL as set out in Sections 1.1 and 1.2 of this report.

GHD otherwise disclaims responsibility to any person other than WCPL arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

GHD has prepared this report on the basis of information provided by WCPL, which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

2. Methodology

The audit process involved the interview of personnel, a review of documentation and samples of records provided by WCPL and a site inspection of the mining operations to determine the level of environmental performance and compliance of the development with DA 305-7-2003 and DA 177-8-2004, the EPL and relevant leases. The audit process is described in more detail in Sections 2.1 to 2.6.

2.1 Audit inception

An initial start-up teleconference for the audit was held on Thursday, 8 October 2020 with relevant WCPL representatives to discuss the audit methodology, identify relevant personnel involved in the project, key activities and systems occurring on site, documentation for review and to schedule a date for the site inspection.

2.2 Document review

Environmental documentation associated with the Mine was reviewed by the auditors prior to site visit. WCPL personnel provided a number of documents for review including:

- Rehabilitation Management Plan (RMP)
- Traffic Management Plan (TMP)
- Pollution Incident Response Management Plan (PIRMP)
- Water Management Plan (WMP)
- Environmental Management Strategy (EMS)
- Mining Operations Plan (MOP)
- Air Quality and Greenhouse Gas Management Plan (AQGGMP)
- Noise Management Plan (NMP)
- Blasting Management Plan (BMP)
- DA 305-7-2003
- DA 177-8-2004
- EPL 529
- Coal Lease 374 (CL 374)
- CL 397
- CL 365
- Consolidated CL 743 (CCL 743)
- Mining Lease 1402 (ML 1402)
- ML 1572
- ML 1594
- ML 1806: *Noted to form part of operations completed after (outside) the audit period; with this ML issued 11 August 2020, no relevant works under this ML have occurred during the audit period, with no approved Extraction Plan (for ML 1806) at the time of the audit.*
- EA documentation

- Correspondence to/from relevant agencies and Community Consultative Committee (CCC) Chairperson.

Additional documents were provided during and following the audit as evidence of compliance with DA 305-7-2003 and DA 177-8-2004, the EPL, and relevant lease(s).

2.3 Agency consultation

As part of the audit process, the following agencies were invited to provide comment in regard to Development Consent conditions requiring specific consultation with the particular agencies, including:

- DPIE
- NSW Resources Regulator
- NRAR/DPIE Water Group
- BCD
- Heritage NSW
- EPA
- Singleton Council
- The CCC Chairperson.

Letters requesting comment from the agencies were emailed on 14 October 2020.

Correspondence was received from the EPA and BCD indicating no relevant input to the 2020 IEA. No responses were received from any other agencies. Copies of this correspondence are provided in Appendix B. Correspondence was received from NSW Resources Regulator (see Appendix B) and has been considered in Section 4.8.2.

2.4 Site inspection and interviews

2.4.1 Opening and closing meeting

GHD undertook a site visit of Wambo on 18 and 19 November 2020. The audit team used the site inspection to review compliance with various environmental requirements of the Mine.

Conditions on the day of the site inspection were noted to be:

- Wednesday, 18 November 2020 – up to 25 degrees Celsius (°C), with wind gusts up to 37 km/hr, from the east/south-east.
- Thursday, 19 November 2020 – up to 29 °C, with wind gusts up to 30 km/hr, from the east/south-east.

The opening and closing meetings were held at the Main Administration Building. The list of participants is provided in Table 2-1.

Table 2-1 Opening meeting attendees

Audit team members	Organisation	Role
Day 1 – Wednesday, 18 September 2020		
Elliot Holland	GHD	Lead Auditor
Michelle Kiejda	GHD	Technical Specialist – Rehabilitation
Tyler Tinkler	GHD	Technical Specialist – Water
Peter Jaeger	WCPL	Manager – Environment and Community
Nicole Dobbins	WCPL	Senior Environment Advisor
Kimberley Hines	WCPL	Senior Environment Advisor
Day 2 – Thursday, 19 September 2020		
Evan Smith	GHD	Technical Specialist – Air Quality
Evelyn Potoczny	GHD	Technical Specialist – Noise and Blasting
Peter Jaeger	WCPL	Environment and Community Manager
Nicole Dobbins	WCPL	Senior Environment Advisor
Kimberley Hines	WCPL	Senior Environment Advisor
Jeff Hanlon	WCPL	Open Cut Mine Manager

Following the opening meeting, a site inspection was undertaken of the Mine and operations.

The objectives of the closing meeting were to discuss any outstanding matters, present preliminary findings and outline the process for finalising the audit report.

2.4.2 Audit interviews

During the on-site component of the audit, interviews were conducted with the WCPL staff identified in Table 2-1.

2.4.3 Data collection and verification

Where possible, documents and data collected during the audit process were reviewed whilst on-site. A number of documents were provided to the audit team prior to the on-site component of the audit. Several documents that were not available during the on-site component were provided following the audit.

All information obtained during the audit process was verified by the audit team where possible. For example, statements made by site personnel were verified by viewing documentation and/or via visual observations made during the site inspection. Where suitable verification was unable to be obtained, this has been identified.

2.4.4 Site inspection

A detailed site inspection of Wambo was undertaken on 18 and 19 November 2020. The following locations were inspected:

- Mine Infrastructure Area (MIA) and workshop area, including oil and chemical storage, re-fuelling areas, above ground storage tanks, etc.
- Train load-out facility
- North Wambo Creek Diversion
- Effluent irrigation area (*note: not currently operation as a result of relocation to facilitate the United Wambo Joint Venture*)
- Approved Extraction and Overburden Emplacement Area
- Coal Handling Preparation Plant (CHPP)
- Clean water catchment, including diversions and dams

2.5 Reporting

This report presents the findings of the Wambo Mine IEA required by Condition D11 of DA 305-7-2003 and DA 177-8-2004 for operations during the period 1 September 2017 to 19 November 2020. However, it is noted the audit has considered data up to the end of November 2020 (i.e. end of Phase 1 operations).

This report summarises the findings of WCPL's compliance with the requirements of DA 305-7-2003 and DA 177-8-2004, EPL 529, and relevant leases (i.e. CL 374, CL 397, CCL 743, and ML 1402) in Section 4.

This report has been prepared on an exception basis, highlighting the compliance issues identified along with any areas where action or improvement is required. The IEA has been prepared in accordance with the *NSW Government Independent Audit Guideline* (NSW Government, 2015).

Table 2-2 details where the key requirements of the guidelines have been addressed.

Table 2-2 Independent Audit Guideline Requirements

Section	Description	Where addressed
2	Assess the operator's compliance with the requirements of regulatory approvals, including (as applicable): <ul style="list-style-type: none">• The Development Consent• The Environment Protection Licence• The Mining Lease• Water licences and approvals.	Section 4
2, 3	The scope of the audit and the audit team (including any technical specialists) to be determined by the lead regulator	Sections 1.2 & 1.3
3.3	The auditor must be independent of the development being audited and audit findings must be based on verifiable evidence.	Appendix A
4.2	The compliance status of each requirement or commitment should be assessed in accordance with the compliance assessment criteria and risk levels in the audit guidelines	Section 4. However, compliance assessment criteria is in accordance with DPIE's audit team approval letter (see Appendix A)

Section	Description	Where addressed
5.1	The audit outcomes to be documented in a thorough, accessible and accurate audit report that is written in a neutral tone reflecting facts gathered by the audit team.	This audit report.
5.1	The audit report should include the following sections: <ul style="list-style-type: none"> • Introduction, providing a brief overview of the development, audit scope and objectives. • Methodology, describing the audit team, methodology applied, document reviews, site inspections and interviews. • Audit findings, including documentation of consultation, outcome of actions from the previous audit, assessment of compliance status against the conditions and commitments in relevant documents and discussion of environmental incidents and performance. • Recommendations, identifying any opportunities for improvement identified in the audit. 	This audit report.
5.2	Audit reports submitted to the lead regulator must be certified by the lead auditor on an attached 'Independent Audit Submission Form'	Appendix C
5.3	Copies of the final audit report to be distributed to regulator agencies within two weeks of finalisation and placed on the development's website	WCPL to complete.
6	The operator of the development to response to the lead regulator responding to the audit findings and recommendations with an action plan within four weeks of receiving the final audit report.	WCPL to complete.

2.6 Definitions

Reporting results from the 2020 IEA was generally based on *NSW Government Independent Audit Guideline* (NSW Government, 2015); however, as per the request of DPIE (see Appendix A), only the following descriptors have been used.

Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.

Non-Compliant

Where sufficient verifiable evidence has been gathered to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.

Table 2-3 details the risk levels for non-compliances.

Table 2-3 Risk level for non-compliances

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

Not triggered

A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.

Note

A statement or fact, where no assessment of compliance is required.

Note: while 'note' was not identified as a relevant descriptor, a number of conditions of DA 305-7-2003 and DA 177-8-2004, EPL 529, and relevant leases do not have any relevant compliance requirements. Therefore, note has been used to identify these conditions where no assessment of compliance is applicable.

3. Previous independent audit and status

The recommendations made in the 2017 Wambo Mine Independent Environmental Audit (Hanson Bailey, 2018), and the status of recommendations as at 19 November 2020 are detailed in Table 3-1 below.

Table 3-1 2017 IEA findings/recommendations

Reference	2017 findings/recommendations	2020 status	Status
Non-compliances			
DA 305-7-2003 Schedule 3, Condition 7B (now Condition A24)	Recommend that formal written requests to the Secretary are made in the future if consultation with regulators is not intended to be conducted in relation to management plans.	Review of relevant documentation indicates the 2017 IEA Recommendation has not been triggered, with relevant plans prepared during the audit period identified as addressing applicable consultation requirements.	Closed
DA 305-7-2003 Schedule 3, Condition 10 (now Condition A31)	Stream flow monitoring equipment failure. Recommend equipment is inspected regularly and replaced/repairs asap. FM5 was destroyed during a flood event and replaced in December 2016 (now FM15). FM6 was relocated in December 2016 (now FM16).	Frequency of download and inspection regime has been increased to quarterly.	Closed
DA 305-7-2003 Schedule 4, Condition 4	It is recommended that details of any exceedances are explained in the Annual Reviews. This includes referencing any local bushfires/RFS activity/extreme weather events that may have been the cause.	This recommendation is addressed by the requirements of Condition D10 of DA 305-7-2003, with Annual Reviews including relevant information required by Condition D10.	Closed
DA 305-7-2003 Schedule 4, Conditions 8 and 9 (now Condition B16 and B17)	Recommend that documented coordination with nearby mines and an agreed protocol is developed to manage cumulative noise impacts to the satisfaction of the Secretary.	A cumulative noise impact protocol has been outlined in the Noise Management Plan as per 2017 IEA recommendations.	Closed
DA 305-7-2003 Schedule 4, Condition 22G	The Reject Emplacement Strategy (RES) should be submitted to DRG (not DP&E) and followed up to approval. It is noted that the plan is likely to require review following any positive determination of the United and Wambo Open Cut Coal Mine Project.	N/A – This condition no longer exists as part of the DA 305-7-2003.	N/A

Reference	2017 findings/recommendations	2020 status	Status
DA 305-7-2003 Schedule 4, Condition 23A (now Condition B54)	Consideration should be given to the current Hales Crossing sump and pump arrangement to remove the risk of sump inundation. Options include relocating the sump and pump apparatus to a location outside the flood extents of Wollombi Brook.	The Hales Crossing sump and pump was inspected and discussed with reference to the condition B62: "Maximise, as far as reasonable, the diversion of clean water [Wollombi Brook in this case] around disturbed areas of the site [Hales Crossing sump]. Wambo staff identified the trade-off between relocation out of flood extent and capturing a small proportion of potential coal contact runoff. The likelihood of excessive coal build up is low, considering the sump is located on the main site access road. A small area of upslope clean water catchment was identified as to be diverted away from the sump.	Open. Further capital works to maximise clean water diversion.
DA 305-7-2003 Schedule 4, Condition 25 (now amalgamated into Condition B66)	A comparison of the overall site water balance to the EIS predictions should be presented in future Annual Reviews. If the differences between the EIS water management system and operations are such that a meaningful comparison of the predictions is not possible, or the EIS does not provide sufficient detail on the water balance predictions to allow a comparison of the water balance (which looks likely based upon Appendix E of the EIS), this should be acknowledged.	EIS predictions added to the site water balance in Section 6.7 of the 2018 Annual Review.	Closed
	The Annual Reviews do not explicitly forecast compliance with the HRSTS rules. It is recommended that the forecast presented in future Annual Reviews is expanded to explicitly address forecast compliance.	Forecast compliance with HRSTS rules included in Section 6.3 of the 2018 Annual Review.	Closed
DA 305-7-2003 Schedule 4, Conditions 30 & 30A (now Condition B66)	Site Water Management Plan should be updated to include the predicted salt balance.	Included in Section 5.0 of the United Wambo Open Cut and Wambo Underground Site Water Balance (SWB).	Closed
DA 305-7-2003 Schedule 4, Condition 71	Consistent with previous audit, recommend consultation occurs and correspondence received from RMS is sought confirming the new intersection is not required or they are satisfied for inclusion in next IEA.	N/A – This condition no longer exists as part of the DA 305-7-2003.	N/A
DA 305-7-2003 Schedule 4, Condition 82 (now Condition B96)	Recommend the Montrose Tree Screen requires attention to ensure effectiveness in mitigating visual impacts.	Review of relevant documentation indicates the 2017 IEA recommendations have been addressed, with the Montrose Tree Screen managed by the September 2019 MOP.	Closed

Reference	2017 findings/recommendations	2020 status	Status
DA 305-7-2003 Schedule 4, Condition 89 (<i>now Condition B102</i>)	Recommend that DRE is consulted in the future to confirm satisfaction with spontaneous combustion management. This may occur through the Annual Review process, requesting a response to this query in the submission letter.	Review of relevant documentation indicates no spontaneous combustion events have occurred during the audit period. However, the spontaneous combustion event is still being managed and monitored; with evidence of liaison with the NSW Resources Regulator and general satisfaction identified. Therefore, the 2017 IEA recommendation has been closed out.	Closed
DA 305-7-2003 Schedule 4, Condition 94A	Recommend soil surveys are undertaken and section in Soil management Protocol updated for any remaining areas to be stripped showing specific depths for specific areas.	While this condition no longer exists as part of the DA 305-7-2003, the Soil Management Protocol was identified as having been updated during the 2018 reporting period.	Closed
DA 305-7-2003 Schedule 5, Condition 1	Recommend neighbours are notified for all future exceedances of criteria.	Review of relevant documentation indicates compliances with the requirements of this recommendation, see Condition D5 of DA 305-7-2003.	Closed
DA 305-7-2003 Schedule 6, Condition 2 (<i>now Condition D6</i>)	Once the revised EMS is approved it must be sent to the relevant agencies, Council and CCC within 14 days.	Review of relevant documentation indicates the EMS was approved 26 March 2018 and provided to relevant parties on 4 April 2018 (i.e. within 14 days).	Closed
DA 305-7-2003 Schedule 6, Condition 6 (<i>now Condition D6</i>)	Recommend that a register is kept to confirm reviews of strategies, plans, and programs required under this condition are undertaken following triggers specified in a-d.	Review of relevant management plans indicates reviews are tracked in registers within the opening pages of each individual management plan, strategy and program. Furthermore, an active review register is also maintained by WCPL.	Closed
DA 305-7-2003 Schedule 6, Condition 12 (<i>now Condition D15</i>)	Letter (c) and (d) in Schedule 3 Condition 2 are located and made publicly available on website.	N/A – These letters are no longer applicable to Condition A2 and therefore no longer apply to Condition D15.	Closed.
DA 177-8-2004 Schedule 4, Condition 5 (<i>now Condition B29</i>)	A summary of train movement times should be added to future Annual Reviews.	This condition no longer exists as part of the DA 177-8-2004. However, the requirements have been adopted by Condition B29 of DA 177-8-2004. Relevant data has been identified as being reported in the Annual Reviews for the audit period.	Closed
DA 177-8-2004 Schedule 4, Condition 12	Written approval to be sought from the Director General to cease vibration monitoring.	N/A – This condition no longer exists as part of the DA 177-8-2004. However, review of relevant documentation indicates approval was provided on 23 December 2008.	Closed
DA 177-8-2004 Schedule 4, Condition 13	See Schedule 4, Condition 12.	N/A – This condition no longer exists as part of the DA 177-8-2004. However, review of relevant documentation indicates approval was provided on 23 December 2008.	Closed

Reference	2017 findings/recommendations	2020 status	Status
DA 177-8-2004 Schedule 4, Condition 17 <i>(now Condition B66)</i>	It is recommended that section 2.2.16 of the Site Water Management Plan is improved by providing a high level strategy for the decommissioning of water management structures (including the management of water during the decommissioning process).	N/A – This condition no longer exists as part of the DA 177-8-2004.	N/A
DA 177-8-2004 Schedule 4, Condition 19	Correspondence should be sought from RMS confirming that upgrades to the Golden Highway/Wallaby Scrub Road intersection are not required.	N/A – Mt Thorley Warkworth (MTW) has received DP&E approval to mine through Wallaby Scrub Road and Wallaby Scrub road has been officially closed.	Closed
Recommendations for improvement			
DA 305-7-2003 Schedule 4, Condition 4 <i>(now Condition B42)</i>	It is recommended that details of any exceedances are explained in the Annual Reviews. This includes referencing any local bushfires/RFS activity/extreme weather events that may have been the cause.	This recommendation is addressed by the requirements of Condition D10 of DA 305-7-2003, with Annual Reviews including relevant information required by Condition D10.	Closed
DA 305-7-2003 Schedule 4, Condition 11	ASAP investigate and remedy the likely calibration error for the overpressure microphone on the Thelander blast monitor, which developed in August 2017 after the last calibration check in July 2017. WCPL completed this after the site visit and prior to the finalisation of this report.	This condition no longer exists as part of the DA 305-7-2003; however, review of relevant data indicates this recommendation was addressed by the implementation of the Equis database and repository.	Closed
DA 305-7-2003 Schedule 4, Condition 12	Monitoring results for the period 23/2/2017 to 29/3/2017 were reported incorrectly (overpressure and vibration levels were swapped in the results table). Recommend that monitoring data is checked monthly to ensure results are reported correctly.	This condition no longer exists as part of the DA 305-7-2003; however, review of relevant data indicates this recommendation was addressed by the implementation of the Equis database and repository.	Closed
DA 305-7-2003 Schedule 4, Condition 15 <i>(now Condition B27)</i>	A notification of entitlement to property inspection is sent to landowners within 2 km of the site that to ensure current owners are aware of this entitlement.	Review of Condition 27 indicates this is not a requirement of Condition B27 of DA 305-7-2003, or any other condition of consent.	Closed
DA 305-7-2003 Schedule 4, Condition 19 <i>(now Condition B32)</i>	Seek written approval for blasting within 500 m of Crown and HVO land before blasting within 500 m of this land in the next audit period.	Blast management plan outlines the notification procedure for blasting within 500 m of private property, including Crown Land, Hunter Local Land Services, HVO, and United mines.	Closed
DA 305-7-2003 Schedule 4, Condition 25 <i>(now amalgamated into Condition B66)</i>	Improvements could be made in terms of the overall site water management if specific groundwater inflows to the open cut via alluvium and Permian could be pumped and/or metered.	It is not practicable to directly measure groundwater inflows with current technology. The updated SWB includes monitoring of groundwater inflows measured using flow metering (active take), estimated based on groundwater model (passive take).	Closed

Reference	2017 findings/recommendations	2020 status	Status
DA 305-7-2003 Schedule 4, Condition 29	It is understood that a salt balance model has been developed for the site for the United/Wambo project. It is suggested that this salt balance be updated annually to include the seepage quality monitoring data. There is no recommendation in terms of frequency of monitoring. WCPL should determine the frequency of monitoring to apply for the salt balance model.	A site salt balance and associated monitoring requirements is presented in the updated SWB.	Closed
DA 305-7-2003 Schedule 4, Condition 30 (now Condition B66)	<p>The GWMP should be updated with the suggestions provided by NSW government subsequent to approval of the GWMP in November 2015 and resubmitted. Updates should include:</p> <ul style="list-style-type: none"> • A more contemporary reference to groundwater sampling techniques • Amendment of the text relating to purging of groundwater bores to be consistent with the latest guidelines • Outline the methods of water quality data upload from the laboratory • The bore labels in Figure 7 need to be clear for all bores • General update of text relating to historical or proposed activities 	<p>The United Wambo Open Cut and Wambo Underground Water Monitoring Program (WMPProg) refers to guidelines dated 1997. The audit team is not aware of any “more contemporary” guidelines.</p> <p>The purging procedure in the WMPProg is consistent with generally practice.</p> <p>Upload procedures are detailed in the WMPProg.</p> <p>In the GWMP, bore labels in Figure 5 are clear and coordinates are provided in Table 7 for completeness.</p> <p>The WMP has generally been updated to reflect the current operations.</p>	Closed.
DA 305-7-2003 Schedule 4, Condition 30 (now Condition B66)	It is recommended that section 2.2.16 of the Site Water Management Plan is improved by providing a high-level strategy for the decommissioning of water management structures (including the management of water during the decommissioning process) as part of any future update of the Site Water Management Plan.	Section 5.9 of the Site Water Management Plan (SWMP) includes strategy for decommissioning infrastructure.	Closed

Reference	2017 findings/recommendations	2020 status	Status
DA 305-7-2003 Schedule 4, Condition 32 <i>(now Condition B66)</i>	<p>The following area recommendations for the Erosion and Sediment Control Plan (ESCP):</p> <ul style="list-style-type: none"> • A description of the existing as-built ESC arrangements for each sediment-affected catchment would enhance the current understanding of the site ESC arrangements. • A description of the known issues and actions would be useful in demonstrating that the ESCP is operating effectively and areas for improvement.” (RE, 2018). <p>Additionally, the ESCP structure and text would benefit from a review to improve the general readability of the document. This could involve ensuring that the plan structure is logical, the scope and progression of each section is clear, and overly lengthy or repetitious text is rationalised (RE, 2018).</p>	<p>The ESCP includes Figure 10 that relates sediment-affected catchments to permanent ESC controls.</p> <p>The ESCP includes Table 5 that describes known issues.</p> <p>The ESCP has generally been restructured into a logical format.</p> <p>An operational site catchment plan was sighted that included additional details on surface water flow paths and ESC controls.</p>	Closed
DA 305-7-2003 Schedule 4, Condition 34 <i>(now Condition B66)</i>	Update GWMP to include Montrose Dam prior to its construction.	There are no current plans to construct Montrose Dam.	Closed
DA 305-7-2003 Schedule 4, Condition 34 <i>(now Condition B66)</i>	Consideration should be made to directly monitor the quality of groundwater seepage reporting to the underground and open-cut workings.	Direct measure of groundwater quality of seepage is generally not practicable. The SWB identifies that salinity will be measured using measured groundwater EC or TDS, including seepage quality where practicable.	Closed
DA 305-7-2003 Schedule 4, Condition 40 <i>(now Condition B69)</i>	Offset area E is required to be secured under a conservation agreement by December 2017 and included in the Biodiversity Management Plan and MOP. A draft has been sent to OEHL. This should aim to finalise by the due date.	<p>Review of relevant documentation indicates compliance with the requirements of this condition. No additional offsets have been identified as being required under Condition B3.</p> <p>Review of the 2017 IEA recommendation indicates it was not achieved, with a non-compliance (administrative) found against condition B72. This finding was determined by Cumberland Ecology 2020 and is otherwise closed out.</p>	Closed
DA 305-7-2003 Schedule 4, Condition 44 <i>(now Condition B75)</i>	Recommend the nest boxes are installed as recommended in the 2016 flora and fauna monitoring report.	Review of relevant documentation indicates 50 nest boxes were installed in 2018 and the BMP updated to include locations and nest box type at each location.	Closed
DA 305-7-2003 Schedule 4, Condition 47	Recommend that identification of ‘Acacia anuera’ is finalised and amended in the development consent to Acacia pendula at next modification, if required.	N/A – This condition no longer exists as part of the DA 305-7-2003.	N/A

Reference	2017 findings/recommendations	2020 status	Status
DA 305-7-2003 Schedule 4, Condition 56 <i>(now Condition)</i>	Seek to recover this contribution if regulators confirm that it has not been expended, or if it has seek the documented outcome of the Trust Fund.	N/A – This condition no longer exists as part of the DA 305-7-2003.	N/A
DA 305-7-2003 Schedule 4, Condition 56D	Aerial on page 8 of the induction should be updated to be current.	N/A – This condition no longer exists as part of the DA 305-7-2003; however, review of the generic site induction indicates this recommendation was addressed.	Closed
DA 305-7-2003 Schedule 4, Condition 70 <i>(now Condition B94)</i>	Site 3 and site 9 non-indigenous heritage items should be identified in the field. Then correspondence as required in the condition should occur to close out this item.	Review of relevant documentation indicates Site 3 and Site 9 were identified as the abandoned Homestead A and Abandoned Tractor respectively and correspondence provided to Power House Museum, Western Sydney University - School of Humanities and Communication Arts, and University of Sydney – Department of History dated 23 May 2019, closing out the 2017 IEA Recommendation.	Closed
DA 305-7-2003 Schedule 4, Condition 82 <i>(now Condition B96)</i>	Provide a more recent notification to owners of private residences of right to visual mitigation under consent condition.	The recommendation for a more recent notification; this is not a requirement of the development consent and viewed as irrelevant to compliance. This notwithstanding, review of relevant documentation indicates the only landowner from the EIS predicted as having potentially high visual impacts is subject to an access and compensation agreement.	N/A
DA 305-7-2003 Schedule 4, Condition 90 <i>(now Condition B103)</i>	Recommend the internal Dangerous Goods and Hazardous Substances Management Plan (last updated in May 2015) is reviewed and revised as needed in the next audit period.	Review of relevant documentation indicates the 2017 IEA recommendation has been addressed and has therefore been closed out.	Closed
DA 305-7-2003 Schedule 4, Condition 94 <i>(now Condition B105)</i>	Woodland corridors in the RL 160 dump areas are developed further to join the existing areas and the MOP is amended at next review to show proposed and defined corridors.	Review of Mining Operations Plan (MOP) September 2019 – 31 December 2020 (September 2020) indicates the requirements of this condition have been addressed in the current MOP.	Closed
DA 305-7-2003 Schedule 4, Condition 95	The mine exit strategy should be developed with Council within 5 years of closure (within the next audit period) or written extension sought from DPE if new approval is granted for the Wambo United Project.	N/A – This condition no longer exists as part of the DA 305-7-2003.	N/A

Reference	2017 findings/recommendations	2020 status	Status
DA 305-7-2003 Schedule 5, Condition 1 (<i>now Conditions C5 & C6</i>)	Notification to landowners of the publication of management documents and monitoring results on the website is updated at regular intervals (suggested 4-5 yearly).	Review of relevant documentation indicates a notification was provided to landowners on 15 October 2018. This recommendation is otherwise considered irrelevant, the availability of project data on the Wambo website is not something surrounding landowners would be unaware of and the auditor is of the opinion such requirements are above and beyond the requirements of the conditions of DA 305-7-2003.	Closed
DA 177-8-2004 Schedule 4, Condition 6 (<i>now Condition B1</i>)	Reviewed ARTC EPL 3142 and email from Matt Pearce of Aurizon dated 12/09/13. Email confirms that locomotives are required to be tested by the rail operator for compliance with noise requirements. Recommend that this is updated to remain contemporary.	On August 5, 2020, Rolling Stock Operators in NSW were issued with EPLs, which state that the “licensee must only operate locomotives on a Licensed Rail network that are in a class of locomotive listed on the Locomotive Class Register on the EPA’s website”.	N/A
DA 177-8-2004 Schedule 4, Condition 23 (<i>now Condition B30</i>)	Recommend this condition is revised to remove at next modification as Correspondence with RMS no longer required as Mount Thorley Warkworth have approval to mine through Wallaby Scrub Road.	This condition was not removed and remains a consideration for the consent.	Open
DA 177-8-2004 Schedule 4, Condition 24A (<i>now Condition B31</i>)	Internal inspections and photographs are taken of dirt tracking on the Golden Highway so that compliance with condition can be confirmed in future.	The logic of this recommendation does not make sense to the 2020 IEA team, photos of dirt tracking onto the Golden Highway would show a non-compliance, with the exception of taking photos day and night 365 days of the year – the photos would not be of much use.	Closed

4. Audit findings

4.1 Context of compliance assessment

A range of open cut and underground mine operations have been conducted at the Mine since mining operations commenced in 1969. Mining under the current Development Consent (DA 305-7-2003) commenced in 2004 and permits both open cut and underground operations and associated activities to be conducted. The ROM coal production rate is 14.7 million tonnes per annum and all product coal is transported from the Mine by rail.

Modifications approved during the audit period include:

- 20 December 2017 – Modification 17 (Extension to the South Bates Underground Mine), with the modification including:
 - Mining of an additional 18 Mt of ROM coal (with no change to the approved total ROM coal production rate of 14.7 Mtpa).
 - An additional 3.7 Mt of coarse rejects and 2.1 Mt of tailings.
 - Construction of additional infrastructure, including new ventilation shafts within the approved surface development area, gas drainage infrastructure and other ancillary infrastructure.
 - An extension of the approved mine life by seven years (i.e. up to and including 2039).
 - Obtaining an additional mining lease over a component of A444.
- 29 August 2019 – Modification 16 (Modification to Support the United Wambo Open Cut Coal Mine Project (SSD-7142)), with the modification requiring development at the Mine to be undertaken in the following stages:
 - Phase 1 - open cut mining operations at Wambo open cut mine, underground mining operations at Wambo underground mine and the operation of Wambo mine infrastructure (including minor upgrades to this infrastructure) within the green operational area identified in the Phase 1 Figure.
 - Phase 2 - underground mining operations at Wambo underground mine, the operation of Wambo mine infrastructure within the green operational area identified in the Phase 2 Figure and associated surface development.
 - Phase 3 - following the cessation of underground mining operations that includes mine closure.

Phase 1 is anticipated to continue until 30 November 2020, with Phase 2 commencing from 1 December 2020.

The EPL (#529) for the Mine encompasses all operations at the Mine. The EPL has been varied two times during the 2020 IEA Period, including 5 March 2018 and 17 July 2020, a third variation is currently identified as pending on the POEO Public Register and was submitted 12 November 2020.

The Mine is located within the following leases:

- CL 374, covering 382.3 hectares
- CL 397, covering 1,450 hectares
- CCL 743, covering 3,000 hectares
- ML 1402, covering 352 hectares
- ML 230, covering 1,012 hectares
- ML 1594, covering 263.1 hectares

During the audit period, the workforce consisted of up to 670 employees and contractors (as identified in the Modification 17 Environmental Assessment). However, considering the impacts of Covid-19, the June 2020 temporary shutdown, scaling back of production in the UG and the progression from Phase 1 to Phase 2 operations have resulted in a decline in these numbers.

4.2 Summary of compliance

Review of compliance with the requirements of relevant development consents identified:

- 16 non-compliances associated with DA 305-7-2003, including:
 - Nine deemed to represent a low risk.
 - Seven deemed administrative non-compliances (ANC).
- Five non-compliances associated with DA 177-8-2004, including:
 - Two deemed to represent a low risk
 - Three deemed ANC,

4.2.1 General environmental performance

WCPL demonstrated a high level of environmental performance during the audit period and site inspection, as demonstrated in the general lack of exceedances of relevant Development Consents (DA 305-7-2003 and DA 177-8-2004) and EPL (#529) criteria (see Appendix D, Appendix E and Appendix F) and site inspection observations provided in Section 4.2.2.

4.2.1.1 Rehabilitation

The site inspection on 18 November 2020 determined the mining operations appear generally consistent with the RMP/MOP and the approved project, with evidence of progressive rehabilitation and temporary grass cover to provide cover and protection was also observed during the site inspection. However, in one instance the vegetation community of rehabilitation is not consistent with the MOP. Grassland vegetation has been planted in areas identified as Woodland in the MOP. During audit interviews the reasoning for this was justified (i.e. this area of rehabilitation would be subject to re-disturbance as part of the United Wambo Joint Venture.

Furthermore, review of relevant evidence indicates the rehabilitation objectives in the MOP are consistent with the requirements of this condition. However, the method for assessing rehabilitation performance using Landscape Function Analysis (LFA) is inconsistent with the standard LFA Monitoring methods (Tongway and Hindley 2005). This has the potential to affect reporting against completion criteria and has resulted in a non-compliance (low risk), discussed further in Table 4-1.

4.2.1.2 Air quality

From the site inspection and interviews, the site personnel were generally aware of the requirements of the Air Quality Management Plan relevant to their role and the monitoring and management requirements are being undertaken in accordance with the plan. The audit found there were no dust related complaints or exceedances of their PM10 limits in 2019 which demonstrates proactive management of dust onsite.

WCPL operate a network of four tapered element oscillating microbalance (TEOM) continuous PM10 samplers and two weather stations which helps them undertake predictive meteorological forecasting and proactive management of dust onsite. The PM10 samplers are equipped with reactive trigger levels which alarm staff to increase surveillance of current operations and alter or suspend activities as required.

During the site inspection it was noted that general dust mitigation observed on the day included the use of water trucks on trafficked areas, as well real time monitoring being observed by permanent staff in the 'bird box', where elevated dust levels are relayed to on-site staff to implement additional mitigation as required such as reducing work rate and locations of dust generating activities. All four particulate matter (PM) samplers and the two weather stations were operational.

WCPL staff were able to demonstrate how they used and the implemented the use of weather forecasts and briefings to progressively start up or ramp down operations which lead to excessive dust.

4.2.1.3 Noise

During the site visit, Mine personnel were forthcoming in producing any evidence requested, and showed that WCPL have exhibited best practice noise management in accordance with their Noise Management Plan (NMP) during the audit period.

As per their NMP, WCPL operates a comprehensive Noise Management System (NMS) that uses a combination of real-time Sentinex monitors deployed at residential receivers in the vicinity, and predictive meteorological forecasting in order to appropriately plan mining operations and equipment usage for the day.

During the site visit, the auditing team visited the 'Bird Box' where the open cut operators constantly monitor meteorological conditions and noise levels at the residential Sentinex units. This ensures any deterioration in conditions are noted and any upwards trends in noise levels are managed appropriately. The operators understood their roles and the Wambo NMS well and were able to explain what is done when there are elevated noise levels or when a noise alarm is triggered. The operators record all equipment usage throughout the day and also when equipment is switched off due to a noise alarm or a noise complaint.

A review of noise complaints showed a general increase in complaints over the audit period. 2019 and 2020 complaints data indicates almost 70 per cent of noise complaints have been received from the same residence.

The audit identified that WCPL maintain a stringent complaints management procedure, of particular note are the following processes:

- On each complaint occasion, the complaint is recorded in the register and the complainant is called back by the appropriate person within 24 hours if requested.
- On most occasions, excavators or dozers are progressively or completely shut down until noise levels on Sentinex units read well below criteria.

- Audio is frequently reviewed from the monitoring stations to confirm noise has decreased or ceased or to ensure noise is emanating from Wambo operations rather than neighbouring mines.
- WCPL may conduct survey noise monitoring in response to complaints and/or in response to triggered alarms from the WCPL real time noise monitoring network in the event that verification is needed to determine if the noise recorded is predominantly mining noise from WCPL.
- On some occasions, Wambo staff provide complainants with detailed information relating to their noise emissions and operations on the day in order to satisfy their concerns.
- Details of community complaints are uploaded onto Peabody's website.

Wambo undertake the following to attenuate noise impacts:

- Broadband reversing alarms are fitted to all equipment to reduce tonal noise. Quieter equipment is prioritised to work in the open cut areas.
- Reports are done on a daily basis which documents machine down time and general equipment usage.
- Noise management system includes the above two points, as well as having a noise monitoring program commensurate with Wambo's operations. Sentinex units are installed at two residential receivers in the vicinity of the mine which are monitored every 15 minutes. Sentinex units send alarm messages to Wambo staff when approaching noise criteria. If an alarm is sounded, typically half plant and equipment is shut off to bring noise levels back down.
- Weekly/daily weather briefings show risks of enhancing meteorological conditions. During periods of higher probability of noise enhancing conditions, a staggered start up of plant and equipment is undertaken with noise levels monitored. Operations are shut down when required.

4.2.1.4 Blasting

From the site inspection and interviews, the site personnel were generally aware of the requirements of the Blasting Management Plan (BMP), as relevant to their role. With the 2020 IEA confirming the monitoring and management requirements are being undertaken in accordance with the BMP. The audit found there were seven complaints related to blasting in 2017, five in 2018, six in 2019, and only three in 2020. There was only one minor exceedance in airblast overpressure criteria throughout the audit period, being the first one since 2012/2013. This shows a steady downward trend in blast complaints, over the audit period which shows good commitment to mitigating blast effects as much as reasonably practicable.

During the site interviews, WCPL staff explained the blast management system in detail, including the use of blast notification emails to surrounding mines to prevent cumulative blast impacts, undertaking detailed blast design for each blast, blast exclusion zones, and a blast monitoring program which covers private receivers, heritage sites, and public infrastructure.

Particular care is taken with the Heritage site, Wambo Homestead where a blast monitor is set up and a qualified structural engineer must review blasting records for the site after each blast within 2 km of the homestead. Six monthly reports and annual inspections are also required under the conditions of consent.

WCPL staff were able to demonstrate how they used and the implemented the use of weather forecasts and briefings to appropriately plan their blast events.

4.2.1.5 Water management

From the site inspection and interviews, the site personnel were generally aware of the requirements of the WMP relevant to their role and the infrastructure appeared to be constructed and maintained in accordance with the plan. During the site inspection it was noted that:

- The MIA and workshop area was in a period of transition with the construction of new workshops and associated changes, however the disturbed area was contained within the existing permanent water management system.
- Eagles Nest was in the process of being desilted by dredging. Mixing of these water storages for both water inventory/supply and environmental containment is not ideal, but the associated risks were mitigated by operational procedures.
- Temporary erosion and sediment controls inspected during the site inspection were installed and maintained consistent with industry practice.

A small area of rehabilitated overburden emplacement immediately west of the Historic Wambo Homestead drains to the backfill remediation area. No evidence of excessive erosion or sediment generation was present. In the event that this area is disturbed as part of the United Wambo Open Cut Coal mine (not subject to this consent), the conceptual surface water management system layout indicates a proposed sediment basin for this catchment.

With no discharge during the audit period, no incidents reported to the EPA during audit period – 1 September 2017 to 1 December 2020.

The audit also considered performance against water licences, with review of relevant documentation indicating water take was within the relevant entitlements (which exceed the current and forecast take) and is otherwise in accordance with the requirements of the licences held by the Mine. Licensable take is noted to be reported in Annual Reviews for the Mine.

4.2.1.6 Biodiversity

Conduct of the audit identified two non-compliances with DA 305-7-2003 during the audit period, with Cumberland Ecology completing an IEA – EPBC Approval and NSW Development Consent and a response to recommendations accepted by DPIE 17 July 2020. These non-compliances related to:

- The securing of the conservation agreement under section 69B of the *National Parks and Wildlife Act 1974*.
- Implementation of the BMP (as approved by the planning secretary) – See discussion in Section.

Further discussion is provided in Table 4-1.

4.2.1.7 Heritage

Review of the CMP indicates compliance with the requirements of the DA, as well as appropriate implementation. However, review of DA 305-7-2003 indicates a revision to Condition B90 during the audit period now requires the CMP to be prepared to the Heritage Branch's satisfaction. While the Heritage Branch were consulted during the initial preparation, they did not provide feedback as they were not a relevant approval authority at the time. With the change in condition wording, **Recommendation 3** has been made.

4.2.1.8 Visual

Review of complaints data for the audit period indicates a reduction in the number of complaints received during the reporting period related to lighting, with review of complaints data indicating WCPL were responsive to addressing concerns.

Conduct of the audit determined the potential for visual complaints related to the project going forward were minimal, with the commencement of Phase 2 in December 2020.

4.2.1.9 Waste

JR Richards manages waste streams on-site, providing waste quantities which identifies the types of wastes generated and where they are disposed to. Approval of the on-site sewage system by Council dated 29 June 2020 was sighted, with treated effluent application permitted via EPL 529. However, during conduct of the audit the treated effluent system was in the process of being re-sited.

No issues in relation to waste disposal were observed during the site inspection.

4.2.2 Complaints

During the audit period, 2018 and 2019 reporting periods saw a general decrease in complaints received during the 2017 reporting period (of which only September-December fall within the 2020 IEA period). However, an increase to the number of complaints received during the audit period was observed, as follows:

- 2017: 70 complaints (i.e. seven for blasting, five for dust, nine for lighting and 49 for noise).
- 2018: 65 complaints (i.e. five for blasting, six for dust, three for blasting/dust, seven for lighting and 44 for noise).
- 2019: 58 complaints (i.e. six for blasting, four for dust, two for lighting and 46 for noise).
- 2020 (to 25 November 2020): 97 (i.e. three for blasting, 11 for lighting, and 83 for noise).

While an increase in complaints has been observed (particularly for noise), review of 2019 and 2020 complaints data indicates almost 70 per cent of noise complaints have been received from the same complainant. Furthermore, in 2019, an independent noise review was completed for this complainant by Wilkinson Murray in accordance with the requirements of DA 305-7-2003, which verified the Mine is only considered to be in breach of a noise consent condition if 'sustained non-compliances' are not addressed and rectified.

Wilkinson Murray concluded that 'after each non-compliance, noise levels were reduced within the allowable timeframe. As a result, there were no identified breaches of the noise consent conditions'.

Recommendation 4 has been made in relation to the advertisement of the complaints line, in consideration of EPL 529 Condition M6.2.

4.2.3 Incidents

Review of available documentation indicates the following incidents have occurred and been reported in accordance with the requirements the DAs and EPL 529:

- 9 February 2018 blast event, with request from EPA dated 13 February 2018 for a report dated 2 March 2018 under Clause R3 of EPL 529 sighted.
- 5 April 2018 noise exceedance, with a notification provided 12 April 2018 and follow-up response investigation report provided to DPIE 11 May 2018.
- 17 May 2018 noise exceedance, with a notification provided 21 May 2018.
- 20-21 June 2018 potential noise exceedance identified by EPA with request under Clause R3 of EPL 529 made for an investigation report, with DPIE notified 26 June 2018. An attended Noise Monitoring Exceedance June 2018 Investigation Report was submitted to DPIE 20 July 2018.
- 5 September 2018 noise exceedance, with notification provided 14 September 2018 and investigation report and attended monitoring provided to DPIE on 25 October 2018.
- 6 December 2018 & 22 February 2019– Dust generation observed from the Golden Highway, leading to a Show Cause notice, and subsequently a penalty notice from DPIE.
- 17 December 2018 noise exceedance, with notification provided 28 December 2018.
- 21 September 2019 air blast overpressure exceedance, with notification provided 27 September 2019. 24 October 2019 response to DPIE RFI regarding exceedance. A show cause letter dated 5 November 2019 and response provided 20 November 2019.
- Show Cause Notice and subsequently a penalty notice from DPIE issued in relation to dust generation was observed from Golden Highway on two separate events (6 December 2018 and 22 February 2019).
- 12 November 2019 noise exceedance, with notification provided 19 November 2019.
- April 2020, WCPL commenced construction of the South Bates Extension Underground upcast ventilation shaft, approved under DA305-7-2003 (Modification 17). Construction of the shaft was suspended due to borehole collapse in May 2020. Stabilisation and recovery works were undertaken with the successful retrieval of the drill rig, in consultation with DPIE and the NSW Resources Regulator.
- 8 and 10 September 2020 – Sighted post approval form from DPIE dated 15 September 2020 acknowledging receipt of written report regarding the exceedance, letter to the EPA dated 15 September 2020 detailing exceedance of noise criteria at location N26 by 3 dB including low frequency penalty. A re-measure taken two nights later on 10 September confirmed the exceedance.

It is noted that Wambo has reported all of the above as incidents in accordance with Condition D8 of both DA 305-7-2003 and DA 177-8-2003, with the consents allowing that a non-compliance reported as an incident in accordance with Condition D8 do not need to also be notified as a non-compliance. Therefore, Condition D9 has not been triggered during the audit period.

4.2.4 Site inspection observations

A selection of photographs from the site inspection are provided below.



Plate 1 Bunded, above ground storage tanks near the workshop building



Plate 2 Bunded fuel storage in vicinity of the workshop area



Plate 3 Oil rag disposal bin within the workshop area



Plate 4 Spill kit located near above ground storage tanks



Plate 5 Oil water separator system, serviced by J.R Richards



Plate 6 Oil water separator system, serviced by J.R Richards



Plate 7 Underground adits, near underground crib hut area



Plate 8 Underground crib hut area



Plate 9 North Wambo Creek Diversion Rehabilitation Works



Plate 10 Rehabilitation works currently underway near the North Wambo Creek Diversion to repair subsidence cracking



Plate 11 Montrose Pit – in pit dumps



Plate 12 Montrose Pit and Peabody Peak



Plate 13 Cover crops sown in temporary rehabilitation area



Plate 14 Cover crops sown in temporary rehabilitation area



Plate 15 Cover crops sown in temporary rehabilitation area



Plate 16 Coal contact flow path at CHPP



Plate 17 Coal contact flow path at CHPP



Plate 18 GBF Dam



Plate 19 Upper Train Load Out Pad Sump



Plate 20 Diesel tank

4.3 Compliance with Development Consent (DA 305-7-2003)

4.3.1 Summary of non-compliances

The review of compliance with DA 305-7-2003 identified 18 non-compliances. 10 non-compliances were deemed to represent a low risk, while eight were deemed ANC. A summary of non-compliances is detailed in Table 4-1.

Table 4-1 Summary of DA 305-7-2003 Non-Compliances

Condition	Reason for Non-Compliance	Risk Rating
A2	Not all of the conditions of consent have been complied with. See risk ratings for each individual non-compliance.	Low
A22	See non-compliance discussion at Condition B108	Administrative
B12	<p>The Annual Reviews for the audit period detailed the following exceedances:</p> <ul style="list-style-type: none"> • 5 April 2018 – One exceedance of the night-time noise assessment criteria • 5 April 2018 - Five other exceedances of noise criteria; however were not sustained and/or in accordance with the NPI as being negligible. As such, these are considered administrative non-compliances. • 17 January 2019 – One exceedance of the noise impact assessment criteria; however was not sustained. As such this is considered an administrative non-compliance. • 8 and 10 September 2020 – Sighted post approval form from DPIE dated 15 September 2020 acknowledging receipt of written report regarding the exceedance, letter to the EPA dated 15 September 2020 detailing exceedance of noise criteria at location N26 by 3 dB including low frequency penalty. A re-measure taken two nights later confirmed the exceedance. <p>No relevant corrective action is deemed relevant to this non-compliance.</p>	Low
B17	<p>Review of relevant data indicates the August 2020 NMP generally complies with the requirements of this condition, with the exception of Condition f(ii). There is currently no documented program which sees to calibrate and validate real-time monitoring results with attended monitoring results over time.</p> <p>However, review of the Phase 2 NMP approved by DPIE on 20 November 2020 indicates this has been addressed.</p>	Administrative
B22	<p>The 2019 Annual review shows that one blast during the reporting period recorded an overpressure over 120 dB (120.6 dB) at BM05 on 13 September 2019. The corresponding ground vibration for this blast was 1.17 mm/s.</p> <p>No corrective action is deemed relevant to this non-compliance.</p>	Low
B35	<p>Blasting within 2 km occurred on 12 October, 18 October, 24 November, and 15 December 2017. Monthly blast reports had not been prepared within one month following the blasts on 18 October, 24 November, and 15 December.</p> <p>Submission of January to July 2017 report sent to Heritage Branch sited.</p>	Administrative

Condition	Reason for Non-Compliance	Risk Rating
B45	<p>Wambo Coal take reasonable steps to minimise emissions from the development including dust generation.</p> <p>As described in the 2019 Annual Review, dust generation was observed from Golden Highway on two separate events (6 December 2018 and 22 February 2019) and lead to a Show Cause Notice and subsequently a penalty notice from DPIE. Wambo Coal has updated training processes as a result and now include shift notes to record operational measures implemented. No complaints have been received since and the auditor observed processes to ensure reporting of site measures would likely happen in the case of another event.</p> <p>This condition has been graded non-compliant (low risk) because of this; however the auditor is satisfied that appropriate steps have since been taken to address and manage the issue.</p>	Low
B50	<p>The on-site weather station did not record data due to four outages in 2019 totalling 34 hours of downtime. As a result a low-risk non-compliance finding has been made.</p> <p>During the site inspection, the weather station was observed to be operating correctly, with a Sentinex weather station calibration certificate observed (29/9/2020).</p> <p>Therefore, no corrective action has been made.</p>	Low
B72	<p>Offset Area E was initially required to be secured under conservation agreement by December 2017; however, it is noted DPIE granted extension (letter dated 26 February 2018) to 31 July 2018.</p> <p>Cumberland Ecology, who completed an independent biodiversity audit of the EPBC Approval and DA 305-7-2003 in 2019/2020 sighted attempts by WCPL to contact BCT to finalise the agreement; however, registration on title confirmation wasn't received from BCT until 15 September 2020.</p> <p>Therefore, an administrative non-compliance with the requirements of this condition is noted.</p> <p>This finding was made as part of the Cumberland Ecology (2020) IEA and has now been closed out with the registration on title.</p>	Administrative
B77	<p>Review of relevant documentation indicates non-compliance with the requirements of this condition occurred during the reporting period. Relevant findings were made by Cumberland Ecology (2020), with WCPL having submitted a response to audit findings and recommendations related to this non-compliance, which has been accepted by DPIE on 17 July 2020.</p> <p>Therefore, no further recommendations are made in relation to this non-compliance.</p>	Low

Condition	Reason for Non-Compliance	Risk Rating
B103	<p>Review of relevant documentation indicates a s191 Improvement Notice was issued by the NSW Resources Regulator under the <i>Work Health and Safety Act 2011</i> (WHS Act) on 6 November 2020, requiring a response by 30 November 2020.</p> <p>Therefore, a finding of non-compliance with a low risk rating has been found. This is based on the management of the issue being undertaken in consultation with the NSW Resources Regulator, and being actively undertaken at the time of the audit, with most items closed out and only a few items remaining open, including:</p> <ul style="list-style-type: none"> • Notification to FRNSW – Extension of time requested for provision of emergency plans. • Updated licence to store – Extension requested, with application submitted but not approved at the time of the audit. • Procedures for storage – Extension of time requested to factor in changes in responsibility of management approaching with Phase 2. <p>Therefore, Corrective action 1 has been made in relation to this Condition.</p>	Low
B105	<p>Review of relevant evidence indicates that the rehabilitation objectives in the MOP are consistent with the requirements of this condition. However, the method for assessing rehabilitation performance using Landscape Function Analysis (LFA) is inconsistent with the standard LFA Monitoring methods (Tongway and Hindley 2005).</p> <p>Therefore, there is potential that reporting of completion criteria and TARPs associated with the LFA performance measures are affected by this inconsistency, potentially resulting in inaccurate reporting on the success of rehabilitation. While it is possible inaccurate reporting is occurring in relation to the success of rehabilitation, as rehabilitation would still be achieved (albeit at a slower rate than reported) it is the auditor's belief the non-compliance has the potential for low environmental consequences that are likely to occur.</p> <p>For this reason, a non-compliant finding has been made with an identified low risk and Corrective action 2 has been made.</p>	Low
B108	<p>While the RMP/MOP references regular consultation with relevant agencies (i.e. DPIE, DPIE Water, BCD and Council), no evidence of consultation during the preparation of the RMP/MOP applicable to the 2020 IEA period has been sighted. It is noted all these agencies were invited to provide input to the 2020 IEA and, with the exception of the Resources Regulator, no agencies expressed concerns or interest in relation to on-site rehabilitation. However, review of the Phase 2 MOP indicates this requirement has been addressed with evidence in Appendix 2 of the MOP.</p> <p>In addition, review of the MOP found that mine closure and care and maintenance programs are not included in accordance with Condition B110(g)&(j) respectively. Therefore, Corrective action 3 has been made.</p>	Administrative
B110	<p>Progressive rehabilitation has been undertaken in the areas identified in the MOP; however, the vegetation community of rehabilitation in the 'Ecosystem and Landuse Establishment' phase is not consistent with the final vegetation community contained within the MOP. Grassland and/or cover crop vegetation has been planted in areas identified as Woodland in the MOP.</p> <p>This is a result of the commencement of the United Wambo Joint Venture Operations in December 2020 and current operations to mine through these areas and the justification for this was understood by the auditor. However, this notwithstanding, a non-compliance has been found in relation to this condition and Corrective Action 4 has been made.</p>	Low

Condition	Reason for Non-Compliance	Risk Rating
C4	Review of relevant evidence indicates general compliance with the requirements of this condition. However, satisfaction of the Planning Secretary was not sighted. Therefore, an administrative non-compliance has been found in relation to this condition and Corrective Action 5 has been made.	Administrative
D1	Review of relevant evidence indicates general compliance with the requirements of this condition; however, the EMS is noted to include superseded Acts and Regulations, and outdated agency details. However, review of the Phase 2 EMS indicates this has now been addressed.	Administrative

4.4 Compliance with Development Consent (DA 177-8-2004)

4.4.1 Summary of non-compliances

The review of compliance with DA 177-8-2004 identified five non-compliances. Two non-compliances were deemed to represent a low risk, while three were deemed ANC.

A summary of non-compliances is detailed in Table 4-1.

Table 4-2 Summary of DA 177-8-2004 Non-Compliances

Condition	Reason for Non-Compliance	Risk Rating
A2	Not all of the conditions of consent have been complied with. See risk ratings for each individual non-compliance.	Low
A13	See discussion at Condition A22 of DA 305-7-2003	Administrative
B26	See discussion at Condition B105 of DA 305-7-2003 in Table 4-1	Low
C2	See discussion at Condition C4 of DA 305-7-2003 in Table 4-1	Administrative
D3	See discussion at Condition D1 of DA 305-7-2003 in Table 4-1	Administrative

4.5 Compliance with EPL 529

4.5.1 Summary of non-compliances

A review of compliance against EPL 529 identified five non-compliances. All non-compliances were deemed to represent a low risk.

A summary of non-compliances are detailed in Table 4-3 below.

Table 4-3 Summary of EPL 529 Non-Compliances

Condition	Reason for Non-Compliance	Risk Rating
L5.1	<p>Review of data for the audit period detailed the following exceedances:</p> <ul style="list-style-type: none"> 5/04/2018 – One exceedance of the noise impact assessment criteria at location N26. 17/12/2018 – One exceedance of the noise impact assessment criteria at location N20A. 12/11/2019 – One exceedance of the noise impact assessment criteria at location N16. 8 and 10 September 2020 – Sited post approval form from DPIE dated 15 September 2020 acknowledging receipt of written report regarding the exceedance, letter to the EPA dated 15 September 2020 detailing exceedance of noise criteria at location N26 by 3 dB including low frequency penalty. A re-measure taken two nights later confirmed the exceedance. 	Low
L6.3	<p>The 2019 Annual review shows that one blast during the reporting period recorded an overpressure over 120 dB (120.6 dB) at BM05 (EPA11) on 13 September 2019. The corresponding ground vibration for this blast was 1.17 mm/s</p>	Low
M2.2	<p>For 2019 there were non-Compliances, mostly due to power outages. but also, communication errors. The number of occasions were posted, but no detail is provided on the duration of each occasion (i.e. 1 hour or 3 days to know the significance of each outage).</p> <p>Recent improvement was to virtualise computer hardware individually for monitoring stations, rather than all hardware being housed in one unit.</p> <p>As review of complaints data and monitoring results during this period indicate there were no dust related complaints or exceedances of their PM10 limits in 2019 Reporting Period (during which the non-compliance occurred).</p> <p>Therefore, with this consideration, a low risk non-compliance finding and Corrective action 6 has been made.</p>	Low
M2.3	<p>In 2018, surface water samples were unable to be collected at SW28 (Stoney Creek) on three occasions as the surface water sampling contractor advised that access was unsafe following wet weather.</p> <p>In 2019, Condition M2.3 of EPL 529 requires 30 samples be collected, however due to dry conditions and subsequent reductions to runoff in catchments, adequate samples were unable to be collected at monitoring locations SW01, SW02, SW03, SW27/SW27a, SW32/SW32a and SW08. The non-compliance is considered to be a result of the prevailing climatic conditions during the reporting period (i.e. drought).</p>	Low

Condition	Reason for Non-Compliance	Risk Rating
	In 2019, groundwater samples were not collected on 38 occasions due to insufficient water as a result of extended drought. Monitoring locations P106, P114, P315, GW08 and GW09 were monitored but samples were unable to be taken on 8 February, 3 April, 5 June, 6 August, 3 October and 3 December as the locations were dry or had insufficient water to provide a representative sample. The 2018 Annual Return identified this non-compliance against P1.2; however, it was the auditors view this more appropriately related to Condition M2.3 and has therefore been identified as a non-compliance against this condition.	
M4.1	See discussion at Condition B50 of DA 305-7-2003	Low
M9.4	Review of the 2018 Annual Return indicates meteorological data was recorded at 10 minute intervals, not 15 minute intervals as required. This has resulted in a non-compliance (administrative finding). As subsequent monitoring during 2019 and 2020 indicates this issue has been addressed, no recommendation has been made	Administrative

4.6 Compliance with relevant leases

4.6.1 Summary of non-compliances

The review of compliance with the relevant leases (CL 374, CL 397, CL 365, CCL 743, ML 1594, ML 1572, ML 1402, and ML 1806) identified one non-compliance against each lease. The non-compliance were deemed to represent a low risk.

A summary of non-compliances are detailed in Table 4-4 below.

Table 4-4 Summary of Leases Non-Compliances

Lease	Condition	Reason for Non-Compliance	Risk Rating
CL 374	13	Condition 13(a) requires that where revegetation is required and native vegetation has been removed the original species must be re-established.	Low
ML 1594	13		
ML 1572	13	Grassland vegetation has been planted in areas identified as Woodland the 2003 EIS, and by extension the in the current MOP. Interviews indicated (confirmed by review of relevant documentation) indicates this was a result of the soon commencement of the United Wambo Joint Venture Operations in December 2020 which would mine through these rehabilitation areas; with this justification understood by the auditor. This notwithstanding, a low risk non-compliance has been found in relation to this condition Corrective action 4 has been made.	
CCL 743	5	Condition 5(b) requires reporting on the progress in respect of rehabilitation completion criteria.	Low
ML 1402	5	Further discussion in relation to this non-compliance has been provided against Condition B105 of DA 305-7-2003 in Table 4-1.	

4.7 Adequacy of any strategies/plans and programs

A number of strategies, plans and programs have been developed for the Mine in accordance with DA 305-7-2003 and DA 177-8-2004. Table 4-5 provides a summary of the key monitoring and management practices on site and areas recommended for improvement.

Table 4-5 Status of key monitoring and management

Environmental aspect	Reference	Implementation	Recommendations
Rehabilitation	RMP/MOP	<p>During the site inspection on 18 November 2020, the mining operations were noted as appearing generally consistent with the RMP/MOP and the approved project, with evidence of progressive rehabilitation observed during the site inspection. Temporary grass cover to provide cover and protection was also observed.</p> <p>However, while the RMP/MOP references regular consultation with relevant agencies (i.e. DPIE, DPIE Water, BCD and Council), no evidence of consultation during the preparation of the RMP/MOP applicable to the 2020 IEA period has been sighted. It is noted all these agencies were invited to provide input to the 2020 IEA and, with the exception of the Resources Regulator, no agencies expressed concerns or interest in relation to on-site rehabilitation. However, review of the Phase 2 MOP indicates this requirement has been addressed with evidence in Appendix 2 of the MOP.</p>	N/A
		<p>As discussed in Table 4-2 regarding the Condition B103 of DA 305-7-2003, there is potential that reporting of completion criteria and TARPs associated with the LFA performance measures are affected by inconsistency with the standard LFA Monitoring methods (Tongway and Hindley 2005). For this reason, Corrective action 1 has been made</p>	See Corrective Action 1
Noise	NMP	<p>During the site visit, Peabody personnel were forthcoming in producing any evidence requested. Non-compliances were noted in relation to noise exceedances; however, during the site inspection, it was noted that WCPL exhibited best practice active and reactive noise management and completed community consultation in accordance with their NMP during the audit period.</p> <p>Review of the Phase 1 NMP indicated there is currently no documented program which sees to calibrate and validate real-time monitoring results with attended monitoring results over time in accordance with Condition B17(f)(ii). However, review of the Phase 2 NMP indicates this requirement has now been addressed for operations going forward. As such, the NMP is considered to adequately address approval requirements.</p>	N/A
Blasting	BMP	<p>From the site inspection and interviews, the site personnel were generally aware of the requirements of the BMP, as relevant to their role, and found that the BMP adequately addressed the requirements of DA 305-7-2003 and DA 177-8-2004 as demonstrated by the downwards trend in blasting related complaints over the past four years. With the 2020 IEA confirming the monitoring and management requirements are being undertaken in accordance with the BMP.</p>	N/A

Environmental aspect	Reference	Implementation	Recommendations
Water management	WMP	<p>Review of the WMP and its application indicated that is adequately addressed the requirements of DA 305-7-2003 and DA 177-8-2004 and other approvals. The plan contains the regulatory requirements, how they are addressed and detailed description of the environmental context, water management infrastructure, baseline data and monitoring and review requirements to comply with the requirements.</p> <p>Adequacy of the implementation of the WMP was supported by the fact of no discharge during the audit period, no incidents reported to the EPA during audit period – 1 September 2017 to 1 December 2020.</p> <p>From the site inspection and interviews, the site personnel were generally aware of the requirements of the WMP relevant to their role and the infrastructure appeared to be constructed and maintained in accordance with the plan.</p>	N/A
	Erosion and sediment control	The ESCP identified the relevant requirements and the permanent and temporary controls inspected during the site inspection were installed and maintained consistent with industry practice. However, recommendation 2 has been made to improve the ESCP.	See Recommendation 2
Biodiversity	BMP	<p>Review of relevant documentation indicates non-compliance in relation to the implementation of the BMP occurred during the reporting period. Relevant findings were made by Cumberland Ecology (2020), with WCPL having submitted a response to audit findings and recommendations related to this non-compliance, which has been accepted by DPIE on 17 July 2020.</p> <p>Therefore, no further recommendations are made in relation to this non-compliance.</p>	N/A
	Biodiversity offset strategy	<p>Review of relevant documentation indicates compliance with the requirements of this condition. No additional offsets have been identified as being required under Condition B3.</p> <p>Review of the 2017 IEA recommendation indicates it was not achieved, with a non-compliant (administrative) found against condition B72. This finding was determined by Cumberland Ecology 2020 and is otherwise closed out, with no relevant recommendations</p>	N/A
Heritage	Conservation Management Plan for the Wambo Homestead (CMP)	<p>Review of the CMP indicates compliance with the requirements of the DA, as well as appropriate implementation. However, review of DA 305-7-2003 indicates a revision to Condition B90 during the audit period now requires the CMP to be prepared to the Heritage Branch's satisfaction.</p> <p>Therefore, Recommendation 3 has been made.</p>	See Recommendation 3

Environmental aspect	Reference	Implementation	Recommendations
	Aboriginal Cultural Heritage Management Plan	Review of relevant documentation indicates the conservation agreement for the Aboriginal cultural heritage in Remnant Woodland Emplacement Area A was prepared in March 2018 and approved on 1 September 2017, with satisfaction of BCD from DPIE 31 October 2018. From the site inspection and interviews, the site personnel were generally aware of the requirements of the plan relevant to their role.	N/A.
Traffic	Traffic management plan	Not applicable to the audit period – The Traffic Management Plan is required as a component of Phase 2.	N/A
Air quality	Air Quality Management Plan	Review of relevant data indicates compliance with the requirements of this condition, with Wambo Coal taking all reasonable and feasible avoidance and mitigation measures.	N/A
General	EMS	Review of relevant evidence indicates general compliance with the requirements of this condition; however, the EMS is noted to include superseded Acts and Regulations, and outdated agency details. The former resulting in an administrative non-compliance with Condition D1(c). However, review of the Phase 2 EMS indicates this has now been addressed.	N/A
Monitoring	Environmental Monitoring Program	N/A – Review of relevant data indicates compliance with the requirements of this condition are addressed by individual management plans (e.g. Blast Management Plan, Noise Management Plan, etc.). Relevant compliance or otherwise is discussed for each issue in this table.	Refer to relevant recommendations for each issue.
Extraction of second works	Extraction Plan	Review of the extraction plan and conduct of the audit for the audit period verifies consultation with relevant stakeholders and implementation of the plan and associated sub-plans.	N/A

Note: the recommendation numbering is from the detailed findings provided in Appendix D, Appendix E and Appendix F.

4.8 Auditor's response to any matters raised by government agencies

4.8.1 DPIE

A consultation letter was provided to DPIE on 14 October 2020, with no response received to date.

4.8.2 NSW Resources Regulator

A consultation letter was provided to the NSW Resources Regulator on 14 October 2020, with a subsequent response received 19 October 2020 and is summarised in Table 4-6.

Table 4-6 NSW Resources Regulator comments and auditor's response

NSW Resource Regulator comments	Auditor response
Review relevant mining leases and exploration licences as agreed with Resources Regulator;	Refer to Section 4.6.1
Undertake an assessment of compliance against the conditions of title related to environmental management	Refer to Section 4.6.1
Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP;	Refer to Section 4.7 and Appendix D & Appendix E
Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular: <ul style="list-style-type: none"> Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s); Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval; 	Refer to Section 4.7 and non-compliances noted against Condition B105 and B110 of DA 305-7-2003 and Condition B26 of DA 177-8-2004 in Table 4-1.
Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records;	Refer to non-compliance noted against Condition B105 and B110 of DA 305-7-2003 and Condition B26 of DA 177-8-2004 in Table 4-1. Refer to non-compliance noted against CL 374, ML 1594, ML 1572, CCL 743 and ML 1402 in Table 4-4
Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation;	Refer to non-compliance noted against Condition B108 of DA 305-7-2003 in Table 4-1
Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection;	Refer to non-compliance noted against Condition B110 of DA 305-7-2003 in Table 4-1

NSW Resource Regulator comments	Auditor response
Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval; and	Refer to Section 4.2.1 and Section 4.7 and non-compliance noted against Condition B110 of DA 305-7-2003 in Table 4-1
Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.	Refer to Section 4.7

4.8.3 NRAR/DPIE Water Group

A consultation letter was provided to NRAR on 14 October 2020, with no response received to date.

4.8.4 BCD

A consultation letter was provided to the BCD on 14 October 2020, with a subsequent response received 15 October 2020 indicating no relevant issues or input.

4.8.5 Heritage NSW

A consultation letter was provided to Heritage NSW on 14 October 2020, with a response received on 10 November 2020 indicating no relevant issues or input.

4.8.6 EPA

A consultation letter was provided to the EPA on 14 October 2020, with a subsequent response received 15 October 2020 indicating no specific concerns to raise for the audit.

4.8.7 Singleton Council

A consultation letter was provided to Singleton Council on 14 October 2020, with no response received to date.

4.8.8 CCC Chair

A consultation letter was provided to the CCC Chair on 2 November 2020, with no response received to date.

5. Recommendations

Table 5-1 summarises the recommendations made based on the findings of the audit.

Table 5-1 Corrective Actions

Number	Condition	Recommendation
1	B103 of DA 305-7-2003	Ensure relevant items which remain open, as detailed in Peabody's response to the Resources Regulator on 30 November 2020, are closed out in consultation with and to the satisfaction of the Resources Regulator. ¹
2	B105 of DA 305-7-2003 and B26 of DA 177-8-2004	The method for assessing rehabilitation performance using LFA monitoring should be reassessed in line with Tongway and Hindley (2005). TARP and Completion Criteria should be updated in the MOP. ²
3	B108 of DA 305-7-2003	The MOP should be updated to include relevant programs and activities to address care and maintenance and mine closure requirements.
4	B110 of DA 305-7-2003	Where a variation to rehabilitation activities detailed in the approved RMP/MOP is planned to be undertaken, ensure this is undertaken in consultation with the NSW Resources Regulator and other relevant agencies detailed in Condition B108.
5	C4 of DA 305-7-2003 and C2 of DA 177-8-2004	Provide copies of relevant resident tenancy agreements to the Planning Secretary to confirm satisfaction that the intents of this condition of been met.
6	EPL 529 Condition M2.3	When PM10 samplers (TEOM) stop logging data, report the duration and the 24 hour average concentration to see if the downtime would likely of resulted in an exceedance.

Note 1: This action was addressed post-audit and remaining actions closed out by 27 January 2021,

Note 2: It is understood this action is in the process of being closed out, with the BMP being reviewed and updated as required, and applicable changes to be made to the MOP/RMP as relevant.

Table 5-2 Recommendations

Number	Condition	Recommendation
1	B42 of DA 305-7-2003	Calculation of the site incremental impact, and contributions during extraordinary events such as bushfires is undertaken as required for elevated 24 hour concentrations and on an ad-hoc basis for annual averaged concentrations. The site can investigate a method to better capture extraordinary events such as bushfires and exclude this from the data on a regular basis. Increase in site annual averages shows this may be an issue moving forward with climate related events such as bushfires and droughts.
2	B66 of DA 305-7-2003	Figure 10 of the ESCP would benefit from flow direction arrows indicating is satisfaction of detailed plans for water run-off diversions and catch drains and any reinstated drainage networks on rehabilitated areas of the site. ¹
3	B90 of DA 305-7-2003	The CMP should be resubmitted to the Heritage Branch for endorsement/verification of satisfaction, to ensure compliance with the modified requirements of DA 305-7-2003. ²
4	EPL 529 Condition M6.2	Rather than the current text which reads 'Enquiries or complaints can be lodged at – WamboCommunity@peabodyenergy.com ', the Wambo website should be revised to give details for the 24 hour Community Enquiry Line being available to make complaints. ³

Note 1: It is understood this recommendation has been addressed via consideration of DPIE advice relating to which days are to be excluded from the annual analysis due to being extraordinary events. This allows annual data compilation by a technical specialist to exclude these days from reporting.

Note 2: Figure 10 of the ESCP was updated in accordance with this recommendation and resubmitted to DPIE on 13 July 2021

Note 3: This recommendation has been addressed, with the CMP provided to the Heritage Branch on 19 April 2021.

Note 4: This recommendation has been addressed, with the complaints line advert updated as required.

Appendices

Appendix A – DPIE Approval of Audit Team



Mr Peter Jaeger
Manager Environment and Community
Wambo Coal Pty Ltd
PMB 1
SINGLETON NSW 2330

By Email ONLY: PJaeger@peabodyenergy.com

11/09/2020

Dear Mr Jaegar

**WAMBO COAL MINE (DA 305-7-2003 AND DA 177-8-2004)
INDEPENDENT ENVIRONMENTAL AUDIT 2020**

Reference is made to correspondence from Wambo Coal Pty Ltd (WCPL) submitted to the Department of Planning, Industry and Environment (the Department) on 31 August 2020 seeking endorsement for a proposed team for the upcoming Independent Environmental Audit (IEA) required by Schedule 2, Condition D11 of development consent DA 305-7-2003 and Schedule 2, Condition D11 of development consent DA 177-8-2004 (the consents) for the Wambo Coal Mine and Wambo Rail and Coal Loading Infrastructure (the site).

The Secretary has considered WCPL's request and endorses the following audit team from GHD for the 2020 IEA:

- Mr Elliot Holland – lead auditor;
- Mr Evan Smith – air quality;
- Ms Evelyn Potoczny – noise and blasting;
- Mr Tyler Tinkler – soils and water resources; and
- Ms Michelle Kiejda – rehabilitation.

Please note, the IEA is to be conducted in accordance with the conditions of the consents, and the Department's *Independent Audit Guideline* (October 2015). Further, the Secretary requests that in undertaking the IEA, the Auditor only use the compliance status descriptors "compliant", "non-compliant" or "not triggered". The terms "partial compliance", "partial non-compliance", "not verified" or other similar terms are not to be used.

The IEA period shall be from 1 September 2017 to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed on or around 31 October 2020, unless otherwise agreed by the Secretary.

The IEA report, together with responses to any recommendations (RAR) contained in the IEA report, should be submitted to the NSW Government's Major Project Website (<https://www.planningportal.nsw.gov.au/major-projects>) within 12 weeks of commencing the audit.

Should you need to discuss the matter, please contact Ann Hagerthy, Senior Compliance Officer, on (02) 6575 3407 or compliance@planning.nsw.gov.au

Yours sincerely

Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

Appendix B – Agency consultation

14 October 2020

Mary-Anne Crawford
Manager Development and Environmental Services
Singleton Council
12-14 Queen Street
SINGLETON NSW 2330

Our ref: 24DJSZNHUEPC-
1850682920-7
Your ref:

Email: mcrawford@singleton.nsw.gov.au

Dear Mary-Anne

Wambo Coal - Independent Environmental Audit

Wambo Coal Pty Ltd (WCPL) has engaged GHD to undertake an independent environmental audit of the Wambo Coal Mine operations in accordance with Condition D11 of the Development Consents for the Mine (DA 305-7-2003 and DA 177-8-2004). The scope of the audit is to:

- Assess the environmental performance of the development and whether it is complying with the relevant requirements of the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals)
- Review the adequacy of strategies, plans or programs required under the Development Consent
- Recommend measures or actions to improve the environmental performance of the project and/or any assessment, plan or program required under the approval.

I am writing to you to invite comment from Council in regard to the DA 305-7-2003 and DA 177-8-2004 as well as WCPL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments in regard to the performance of WCPL in meeting these obligations under the following headings:

- Compliance with requirements
- Progress to meeting requirements
- Details of incidents of non-compliance
- Adequacy of actions taken, and
- Adequacy of the requirements of the licence.

I also invite you to comment on WCPL's performance with other requirements, as you may deem appropriate.

The site visit for the audit is scheduled to be conducted the week commencing Monday, 16 November 2020. We wish to invite you to provide comment on WCPL's compliance/performance so that we may adequately address any concerns during the audit.

Upon receipt of this letter, please advise GHD of the primary contact within your organisation that will be coordinating this request. It would be appreciated if you could submit your written comments by Friday, 13 November 2020.

All correspondence in relation to this matter should be directed to Elliot Holland, GHD Lead Auditor on 02 4979 9923 or elliott.holland@ghd.com.



Elliot Holland

Lead Auditor – Environmental Management Systems

Senior Environmental Scientist

+612 4979 9923

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12536690/12536690-LET_Wambo IEA-Council.docx

2

From: Sam Higgs <Sam.Higgs@environment.nsw.gov.au>
Sent: Tuesday, 10 November 2020 4:32 PM
To: Elliot Holland
Cc: Tim Olliver; Gillian Goode
Subject: RE: 12536690 - Wambo Coal Mine IEA Agency Consultation

Hi Elliot,

Thank you for your email inviting Heritage NSW to provide comment on your independent environmental audit (IEA) of Wambo Coal Mine. Heritage NSW have no comment at this time in relation to Aboriginal cultural heritage. However, I am aware that the Department of Planning, Industry and Environment (DPIE) have undertaken compliance investigations in relation to the mine. I suggest you contact the Hunter Central Coast Compliance and Regulation team within DPIE at rog.hcc@environment.nsw.gov.au

Regards,
Sam

Dr Samantha Higgs | Senior Team Leader Aboriginal Cultural Heritage Regulation - North
Heritage NSW, Community Engagement, Department of Premier and Cabinet
Level 6, 10 Valentine Ave, Parramatta | Locked Bag 5020 Parramatta 2124
T: 02 9995 6824 | sam.higgs@environment.nsw.gov.au



**Premier
& Cabinet**

I acknowledge and respect the traditional custodians and ancestors of the lands I work across.

Heritage NSW and coronavirus (COVID-19)

Heritage NSW has taken steps to protect the safety, health and wellbeing of our staff, communities and customers. Whilst our offices remain open, we have put in place flexible working arrangements for our teams across NSW and continue to adapt our working arrangements as necessary. Face-to-face meetings and field work/site visits with our customers are subject to rules on gatherings and social distancing measures. We thank you for your patience and understanding at this time.

From: Elliot Holland <Elliot.Holland@ghd.com>
Sent: Wednesday, 14 October 2020 3:52 PM
To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Subject: FW: 12536690 - Wambo Coal Mine IEA Agency Consultation

Hi,

GHD has been engaged to conduct an independent environmental audit (IEA) of Wambo Coal Mine.

Please find a letter attached to invite comment from Heritage NSW in regard to Wambo Coal Pty Limited's (WCPL's) performance with regard to DA 305-7-2003 and DA 177-8-2004, as well as with other requirements, as you may deem appropriate.

Regards,

Elliot Holland
(B. Env. Sc. & Mgt.)
Senior Environmental Scientist
Lead Auditor – Environmental Management Systems

GHD

Proudly employee owned

T: +612 4979 9923 | E: elliott.holland@ghd.com

GHD Tower, Level 3, 24 Honeysuckle Drive Newcastle NSW 2300 | www.ghd.com

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From: Steven Cox <Steven.Cox@environment.nsw.gov.au>
Sent: Thursday, 15 October 2020 9:12 AM
To: Elliot Holland
Subject: RE: HPE CM: 12536690 - Wambo Coal Mine IEA Agency Consultation

Hi Elliot,

Thank you for the opportunity to provide input into the audit process, however in this case we don't have any specific concerns to raise for the audit.

Good luck with the audit.

Regards
Steven

Steven Cox
Senior Team Leader Planning, Hunter Central Coast Branch

Biodiversity and Conservation Division | Department of Planning, Industry and Environment
T 02 4927 3140 | M 0472 800 088 | E steven.cox@environment.nsw.gov.au
Level 4/26, Honeysuckle Drive Newcastle NSW 2309
Locked Bag 1002, Dangar NSW 2309
www.dpie.nsw.gov.au

Currently working from home during Covid-19 restrictions and can be contacted on both above phone numbers.



**Planning,
Industry &
Environment**

Our Vision: Together, we create thriving environments, communities and economies.

We work flexibly. I'm sending this message now because it's a good time for me. I don't expect that you will read, respond to, or action this message outside of your own regular hours.

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

From: Bernadette Hughes <Bernadette.Hughes@environment.nsw.gov.au> **On Behalf Of** DEH ROD Hunter Central Coast Mailbox
Sent: Wednesday, 14 October 2020 6:29 PM
To: Steven Cox <Steven.Cox@environment.nsw.gov.au>
Subject: FW: HPE CM: 12536690 - Wambo Coal Mine IEA Agency Consultation

From: Elliot Holland <Elliot.Holland@ghd.com>
Sent: Wednesday, 14 October 2020 3:26 PM
To: Steven Cox <Steven.Cox@environment.nsw.gov.au>

Cc: OEH ROD Hunter Central Coast Mailbox <rog.hcc@environment.nsw.gov.au>; Robert Gibson <Robert.Gibson@environment.nsw.gov.au>
Subject: HPE CM: 12536690 - Wambo Coal Mine IEA Agency Consultation

Hi Steven/Robert,

GHD has been engaged to conduct an independent environmental audit (IEA) of Wambo Coal Mine.

Please find a letter attached to invite comment from BCD in regard to Wambo Coal Pty Limited's (WCPL's) performance with regard to DA 305-7-2003 and DA 177-8-2004, as well as with other requirements, as you may deem appropriate.

Regards,
Elliot Holland
(B. Env. Sc. & Mgt.)
Senior Environmental Scientist
Lead Auditor – Environmental Management Systems

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MAAG0008833

Mr Elliot Holland
GHD
2-3 GHD Tower
24 Honeysuckle Drive
Newcastle NSW 2300
By email: elliott.holland@ghd.com

Dear Mr Holland

Subject: Wambo Coal Mine – Independent Environmental Audit

Thank you for your email and letter dated 14 October 2020 requesting consultation on the independent audit to be undertaken of the Wambo Coal Mine.

The Wambo Coal Mine complex is covered by the mining titles listed below.

- CCL743 (1973)
- CL365 (1973)
- CL374 (1973)
- CL397 (1973)
- ML1402 (1992)
- ML1572 (1992)
- ML1594 (1992)

The Resources Regulator requires that the following issues be addressed in independent environmental audits undertaken in accordance with a planning consent condition.

- Review relevant mining leases and exploration licences as agreed with Resources Regulator;
- Undertake an assessment of compliance against the conditions of title related to environmental management;
- Verify that there is a current Mining Operations Plan (MOP) in place and it has been approved by the Regulator – review compliance against any conditions of approval of the MOP;
- Undertake a critical review of the MOP, including an assessment of its compatibility with the description of operations contained in the planning approval. In particular:
 - Review the rehabilitation strategy as outlined in the MOP to determine if it is consistent with the Project Approval in terms of progressive rehabilitation schedule; and proposed final land use(s);

NSW Resources Regulator
516 High Street Maitland NSW 2320 | PO Box 344 HRMC NSW 2310 | Tel: 1300 814 609 |
resourcesregulator.nsw.gov.au

- Review the rehabilitation objectives and completion criteria as outlined in the MOP to determine if they have been developed in accordance with the proposed final land use(s) as outlined in the Project Approval;
- Review the development and implementation of any rehabilitation monitoring programs to assess performance against the nominated objectives and completion criteria – verified by reviewing monitoring reports and rehabilitation inspection records;
- Determine if a rehabilitation care and maintenance program has been developed and implemented based on the outcomes of monitoring program – verified by reviewing Annual Rehabilitation Programs or similar documentation;
- Confirm that mining operations are being conducted in accordance with the approved MOP (production, mining sequence etc.), including within the designated MOP approval boundary – to be verified by site plans and site inspection;
- Confirm that rehabilitation progress is consistent with the approved MOP as verified by site plans and a site inspection. This should include an evaluation against rehabilitation targets and whether the final landform is being developed in accordance with conceptual final landform in the Project Approval; and
- Based on a visual inspection, determine if there are any rehabilitation areas that appear to have failed or that have incurred an issue that may result in a delay in achieving the successful rehabilitation outcomes.

In addition to the above, the audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.

It would be appreciated if a copy of the final audit report could be sent to the Regulator at nswresourcesregulator@service-now.com upon completion of the audit.

Yours sincerely

Jenny Ehmsen
Principal Compliance Auditor

19 October 2020



DOC20/848347-1, EF13/3816

GHD
By email: Elliot.holland@ghd.com

15 October 2020

Attention: Mr Elliot Holland

Dear Mr Holland

Wambo Coal – Independent Environmental Audit

I refer to your letter dated 14 October 2020 regarding input to the Independent Environmental Audit of Wambo Coal Mine near Singleton.

The Environment Protection Authority (EPA) encourages independent audit towards proponents improving their environmental performance. We do not provide input as our role is to set environmental objectives for environmental/conservation management and manage outcomes.

I refer you to the EPA's public register <http://www.epa.nsw.gov.au/prpoeo/index.htm> where you can search for regulatory activity undertaken by the EPA for Environment Protection Licences 529 for Wambo Coal Pty Limited.

If you require any further information regarding this matter please me on (02) 4908 6833.


Digitally signed
by Natasha Ryan
Date: 2020.10.15
10:00:47 +11'00'

Yours sincerely
NATASHA RYAN
Regulatory Operations Officer

Appendix C – Independent Audit Submission Form

Independent Audit Declaration Form	
Project name	Wambo Coal Mine
Consent Number	DA 305-7-2003 and DA 177-8-2004
Description of project	Refer to Section 1.1
Project address	Watt Street, Warkworth
Proponent	Wambo Coal Pty Ltd
Title of audit	Wambo Coal Mine – Independent Environmental Compliance Audit
Date	26 July 2021

I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:

- The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits
- The findings of the audit are reported truthfully, accurately and completely
- I have exercised due diligence and professional judgement in conducting the audit
- I have acted professionally, in an unbiased manner and did not allow undue influence to limit or override objectivity in conducting the audit
- I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child
- I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family)
- Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

a) The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).

Name of Lead auditor	Elliot Holland
Signature	
Qualification	Lead Auditor – Environmental Management Systems
Email address	Elliot.holland@ghd.com
Company and address	GHD Pty Ltd (GHD) GHD Tower, Level 3, 24 Honeysuckle Drive Newcastle NSW 2300
Date	26 July 2021

Appendix D – DA 305-7-2003

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Schedule 2 Part A – Administrative Conditions				
Obligation to minimise harm to the environment				
A1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Compliant	Site inspections and interviews conducted 18 November 2020 Site inspections and interviews conducted 19 November 2020 Relevant documentation identified against each condition of consent.	Review of relevant evidence indicates compliance with the requirements of this condition
Terms of Consent				
A2	The development may only be carried out:	Non-compliant (Low)	Development Consent (DA 305-7-2003)	Not all of the conditions of consent have been complied with. See risk ratings for each individual non-compliance.
(a)	(a) in compliance with the conditions of this consent;			
(b)	(b) in accordance with all written directions of the Planning Secretary;			
(c)	(c) generally in accordance with the EIS, SEE (Mod 1), SEE (Mod 2), SEE (Mod 3), SEE (Mod 4), SEE (Mod 5), SEE (Mod 6), SEE (Mod 7), SEE (Mod 8), EA (Mod 9), EA (Mod 11), EA (Mod 13), EA (Mod 14), EA (Mod 15), EA (Mod 12), EA (Mod 17) and EA (Mod 16); and			
(d)	(d) generally in accordance with the Development Layout and approved mine plan. <i>Note: With the approval of the Planning Secretary, longwall panels may be shortened or narrowed, providing that the proposed variations do not result in increased subsidence impacts or environmental consequences.</i>			
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit has found this condition has not been triggered during the audit period.
(a)	(a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and			
(b)	(b) the implementation of any actions or measures contained in any such document referred to in paragraph (a).			
A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the documents listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit has found this condition has not been triggered during the audit period.
Staged Development				
A5	Following the determination of Modification 16, the development must be undertaken in the following stages:	Compliant	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Review of relevant evidence indicates compliance with the requirements of this condition, with Phase 2 commencing in December 2020, after the site inspection for this audit.
(a)	(a) Phase 1 (as defined), including open cut mining operations at Wambo open cut mine and underground mining operations at Wambo underground mine;			
(b)	(b) Phase 2 (as defined), including underground mining operations at Wambo underground mine; and			
(c)	(c) Phase 3 (as defined), including mine closure.			
A6	Phase 1 commences immediately following the determination of Modification 16.	Compliant	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Review of relevant evidence indicates compliance with the requirements of this condition, with Phase 2 commencing in December 2020, after the site inspection for this audit.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Notification of Commencement or Completion of a Development Stage				
A7	The dates of commencement of both Phase 2 and Phase 3 (as set out in condition A5) of the development must be notified to the Department in writing, at least one month before those dates.	Compliant	Notification to DPIE dated 26 August 2020, with DPIE response dated 7 September 2020 Notification to DPIE dated 13 October 2020 informing of revised start date of 1 December 2020	Review of relevant evidence indicates compliance with the requirements of this condition.
A8	The Department must be notified in writing of any period of suspension of open cut or underground mining operations during Phase 1 or Phase 2, immediately following both the commencement and completion of those periods.	Compliant	Notification to DPIE dated 24 June 2020	Review of relevant evidence indicates compliance with the requirements of this condition.
Limits of Consent				
Mining Operations				
A9	Open cut mining operations may only be carried out at Wambo open cut mine during Phase 1, subject to condition A10.	Compliant	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Review of relevant evidence indicates compliance with the requirements of this condition, with Phase 2 commencing in December 2020, after the site inspection for this audit.
A10	If, after Phase 2 has commenced, SSD 7142 (or related approval under the EPBC Act) is declared by a Court to be invalid, then the Applicant may seek the agreement of the Planning Secretary for the development to revert to Phase 1 (as defined), but only during any period during which SSD 7142 (or related approval under the EPBC Act) remains invalid. Note: During any period in which the development reverts to Phase 1, all conditions of this consent that apply during Phase 1 (including with respect to noise criteria and management plans) must be adhered to by the Applicant.	Not triggered	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Phase 2 has not commenced at the time of the audit, with Phase 2 expected to commence December 2020.
A11	Underground mining operations may be carried out at Wambo underground mine, but only within the area covered by the approved mine plan, until 31 August 2042. Note: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other requirements in relation to mining operations. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of mining operations until the rehabilitation of the site and other requirements have been carried out to the required standard.	Compliant	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Review of relevant data, conduct of site interviews and the site inspection indicate compliance with the requirements of this condition.
Coal Extraction and Transportation				
A12	A maximum of 9.75 million tonnes of ROM coal may be extracted from Wambo underground mine in any calendar year.	Compliant	Annual Reviews for 2017, 2018, 2019 Production data tracking spreadsheet for 2020	Review of relevant data indicates compliance with the requirements of this condition.
A13	During Phase 1, a maximum of 8 million tonnes of ROM coal may be extracted from Wambo open cut mine in any calendar year.	Compliant	Annual Reviews for 2017, 2018, 2019 Production data tracking spreadsheet for 2020	Review of relevant data indicates compliance with the requirements of this condition.
A14	During Phase 2, ROM coal from United Wambo open cut coal mine may be received, processed and/or stockpiled on the site.	Not triggered	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Phase 2 has not commenced at the time of the audit, with Phase 2 expected to commence December 2020.
A15	During Phase 2, overburden and coal reject material may be transferred to the United Wambo open cut coal mine for emplacement.	Not triggered	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Phase 2 has not commenced at the time of the audit, with Phase 2 expected to commence December 2020.
A16	A maximum of 14.7 million tonnes of ROM coal from the Wambo Mining Complex and United Wambo open cut coal mine may be processed at the Wambo CHPP in any calendar year. Note: Despatch of product coal is separately approved under DA 177-8-2004.	Compliant	Annual Reviews for 2017, 2018, 2019 Production data tracking spreadsheet for 2020	Review of relevant data indicates compliance with the requirements of this condition.
A17	The Applicant must ensure that all product coal is transported off site by rail except in an emergency, and as agreed by the Planning Secretary in consultation with Council.	Compliant	Annual Reviews Site interviews conducted 18 November 2020	Review of relevant data indicates compliance with the requirements of this condition.
Hours of Operation				
A18	The Applicant may undertake approved mining operations 24 hours a day, 7 days a week. Note: For limitations on blasting operations see condition B24.	Compliant	Annual Reviews for 2017, 2018, 2019 Annual Returns for 2018, 2019 and 2020	Review of relevant data indicates compliance with the requirements of this condition.
Identification of Approved Disturbance Area				

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
A19	Within three months of the determination of Modification 16, or other timeframe agreed by the Planning Secretary, the Applicant must provide to the Department a survey plan of the boundaries of the approved disturbance areas.	Compliant	Email to DPIE dated 28 November 2019, with approval of Modification 16 dated 28 August 2019.	Review of relevant data indicates compliance with the requirements of this condition.
Community Consultative Committee				
A20	The Applicant must continue the operation of the Wambo Community Consultative Committee (CCC) for the development, as operating under this consent prior to the approval of Modification 16. The CCC must be operated in accordance with the Department's <i>Community Consultative Committee Guidelines: State Significant Projects</i> (2019) for the life of the development, or other timeframe agreed by the Planning Secretary. Notes: • The CCC is an advisory committee only. • In accordance with the Guidelines, the Committee should comprise an independent chair and appropriate representation from the Applicant, Council and the local community.	Compliant	CCC quarterly meeting minute	Review of relevant data indicates compliance with the requirements of this condition.
A21	With the approval of the Planning Secretary, the Applicant may combine the CCC required by this consent with any similar CCC required by an adjoining mining consent or approval, in common, shared or related ownership or management, including SSD 7142 (United Wambo open cut coal mine).	Compliant	Email to DPIE dated 18 June 2020 requesting approval, with approval received 24 July 2020.	Review of relevant data indicates compliance with the requirements of this condition, with the first combined meeting held on 4 August 2020.
Evidence of Consultation				
A22	Where conditions of this consent require consultation with an identified party, the Applicant must:	Non-compliant (Administrative)	Determined by other conditions	Refer to discussion at Condition B108.
(a)	(a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and			
(b)	(b) provide details of the consultation undertaken to the Planning Secretary, including:			
(i)	(i) the outcome of that consultation, matters resolved and unresolved; and			
(ii)	(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.			
Staging, Combining and Updating Strategies, Plans or Programs				
A23	With the approval of the Planning Secretary, the Applicant may:	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
(a)	(a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);			
(b)	(b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);			
(c)	(c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and			
(d)	(d) combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by consent or approval for an adjoining mine subject to common, shared or related ownership or management, including DA 177-8-2004 (Wambo train loading facility) and SSD 7142 (United Wambo open cut coal mine).			
A24	A24. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	Not triggered	Site interviews conducted 18 November 2020	2017 IEA Recommendation: Recommend that formal written requests to the Secretary are made in the future if consultation with regulators is not intended to be conducted in relation to management plans. 2020 IEA Findings: Conduct of the audit indicates this condition has not been triggered during the audit period. In addition, review of relevant documentation indicates the 2017 IEA Recommendation has been also not been triggered, with relevant plans prepared during the audit period identified as addressing consultation requirements.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
A25	A25. If the Planning Secretary agrees, a strategy, plan or program may be staged without addressing particular requirements of the relevant condition of this consent if those requirements are not applicable to the particular stage.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
Application of Existing Strategies, Plans or Programs				
A26	The Applicant must continue to apply all management strategies, plans or monitoring programs required under this consent prior to the approval of Modification 16 and approved by the Planning Secretary prior to the approval of Modification 16, until the approval of a similar plan, strategy or program following the approval of Modification 16.	Compliant	Annual Reviews for 2017, 2018 and 2019 Wambo Homestead Complex Conservation Management Plan (May 2019 – WA-ENV-MNP-511) Wambo Coal Blast Management Plan (March 2020 – WA-ENV-MNP-507) Wambo Coal Surface Water Monitoring Program (March 2018 – WA-ENV-MNP-509.2) Wambo Coal Groundwater Monitoring Program (April 2018 – WA-ENV-MNP-509.1) Wambo Coal Surface and Groundwater Response Plan (April 2018 – WA-ENV-MNP-509.4) Wambo Coal Noise Management Plan (January 2020 – WA-ENV-MNP-503) Wambo Coal Air Quality & Greenhouse Gas Management Plan (April 2017 – WA-ENV-MNP-508) Wambo Coal Erosion and Sediment Control Plan (April 2018 – WA-ENV-MNP-509.3) Wambo Coal Environmental Management Strategy (March 2018 – WA-ENV-MNP-501) Wambo Coal Biodiversity Management Plan (May 2019 – WA-ENV-MNP-506)	Review of relevant data indicates compliance with the requirements of this condition.
Supply of Overburden				
A27	With the approval of the Planning Secretary, the Applicant may supply overburden material to infrastructure developments (for example roadworks and the like) in the vicinity of the site if the use of such material in those developments is the subject of development consent granted under Part 4 of the EP&A Act, an environmental assessment carried out under Division 5.1 of Part 5 of the EP&A Act, or an approval granted under Division 5.2 of Part 5 of the EP&A Act.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
Public Infrastructure				
Protection of Public Infrastructure				
A28	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
(a)	(a) repair, or pay the full costs associated with repairing, any public infrastructure ^a that is damaged by carrying out the development; and		Annual Reviews for 2017, 2018 and 2019	
(b)	(b) relocate, or pay the full costs associated with relocating, any public infrastructure ^a that needs to be relocated as a result of the development.		Consultation with agencies including Singleton Council and Transport for NSW.	
<i>a This condition does not apply to damage to roads caused as a result of general road usage or damage subject to compensation under the Mining Act 1992.</i>				
Demolition				
A29	All demolition must be carried out in accordance with <i>Australian Standard AS 2601-2001 The Demolition of Structures</i> (Standards Australia, 2001).	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period, while structures have been relocated on site, no infrastructure has been removed from site. Therefore, not meeting the definition of demolition defined in the DA.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Structural Adequacy				
A30	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with:	Compliant	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Conduct of the audit indicates this condition has been complied with, with review of the design drawings for the Skyline Project indicating a specialist engineering firm was engaged by Peabody (i.e. Ausenco).
(a)	(a) the relevant requirements of the BCA; and			
(b)	(b) any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.			
	Notes: <ul style="list-style-type: none"> • Under the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. • Under the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District. 			
Operation of Plant and Equipment				
A31	All plant and equipment used on site, or to monitor the performance of the development must be:	Compliant	Loader Work Order sample dated 12 October 2020 EIMCO 500 Hr service Air Exchanger for North Wambo Underground 21 October 2020 EIMCO ED7-10 250 Hr service dated 21 October 2020 Wambo Generic Induction Site inspection conducted 18 November 2020	2017 IEA Recommendation: Stream flow monitoring equipment failure. Recommend equipment is inspected regularly and replaced/repairs asap. FM5 was destroyed during a flood event and replaced in December 2016 (now FM15). FM6 was relocated in December 2016 (now FM16) 2020 IEA Findings: Review of relevant data indicates compliance with the requirements of this condition.
(a)	(a) maintained in a proper and efficient condition; and			
(b)	(b) operated in a proper and efficient manner.			
Compliance				
A32	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Compliant	Wambo General Induction	Review of relevant data indicates compliance with the requirements of this condition.
Applicability of Guidelines				
A33	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	Note	NA	NA
A34	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
Part B Specific Environmental Conditions				
Subsidence				

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings																										
Performance Measures – Natural and Heritage Features etc.																														
B1	<p>The Applicant must ensure that underground mining operations undertaken following the approval of Modification 9 comply with the performance measures in Table 1.</p> <p>Table 1: Subsidence impact performance measures – natural and heritage features etc</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2">Water</td> </tr> <tr> <td>Wollombi Brook</td> <td> <ul style="list-style-type: none"> Negligible subsidence impacts and environmental consequences Release of water from the site only in accordance with EPL requirements </td> </tr> <tr> <td colspan="2">Land</td> </tr> <tr> <td>Low level cliffs within the South Bates Extension Area</td> <td> <ul style="list-style-type: none"> Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 5% of the total face area of such features) </td> </tr> <tr> <td colspan="2">Biodiversity</td> </tr> <tr> <td>Wollemi National Park</td> <td> <ul style="list-style-type: none"> Negligible subsidence impacts and environmental consequences </td> </tr> <tr> <td>Warkworth Sands Woodland Community</td> <td> <ul style="list-style-type: none"> Minor cracking and ponding of the land surface or other subsidence impacts Negligible environmental consequences </td> </tr> <tr> <td>White Box, Yellow Box, Blakely's Red Gum Woodland/Grassy White Box Woodland Community</td> <td> <ul style="list-style-type: none"> Minor cracking and ponding of the land surface or other subsidence impacts Negligible environmental consequences </td> </tr> <tr> <td>Central Hunter Valley Eucalypt Forest and Woodland Ecological Community</td> <td> <ul style="list-style-type: none"> Minor cracking and ponding of the land surface or other subsidence impacts Negligible environmental consequences </td> </tr> <tr> <td>Conservation Areas (including the proposed Wambo offset area under SSD 7142)</td> <td> <ul style="list-style-type: none"> Negligible reduction to previously identified biodiversity credits </td> </tr> <tr> <td colspan="2">Heritage</td> </tr> <tr> <td>Wambo Homestead Complex</td> <td> <ul style="list-style-type: none"> Negligible impact on heritage values, unless approval has been granted by the Heritage Branch and/or the Minister </td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> The Applicant will be required to define more detailed performance criteria for each of these performance measures in the Extraction Plan (see condition B7 below). 	Feature	Performance Measures	Water		Wollombi Brook	<ul style="list-style-type: none"> Negligible subsidence impacts and environmental consequences Release of water from the site only in accordance with EPL requirements 	Land		Low level cliffs within the South Bates Extension Area	<ul style="list-style-type: none"> Minor environmental consequences (that is occasional rockfalls, displacement or dislodgement of boulders or slabs, or fracturing that in total do not impact more than 5% of the total face area of such features) 	Biodiversity		Wollemi National Park	<ul style="list-style-type: none"> Negligible subsidence impacts and environmental consequences 	Warkworth Sands Woodland Community	<ul style="list-style-type: none"> Minor cracking and ponding of the land surface or other subsidence impacts Negligible environmental consequences 	White Box, Yellow Box, Blakely's Red Gum Woodland/Grassy White Box Woodland Community	<ul style="list-style-type: none"> Minor cracking and ponding of the land surface or other subsidence impacts Negligible environmental consequences 	Central Hunter Valley Eucalypt Forest and Woodland Ecological Community	<ul style="list-style-type: none"> Minor cracking and ponding of the land surface or other subsidence impacts Negligible environmental consequences 	Conservation Areas (including the proposed Wambo offset area under SSD 7142)	<ul style="list-style-type: none"> Negligible reduction to previously identified biodiversity credits 	Heritage		Wambo Homestead Complex	<ul style="list-style-type: none"> Negligible impact on heritage values, unless approval has been granted by the Heritage Branch and/or the Minister 	Compliant	<p>Annual Reviews for 2017, 2018 and 2019 Extraction Plan Report for South Bates UG (Whybrow) LW 11 to 13 (01/01/2017 to 30/06/2017) dated December 2017</p> <p>Extraction Plan Report for South Bates UG LW 11 to 16 (01/01/2018 to 30/06/2018) dated November 2018</p> <p>Extraction Plan Report for South Bates UG LW 11 to 16 and South Bates Extension LW 17 (1/01/2019 to 30/06/2019) dated November 2019</p> <p>MSEC916 (Rev. A) dated 29 November 2017 – South Bates UG Mine Subsidence Review Report for WYLLW13</p> <p>MSEC991 (Rev. A) dated 12 November 2018 – South Bates UG Mine Subsidence Review Report for WYLLW13</p> <p>Subsidence Review Report for the South Bates Underground Mine WYLLW11 to WYLLW13 and WMLW14 to WMLW16 and the South Bates Extension Underground Mine WYLLW17 dated 29 October 2019</p> <p>Compliance with subsidence performance measure in the South Bates Underground Mine Extraction Plan – LW 11 to 16 (Hydro Solutions 28 March 2019)</p> <p>Updated longwall face position report for 28 October 2020. Updated by mine surveyor sent out to Wambo staff</p>	Review of relevant data indicates compliance with the requirements of this condition.
Feature	Performance Measures																													
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B2	<p>Measurement and monitoring of compliance with performance measures and performance criteria in this consent is to be undertaken using generally accepted methods that are appropriate to the environment and circumstances in which the feature or characteristic is located. These methods are to be fully described in the relevant management plans and monitoring programs. In the event of a dispute over the appropriateness of proposed methods is to be settled by the Planning Secretary, following consultation with the relevant agency. Any decision by the Planning Secretary shall be final.</p> <p>Additional offsets</p>	Compliant	See documentary evidence at Condition B2	Review of relevant data indicates compliance with the requirements of this condition.																										
B3	<p>If the Applicant exceeds the performance measures in Table 1 and the Planning Secretary determines that:</p> <p>(a) it is not reasonable or feasible to remediate the subsidence impact or environmental consequence; or</p> <p>(b) remediation measures implemented by the Applicant have failed to satisfactorily remediate the subsidence impact or environmental consequence, then the Applicant must provide an offset to compensate for the subsidence impact or environmental consequence that is proportionate to the significance of the subsidence impact or environmental consequence, following consultation with BCD and to the satisfaction of the Planning Secretary.</p>	Not triggered	<p>Site interviews conducted 18 November 2020</p> <p>Annual Reviews for 2017, 2018 and 2019</p>	Conduct of the audit indicates this condition has not been triggered during the audit period.																										

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings										
Performance measures – Built Features														
B4	<p>The Applicant must ensure that underground mining operations undertaken following the approval of Modification 9 comply with the performance measures in Table 2.</p> <p><i>Table 2: Subsidence impact performance measures – built features</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2">Built Features</td> </tr> <tr> <td>All built features (including public infrastructure and all structures on privately-owned land)</td> <td> <ul style="list-style-type: none"> Always safe Serviceability should be maintained wherever practicable Loss of serviceability must be fully compensated Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated </td> </tr> <tr> <td colspan="2">Public Safety</td> </tr> <tr> <td>Public safety</td> <td> <ul style="list-style-type: none"> Negligible additional risk </td> </tr> </tbody> </table>	Feature	Performance Measures	Built Features		All built features (including public infrastructure and all structures on privately-owned land)	<ul style="list-style-type: none"> Always safe Serviceability should be maintained wherever practicable Loss of serviceability must be fully compensated Damage must be fully repairable, and must be fully repaired or else replaced or fully compensated 	Public Safety		Public safety	<ul style="list-style-type: none"> Negligible additional risk 	Compliant	<p>Annual Reviews for 2017, 2018 and 2019</p> <p>Extraction Plan Report for South Bates UG (Whybrow) LW 11 to 13 (01/01/2017 to 30/06/2017) dated December 2017</p> <p>Extraction Plan Report for South Bates UG LW 11 to 16 (01/01/2018 to 30/06/2018) dated November 2018</p> <p>Extraction Plan Report for South Bates UG LW 11 to 16 and South Bates Extension LW 17 (1/01/2019 to 30/06/2019) dated November 2019</p> <p>MSEC916 (Rev. A) dated 29 November 2017 – South Bates UG Mine Subsidence Review Report for WYLLW13</p> <p>MSEC991 (Rev. A) dated 12 November 2018 – South Bates UG Mine Subsidence Review Report for WYLLW13</p> <p>Subsidence Review Report for the South Bates Underground Mine WYLLW11 to WYLLW13 and WMLW14 to WMLW16 and the South Bates Extension Underground Mine WYLLW17 dated 29 October 2019</p> <p>Compliance with subsidence performance measure in the South Bates Underground Mine Extraction Plan – LW 11 to 16 (Hydro Solutions 28 March 2019)</p>	Review of relevant data indicates compliance with the requirements of this condition
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Public safety	<ul style="list-style-type: none"> Negligible additional risk 													
	<p>Notes</p> <ul style="list-style-type: none"> The Applicant is required to define more detailed performance criteria for each of these performance measures in Built Features Management Plans or Public Safety Management Plan (see condition B7 below). Requirements regarding safety or serviceability do not prevent preventative or mitigatory actions being taken prior to or during mining. Compensation required under this condition includes any compensation payable under the Coal Mine Subsidence Compensation Act 2017. 	Note												
B5	<p>Any dispute between the Applicant and the owner of any built feature over the interpretation, application or implementation of the performance measures in Table 2 is to be settled by the Planning Secretary, following consultation with the Resources Regulator. Any decision by the Planning Secretary shall be final.</p> <p>First Workings</p>	Not triggered	<p>Site interviews conducted 18 November 2020</p> <p>Annual Reviews for 2017, 2018 and 2019</p>	Conduct of the audit indicates this condition has not been triggered during the audit period.										
B6	<p>The Applicant may carry out first workings within the underground mining areas of the approved mine plan, other than in accordance with an approved Extraction Plan, provided that the Resources Regulator is satisfied that the first workings are designed to remain stable and non-subsiding in the long-term, except insofar as they may be impacted by approved second workings.</p> <p>Note: The intent of this condition is to ensure that first workings are built to geotechnical and engineering standards sufficient to ensure long term stability, with negligible direct subsidence impacts.</p>	Compliant	<p>Resources Regulator satisfaction:</p> <ul style="list-style-type: none"> North Wambo Underground Mine Longwalls 9 and 10 (dated 13 January 2014) – Preceding the audit period. North Wambo Underground Mine Development of First Workings adjacent to Longwall 10 (dated 12 May 2014) – Preceding the audit period. North Wambo Underground Mine (Whybrow Seams) – Longwalls 11 to 13 First Workings (dated 30 September 2014) – Preceding the audit period. North Wambo Underground Mine (Whybrow Seam) – South Bates Extension Mains Heading First working (dated 2017) 	Review of relevant data indicates compliance with the requirements of this condition.										

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			<ul style="list-style-type: none"> South Bates Underground Extension First Workings Update dated 27 March 2018. South Bates Underground Extension First Works LW 17 dated 11 September 2018 South Bates Extension Underground Mine – First Workings for Longwalls 22 to 24, Schedule 2 Condition 6B of DA 307-7-2003, Resources Regulator satisfaction dated 7 July 2020 	
Extraction Plan				
B7	The Applicant must prepare an Extraction Plan for all second workings on the site to the satisfaction of the Planning Secretary. Each Extraction Plan must:	Compliant	Annual Reviews for 2017, 2018 and 2019 South Bates Underground Mine Extraction Plan LW 11 to 16 (January 2017). Preparation of this plan otherwise preceded the audit period DPIE endorsement of team dated 29 January 2018. Evidence of DPIE satisfaction/approval for:	Review of relevant data indicates compliance with the requirements of this condition.
(a)	(a) be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;			
(b)	(b) include detailed plans of existing and proposed first and second workings and any associated surface development;			
(c)	(c) provide updated predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;			
(d)	(d) describe in detail the performance criteria to be implemented to ensure compliance with the performance measures in Table 1 and Table 2, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B104, including:			
(i)	(i) a trigger action response plan to identify risks and specific follow up actions to avoid exceedances of the performance measures; and			
(ii)	(ii) a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of the performance measures, or where any such exceedance appears likely;			
	(e) include the following to the satisfaction of the Resources Regulator (or DRG, as the case may require):			
(i)	(i) a coal resource recovery plan that demonstrates effective recovery of the available resource;			
(ii)	(ii) a Subsidence Monitoring Program to: <ul style="list-style-type: none"> provide data to assist with the management of the risks associated with subsidence (conventional and non-conventional); validate the subsidence predictions; and analyse the relationship between the subsidence effects and impacts under the plan against those predicted and any ensuing environmental consequences; 			
(iii)	(iii) a Built Features Management Plan to manage the potential subsidence impacts and/or environmental consequences of the proposed second workings on built features, and which: <ul style="list-style-type: none"> addresses, in appropriate detail, all items of public infrastructure and all classes of other built features; and has been prepared following appropriate consultation with the owner/s of potentially affected feature/s; 			
(iv)	(iv) a Public Safety Management Plan to ensure public safety in the mining area; and			
(v)	(v) appropriate revisions to the Rehabilitation Management Plan required under condition B107; and			
(f)	(f) include a: <ul style="list-style-type: none"> (i) Water Management Plan, which has been prepared in consultation with EPA, DPIE Water and NRAR, which provides for the management of the potential impacts and/or 			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	environmental consequences of the proposed second workings on surface water resources, groundwater resources and flooding, and which includes:		Evidence of consultation with Registered Aboriginal Parties (RAPs) dated 9 March 2018	
	<ul style="list-style-type: none"> • surface and groundwater impact assessment criteria, including trigger levels for investigating any potentially adverse impacts on water resources (level, yield and quality); • a program to monitor and report on compliance with the surface and groundwater impact assessment criteria; • a program to monitor and report on groundwater inflows to underground workings; and • a program to manage and monitor impacts on privately-owned licensed bores; 			
(ii)	(ii) Biodiversity Management Plan, which has been prepared in consultation with BCD, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on flora and fauna, with a specific focus on threatened species, populations and their habitats, EECs and groundwater dependent ecosystems;			
(iii)	(iii) Land Management Plan, which has been prepared in consultation with any affected public authorities, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on land in general, with a specific focus on cliffs, minor cliffs, rock face features, steep slopes and agricultural enterprises;			
(iv)	(iv) Heritage Management Plan, which has been prepared in consultation with BCD and relevant stakeholders for Aboriginal and non-Aboriginal heritage, to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage items; and			
(g)	(g) include a program to collect sufficient baseline data for future Extraction Plans.			
B8	The Applicant must not undertake second workings until the applicable Extraction Plan is approved by the Planning Secretary.	Compliant	See documentary evidence detailed in Condition B7	Review of relevant data indicates compliance with the requirements of this condition.
B9	The Applicant must implement the Extraction Plan as approved by the Planning Secretary. Notes: • <i>Management plans prepared under condition B7 (e)&(f) should address all potential impacts of proposed underground coal extraction on the relevant features. Other site-wide management plans required under this consent are not required to duplicate these plans or re-address the specific impacts associated with underground coal extraction.</i>	Compliant	Annual Reviews for 2017, 2018 and 2019 Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	Review of relevant data indicates compliance with the requirements of this condition.
B10	Conditions B7 to B9 do not apply to first or second workings which are covered by an Extraction Plan or Subsidence Management Plan approved, or submitted for approval, as at the date of determination of Modification 16.	Compliant	See documentary evidence detailed in Condition B7	Review of relevant data indicates compliance with the requirements of this condition.
	Payment of Reasonable Costs			
B11	The Applicant must pay all reasonable costs incurred by the Department to engage a suitably qualified, experienced and independent person/s to review the adequacy of any aspect of an Extraction Plan.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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Noise

Operational Noise Criteria

B12 During Phase 1, the Applicant must ensure that the noise generated by the Wambo Mining Complex does not exceed the criteria in Table 3 at any residence on privately-owned land.

Non-compliant (Low)

Annual Reviews
Noise monitoring records for the audit period
Letter addressed to EPA re Notification of Exceedance – Operational Noise Criteria 8 September 2020

The Annual Reviews for the audit period detailed the following exceedances:

- 5/04/2018 – One exceedance of the night-time noise assessment criteria and five other exceedances of noise criteria; however were not sustained and/or in accordance with the NPI as being negligible. As such, these are considered administrative non-compliances.
- 17/01/2019 – One exceedance of the noise impact assessment criteria; however was not sustained. As such this is considered an administrative non-compliance.
- Sited letter to the EPA dated 15/10/2020 detailing exceedance of noise criteria at location N26 by 3 dB including low frequency penalty. A re-measure taken two nights later confirmed the exceedance.

Table 3: Operational noise criteria dB(A) for Phase 1

Noise Assessment Location	Day L _{Aeq} (15 min)	Evening/Night L _{Aeq} (15 min)	Night L _{A1} (1 min)
R019	59	59	N/A
R003			
R016			
R025			
R029			
R033	40	40	50
R039			
R042			
R320 (previously 15B)			
R345 (previously 15B)			
R006			
R007	39	39	50
R048			
R343 (previously 37)			
R017			
R030 (previously 38)			
R035			
R049	38	38	50
R075			
R346			
R348			
R379 (previously 91)			
R043			
R163	37	37	50
R344 (previously 137)			
R380 (previously 246)			
R381 (previously 178)	36	36	50
All other privately-owned residences	35	35	50

a The Noise Assessment Locations referred to in Table 3 are shown in Appendix 4.

B13 During Phase 2 and Phase 3, the Applicant must ensure that the noise generated by the Wambo Mining Complex does not exceed the criteria in Table 4 at any residence on privately-owned land.

Not triggered

Not triggered

Conduct of the audit indicates this condition has not been triggered during the audit period.

Table 4: Operational noise criteria dB(A) for Phase 2 and Phase 3

Noise Assessment Area	Noise Assessment Location	Day L _{Aeq} (15 min)	Evening L _{Aeq} (15 min)	Night L _{Aeq} (15 min)	Night L _{A1} (1 min)
Area 1 - North Bulga	R003	38	38	38	48
	R007 R379	37	37	37	47
	All other privately-owned residences	35	35	35	45
Area 2 - South Wambo	R025	39	39	39	49
	R035a	37	37	37	47

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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Noise Assessment Area	Noise Assessment Location	Day L _{Aeq} (15 min)	Evening L _{Aeq} (15 min)	Night L _{Aeq} (15 min)	Night L _{A1} (1 min)
	All other privately-owned residences	35	35	35	45
Area 3 - Warkworth Village	R019	59	59	59	69
	All other privately-owned residences	44	44	43	53
All other areas	All privately-owned residences	35	35	35	45

a The Noise Assessment Areas referred to in Table 4 are shown in Appendix 4.

B14	Noise generated by the Wambo Mining Complex must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the <i>NSW Industrial Noise Policy</i> (EPA, 2000). Appendix 5 of this consent sets out the meteorological conditions under which these criteria apply and the requirements for evaluating compliance with these criteria.	Compliant	Annual Reviews Noise monitoring records for the audit period	Review of relevant data indicates compliance with the requirements of this condition.
B15	B15. The noise criteria in Table 3 and Table 4 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Not triggered	Site interviews conducted 19 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
Noise operating Conditions				
B16	B16. The Applicant must:	Compliant	Annual Reviews Site interviews conducted 19 November 2020 Noise monitoring records for the audit period Wambo website Noise Management Plan	<p>2017 IEA Recommendation: Recommend that documented coordination with nearby mines and an agreed protocol is developed to manage cumulative noise impacts to the satisfaction of the Secretary.</p> <p>2020 IEA Findings:</p> <p>Site interviews and inspections showed that Wambo Coal is compliant with this condition. More specifically, Wambo undertake the following steps to comply with this condition:</p> <ul style="list-style-type: none"> a) Broadband reversing alarms are fitted to all equipment to reduce tonal noise. Quieter equipment is prioritised to work in the open cut areas. b) Reports are done on a daily basis which documents machine down time and general equipment usage. c) Noise management system includes the above two points, as well as having a noise monitoring program commensurate with Wambo's operations. Sentinex units are installed at two residential receivers in the vicinity of the mine which are monitored every 15 minutes. Sentinex units send alarm messages to Wambo staff when approaching noise criteria. If an alarm is sounded, typically half plant and equipment is shut off to bring noise levels back down. d) Weekly/daily weather briefings show risks of enhancing meteorological conditions. During periods of higher probability of noise enhancing conditions, a staggered start up of plant and equipment is undertaken with noise levels monitored. Operations are shut down when required. <p>A cumulative noise impact protocol has been outlined in the Noise Management Plan as per 2017 IEA recommendations.</p>
(a)	(a) take all reasonable steps to minimise all noise from construction and operational activities, including low frequency and other audible characteristics, as well as road noise associated with the development;			
(b)	(b) monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA;			
(c)	(c) operate a noise management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;			
(d)	(d) take all reasonable steps to minimise the noise impacts of the development during noise-enhancing meteorological conditions when the noise criteria in this consent do not apply (see Appendix 5); and			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Noise Management Plan				
B17	The Applicant must prepare a Noise Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:	Non-compliant (Administrative)	Noise Management Plan Evidence of DPIE satisfaction/approval for Phase 2 Noise Management Plan dated 20 November 2020 Evidence of consultation with the EPA included as an appendix to the NMP	<p>2017 IEA Recommendation: Recommend that documented coordination with nearby mines and an agreed protocol is developed to manage cumulative noise impacts to the satisfaction of the Secretary.</p> <p>2020 IEA Findings:</p> <p>Review of relevant documentation indicates the 2017 IEA Recommendation has been closed out.</p> <p>Review of relevant data indicates the August 2020 NMP generally complies with the requirements of this condition for the exception of condition f (ii). There is currently no documented program which sees to calibrate and validate real-time monitoring results with attended monitoring results over time.</p> <p>However, review of the Phase 2 NMP approved by DPIE on 20 November 2020 indicates this has been addressed.</p>
(a)	(a) be prepared by a suitably qualified and experienced person/s;			
(b)	(b) be prepared in consultation with the EPA;			
(c)	(c) describe the measures to be implemented to ensure:			
(i)	(i) compliance with the noise criteria and operating conditions in this consent;			
(ii)	(ii) best practice management is being employed; and			
(iii)	(iii) noise impacts of the development are minimised during noise-enhancing meteorological conditions under which the noise criteria in this consent do not apply (see Appendix 5);			
(d)	(d) seek to minimise road traffic noise generated by employee commuter vehicles on public roads;			
(e)	(e) describe the noise management system in detail; and			
(f)	(f) include a monitoring program that:			
(i)	(i) uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development;			
(ii)	(ii) includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time;			
(iii)	(iii) adequately supports the noise management system; and			
(iv)	(iv) includes a protocol for distinguishing noise emissions between the Wambo Mining Complex and United Wambo open cut coal mine; and			
(v)	(v) includes a protocol for identifying any noise-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of any such event.			
B18	The Applicant must not commence Phase 2 until the Noise Management Plan is approved by the Planning Secretary.	Compliant	Evidence of DPIE satisfaction/approval for Phase 2 Noise Management Plan dated 20 November 2020	Note: Phase 2 commencing 1 December 2020.
B19	B19. The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.	Compliant	Annual Reviews Site inspection conducted 19 November 2020 Site interviews conducted 19 November 2020	Review of relevant data indicates compliance with the requirements of this condition.
Blasting				
B20	Conditions B22 to B40 have application only during Phase 1.		Note	
B21	B21. No blasting associated with open cut operations is allowed on the site during Phase 2.	Not triggered	Not triggered	

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings																															
Blasting Criteria																																			
B22	<p>The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 5.</p> <p>Table 5: Blasting criteria</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Airblast overpressure (dB(Lin Peak))</th> <th>Ground vibration (mm/s)</th> <th>Allowable exceedance</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Residence on privately-owned land</td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>115</td> <td>5</td> <td>5% of the total number of blasts over a calendar year</td> </tr> <tr> <td>Wambo Homestead</td> <td>120</td> <td>5</td> <td>0%</td> </tr> <tr> <td>All other heritage items</td> <td>133</td> <td>5</td> <td>0%</td> </tr> <tr> <td>Prescribed dams</td> <td></td> <td>50 (unless otherwise directed by the DSC)</td> <td>0%</td> </tr> <tr> <td>Public roads</td> <td></td> <td>100</td> <td>0%</td> </tr> <tr> <td>All other public infrastructure</td> <td></td> <td>50 (or a limit determined by the structural design methodology in AS 2187.2 - 2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)</td> <td>0%</td> </tr> </tbody> </table>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance	Residence on privately-owned land	120	10	0%	115	5	5% of the total number of blasts over a calendar year	Wambo Homestead	120	5	0%	All other heritage items	133	5	0%	Prescribed dams		50 (unless otherwise directed by the DSC)	0%	Public roads		100	0%	All other public infrastructure		50 (or a limit determined by the structural design methodology in AS 2187.2 - 2006, or its latest version, or other alternative limit for public infrastructure, to the satisfaction of the Planning Secretary)	0%	Non-compliant (Low)	Annual Reviews for 2017, 2018 and 2019 Blast monitoring records for the audit period	The 2019 Annual review shows that one blast during the reporting period recorded an overpressure over 120 dB (120.6 dB) at BM05 on 13 September 2019. The corresponding ground vibration for this blast was 1.17 mm/s.
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																																
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B23	<p>The blasting criteria in Table 5 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or infrastructure to exceed the blasting criteria, and the Applicant has advised the Department in writing of the terms of this agreement.</p> <p>Blasting Hours</p>	Not triggered	Site interviews conducted 19 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.																															
B24	<p>The Applicant must only carry out blasting on the site between 9 am and 5 pm (Monday to Saturday inclusive). No blasting is allowed on Sundays, public holidays or any other time without the prior written approval of the Planning Secretary.</p> <p>Blasting frequency</p>	Compliant	Annual Reviews Blast monitoring records for the audit period	Blasting was undertaken on a Sunday on one occasion during the reporting period, however prior approval from the EPA was obtained. Review of relevant data indicates compliance with the requirements of this condition.																															
B25	<p>The Applicant may carry out a maximum of:</p> <p>(a) 3 single blast events a^a day; and</p> <p>(b) 15 single blast events a^a week, averaged over a calendar year.</p>	Compliant	Annual Reviews Blast monitoring records for the audit period	Review of relevant data indicates compliance with the requirements of this condition.																															
B26	<p>Condition B25 does not apply to single blast events^a that generate ground vibration of 0.5 mm/s or less at any residence on privately-owned land, or to blast misfires or blasts required to ensure the safety of the mine, its workers or the general public.</p> <p>^aWithin conditions B24 and B25, 'single blast event' means a blast which involves either a single detonation or a number of individual blasts fired in quick succession in a discrete area of the development. Should an additional blast be required after a blast misfire, this additional blast and the blast misfire are counted as a single blast event.</p>	Compliant	Annual Reviews Blast monitoring records for the audit period	Review of relevant data indicates compliance with the requirements of this condition.																															
<p>Note</p>																																			
Property investigations																																			
B27	<p>If the owner of any privately-owned land within 2 kilometres radius of the site or any other landowner where the Planning Secretary is satisfied an investigation is warranted, claims in writing that buildings or structures on their land have been damaged as a result of blasting on the site, then within 2 months of receiving this written claim the Applicant must:</p> <p>(a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and</p> <p>(b) give the landowner a copy of the property investigation report.</p>	Not triggered	Not triggered	<p>2017 IEA Recommendation: A notification of entitlement to property inspection is sent to landowners within 2 km of the site that to ensure current owners are aware of this entitlement</p> <p>2020 IEA Findings:</p> <p>Review of Condition 27 indicates this is not a requirement of Condition B27 of DA 305-7-2003, or any other condition of consent.</p> <p>Conduct of the audit indicates this condition has not been triggered during the audit period.</p>																															

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
B28	If this independent property investigation confirms the landowner's claim, and both parties agree with these findings, then the Applicant must repair the damage to the satisfaction of the Planning Secretary.	Not triggered	Not triggered	Conduct of the audit indicates this condition has not been triggered during the audit period.
B29	If there is a dispute over the selection of the suitably qualified, experienced and independent person, or the Applicant or the landowner disagrees with the findings of the independent property investigation, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Not triggered	Conduct of the audit indicates this condition has not been triggered during the audit period.
Blast Operating Conditions				
B30	The Applicant must:	Compliant	Annual Reviews Blast monitoring records for the audit period Complaints records Site interviews conducted 19 November 2020	Site interviews and inspections showed that Wambo Coal is compliant with this condition. More specifically, Wambo undertake the following steps to comply with this condition: a) Blast exclusion zone of 500 m is in place to protect people from blasting impacts. Livestock are not allowed past the fence line approximately 300 m from the closest blasting area. Wambo Coal also does not undertake blasting within 500 m of any public road or any land not owned by Wambo Coal unless they have a written agreement with the infrastructure or landholder or can demonstrate blasting can be carried out safely and with no damage. b) Wambo Coal currently monitors and reports on ground vibration impacts on the Wambo Homestead. Section 5.10.2 of the Blast Management Plan outlines mitigation measures in relation to Wambo Homestead. c) Wambo Coal endeavour to schedule blasts outside of peak traffic times and close the Golden Highway (if required) for no more than 15 minutes at a time. d) Blasting information is sent out via SMS to all residents in the area prior to a blast occurring. e) Email notifications are sent out to Bulga, Mount Thorley, Warkworth and HVO to prevent cumulative blasting impacts with surrounding mines. f) Blast monitoring is undertaken at five locations surrounding the mine, three of which are for the purposes of compliance.
(a)	(a) take all reasonable steps to:			
(i)	(i) ensure the safety of people and livestock from blasting impacts of the development;			
(ii)	(ii) protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and			
(iii)	(iii) minimise the dust and fume emissions of any blasting;			
(b)	(b) ensure that blasting on the site does not damage heritage items, and develop specific measures to protect heritage items from any blasting damage associated with the development;			
(c)	(c) minimise the frequency and duration of any public road closures for blasting, and use all reasonable efforts to avoid road closures during peak traffic periods;			
(d)	(d) operate a suitable system to enable interested members of the public to get up-to-date information on the proposed blasting schedule on the site and associated public road closures, including notification via SMS message of the blasting schedule and associated road closures for that day and any variations to that schedule and closures;			
(e)	(e) use all reasonable efforts to co-ordinate the timing of blasting at the site with nearby mines to minimise cumulative blasting impacts; and			
(f)	(f) carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent.			
B31	The Applicant must not carry out more than 1 blast a day within 500 metres of Wallaby Scrub Road or the Golden Highway.	Compliant	Annual Reviews Blast monitoring records for the audit period RoL Activation Records TfNSW	Review of relevant data indicates compliance with the requirements of this condition.
B32	The Applicant must not undertake blasting on the site within 500 metres of any public road or any land outside the site not owned by the Applicant, unless the blast generates ground vibration of 0.5 mm/s or less, or the Applicant has:	Compliant	Blast Management Plan Road occupancy licence	2017 IEA Recommendation: Seek written approval for blasting within 500 m of Crown and HVO land before blasting within 500 m of this land in the next audit period. Blast management plan outlines the notification procedure for blasting within 500 m of private property, including Crown Land, Hunter Local Land Services, HVO, and United mines. Review of relevant data indicates compliance with the requirements of this condition.
(a)	(a) a written agreement with the relevant infrastructure owner or landowner to allow blasting to be carried out closer to the public road or land, and the Applicant has advised the Department in writing of the terms of this agreement; or			
(b)	(b) demonstrated, to the satisfaction of the Planning Secretary, that the blasting can be carried out closer to the public road or land without compromising the safety of people or livestock or damaging the road or other buildings and structures, and updated the Blast Management Plan to include specific mitigation measures to be implemented while blasting is being carried out within 500 metres of the road or land.			
Wambo Homestead				
B33	B33. Ground vibration and airblast levels are to be monitored, using a monitoring station established within the Wambo Homestead Complex, and recorded for each blast conducted by the Applicant within 2 km of the Wambo Homestead Complex.	Compliant	Annual Reviews Blast monitoring records for the audit period	Review of relevant data indicates compliance with the requirements of this condition.
B34	B34. The Applicant must appoint a structural engineer with expertise and experience in vibration and blast monitoring to examine all monitoring records from the Wambo Homestead Complex blast monitoring station. The appointment of the structural engineer is to be approved in writing by the Heritage Branch.	Compliant	Annual Reviews Blast monitoring records for the audit period Evidence of approval of appointment of structural engineer	Refer to section 5.10.2 of approved Blast MP, structural engineer was approved in writing by the Director of the Heritage Branch (formally the NSW Heritage Office) in November 2005 (see Appendix A of the BMP)

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
B35	B35. The structural engineer is to report to the Applicant on the monitoring results each month for blasting within 2 km of the Wambo Homestead Complex and 6 monthly for the remainder of open cut mining operations and make recommendations to ensure the conservation and prevention of damage to the significant heritage structures. Copies of these reports are to be forwarded to the Heritage Branch.	Non-compliant (Administrative)	Annual Reviews Blast monitoring records for the audit period Evidence of submission of records to Heritage NSW	Blasting within 2 km occurred on 12 October, 18 October, 24 November, and 15 December 2017. Monthly blast reports had not been prepared within one month following the blasts on 18 October, 24 November, and 15 December. Submission of January to July 2017 report sent to Heritage Branch sited.
B36	B36. The structural engineer is to inspect the Wambo Homestead Complex structures annually and as soon as practical, but no later than 3 days after blast monitoring which exceeds the criteria in Table 5. During the period between blast monitoring being recorded which exceeds the criteria in Table 5 and the engineer's inspection, ground vibration from blasting is to be limited to a level which will prevent further blasting damage. The structural engineer is to advise the Applicant and the Heritage Branch of any action required to repair the damage.	Compliant	Annual building inspection reports dated 4/12/2018, 31/01/2019, and 15/01/2020.	Annual inspection reports sited. Conduct of the audit indicates the remainder of this condition has not been triggered during the audit period.
B37	The structural engineer is to make an assessment of whether blasting within 2 km of the Wambo Homestead Complex is to cease or be managed in order to stabilise or repair the damage, and so advise the Applicant and the Heritage Branch. If blasting has been required to cease, it is not to resume until the damage has been stabilised or repaired, and the written approval for resumption has been issued by the Heritage Branch.	Not triggered		Conduct of the audit indicates this condition has not been triggered during the audit period.
Blast Management Plan				
B38	The Applicant must prepare a Blast Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:	Compliant	Blast Management Plan Evidence of DPIE satisfaction/approval Evidence of consultation with the EPA.	Review of relevant data indicates compliance with the requirements of this condition. Letter from DPIE sited stating endorsement of Mr Jeff Hanlon as a suitably qualified and experienced person to update the Blast Management Plan. Appendix A of BMP shows evidence of consultation with DPIE and other regulatory bodies. Sited letter dated 28/11/2019 addressed to the EPA regarding Blast Management Plan update. Fume management strategy can be found in Appendix B of BMP. Road Closure Management Procedure can be found in Appendix D of BMP.
(a)	(be prepared by a suitably qualified and experienced person/s;			
(b)	be prepared in consultation with the EPA;			
(c)	describe the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent;			
(d)	include a Blast Fume Management Strategy for:			
(i)	minimising blast fume emissions;			
(ii)	rating and recording blast fume events; and			
(iii)	reporting significant blast fume events to the Department;			
(e)	include a Road Closure Management Plan for any blasting within 500 metres of a public road, that has been prepared in consultation with relevant roads authorities and includes provisions for:			
(i)	minimising the duration of closures, both on a per event basis and weekly basis;			
(ii)	avoiding peak traffic periods as far as reasonable; and			
(iii)	co-ordinating closures with nearby mines to minimise the cumulative effect of road closures;			
(f)	identify any agreed alternative ground vibration limits for public or private infrastructure in the vicinity of the site (if relevant);			
(g)	include a strategy to manage potential blast interactions with nearby mines;			
(h)	include a strategy to monitor, mitigate and manage the effects of blasting on heritage items, particularly the Wambo Homestead; and			
(i)	include a monitoring program for evaluating and reporting on compliance with the relevant conditions of this consent.			
B39	The Applicant must submit the Blast Management Plan to the Planning Secretary for approval within three months of the determination of Modification 16.	Compliant	Evidence of submission of BMP to DPIE within 3 months of determination of Mod 16. Email to DPIE dated 28/11/2019	Review of relevant data indicates compliance with the requirements of this condition.
B40	The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.	Compliant	Annual Reviews Site inspection conducted 19 November 2020 Site interviews conducted 19 November 2020	Review of relevant data indicates compliance with the requirements of this condition.
Air quality and Greenhouse Gas				
Odour				

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings																
B41	The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	Compliant	Complaints records Annual Reviews Site inspection conducted 19 November 2020 No odour complaints received in audit period.	Review of relevant data indicates compliance with the requirements of this condition. Blast fume a potential source of offsite odour however is managed through the blast management plan. No observed offensive odours during site inspection.																
Air quality criteria																				
B42	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the Wambo Mining Complex do not cause exceedances of the criteria listed in Table 6 at any residence on privately-owned land, excluding the land referred to in Table 11.</p> <p>Table 6: Air quality criteria</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Averaging period</th> <th>Criterion</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Particulate matter < 10 µm (PM₁₀)</td> <td>Annual</td> <td>^{a, c} 25 µg/m³</td> </tr> <tr> <td>24 hour</td> <td>^b 50 µg/m³</td> </tr> <tr> <td rowspan="2">Particulate matter < 2.5 µm (PM_{2.5})</td> <td>Annual</td> <td>^{a, c} 8 µg/m³</td> </tr> <tr> <td>24 hour</td> <td>^b 25 µg/m³</td> </tr> <tr> <td>Total suspended particulate (TSP) matter</td> <td>Annual</td> <td>^{a, c} 90 µg/m³</td> </tr> </tbody> </table> <p><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 Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.</i></p>	Pollutant	Averaging period	Criterion	Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³	24 hour	^b 50 µg/m ³	Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³	24 hour	^b 25 µg/m ³	Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³	Compliant	Annual Reviews Site interviews conducted 19 November 2020 Site inspection conducted 19 November 2020 Air quality monitoring records for the audit period Wambo website	<p>2017 IEA Recommendation: <i>It is recommended that details of any exceedances are explained in the Annual Reviews. This includes referencing any local bushfires/RFS activity/extreme weather events that may have been the cause.</i></p> <p>2020 IEA Findings: Review of relevant data indicates general compliance with the requirements of this condition. Wambo Coal is taking all reasonable and feasible avoidance and mitigation measures.</p> <p>General avoidance and mitigation measures observed to implemented onsite include:</p> <ul style="list-style-type: none"> the use of four large water tankers / spray trucks on access roads, real -time monitoring of dust and weather, Real time monitoring is observed by permanent staff in the 'bird box' , where elevated dust levels are relayed to on-site staff to implement additional mitigation as required such as reducing work rate and locations of dust generating activities. Weekly/daily weather briefings show risks of enhancing meteorological conditions. During periods of higher probability of high dust conditions, a staggered start up of plant and equipment is undertaken with dust levels monitored. Operations are shut down when required. <p>In 2017 there were no reported exceedances of the criteria for PM, TSP and dust deposition.</p> <p>Air quality criteria on the site amended mid year (29 August 2019), the main change was reduction in annual PM10 criteria from 30 to 25 ug/m3 and change to criteria for incremental impacts. .</p> <p>24 hour criteria is incremental only, meaning days when the measured level exceeds the criteria, calculations are undertaken to 'subtract' the background levels from the total number. This is undertaken using a tool developed by Jacobs. Annual criteria excludes extraordinary events such as bushfires and dust storms.</p> <p>The Annual review for 2019, states that when extraordinary events (bushfires for example) are excluded from the dataset, there are no exceedances of the criteria on a 24 hour period and annual.</p> <p>In 2019, two days exceed the 24 hour incremental criteria (one for PM10 (D4) and one for PM2.5 (at Singleton), which can both be attributed to bushfire events. A review of the data during this audit can confirm this.</p> <p>Recommendation 1 has been made in relation to improving the capture of extraordinary events (e.g. bushfires).</p> <p>Recommendation 1: <i>Calculation of the site incremental impact, and contributions during extraordinary events such as bushfires is undertaken as required for elevated 24 hour concentrations and on an ad-hoc basis for annual averaged concentrations. The site can investigate a method to better capture extraordinary events such as bushfires and exclude this from the data on a regular basis. Increase in site annual averages shows this may be an issue moving forward with climate related events such as bushfires and droughts.</i></p>
Pollutant	Averaging period	Criterion																		
Particulate matter < 10 µm (PM ₁₀)	Annual	^{a, c} 25 µg/m ³																		
	24 hour	^b 50 µg/m ³																		
Particulate matter < 2.5 µm (PM _{2.5})	Annual	^{a, c} 8 µg/m ³																		
	24 hour	^b 25 µg/m ³																		
Total suspended particulate (TSP) matter	Annual	^{a, c} 90 µg/m ³																		
B43	B43. The air quality criteria in Table 6 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the air quality criteria, and the Applicant has advised the Department in writing of the terms of this agreement.	Not triggered	Not triggered	Conduct of the audit indicates this condition has not been triggered during the audit period.																
Mine-owned Land																				
B44	Particulate matter emissions generated by the Wambo Mining Complex must not exceed the criteria listed in Table 6 at any occupied residence on mine-owned land (including land owned by another mining company) unless:	Compliant	Annual Reviews Air quality monitoring records for the audit period	Observed emails to residents that include Mine Dust and You fact sheet from NSW Health. Data readily available on the company webpage that shows monthly monitoring data for comparison with criteria to inform health risks.																

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(a)	the tenant and landowner (if the residence is owned by another mining company) have been notified of any health risks associated with such exceedances in accordance with the notification requirements under PART C of this consent;		Annual notifications	Annual notification of blasting refers to monitoring data on the WCPL website -see 2019 correspondence in folder. Copies of the Annual Review provided to the CCC.
(b)	(b) the tenant of any land owned by the Applicant can terminate their tenancy agreement without penalty at any time, subject to giving 14 days' notice;			
(c)	(c) air quality monitoring is regularly undertaken to inform the tenant and landowner (if the residence is owned by another mining company) of the likely particulate matter emissions at the residence; and			
(d)	(d) data from this monitoring is presented to the tenant and landowner in an appropriate format for a medical practitioner to assist the tenant and landowner in making informed decisions on the health risks associated with occupying the property.			
Air Quality Operating Conditions				
B45	B45. The Applicant must:	Non-compliant (Low Risk)	Annual Reviews Air Quality Management Plan Blast Management Plan Site inspection conducted 19 November 2020 Site interviews conducted 19 November 2020	As discussed in B42, Wambo Coal take reasonable steps to minimise emissions from the development including dust generation. As described in the 2019 Annual Review, dust generation was observed from Golden Highway on two separate events (6 December 2018 and 22 February 2019) and lead to a Show Cause Notice and subsequently a penalty notice from DPIE. Wambo Coal has updated training processes as a result and now include shift notes to record operational measures implemented. No complaints have been received since and the auditor observed processes to ensure reporting of site measures would likely happen in the case of another event. This condition has been graded non-compliant because of this, however the auditor is satisfied that appropriate steps have since been taken to address and manage the issue. Prior to blasts Wambo Coal conduct a pre-blast meteorological assessment to ensure conditions are favourable. Blasting is not conducted during conditions which may lead to blast fume impacts at sensitive receptors.
(a)	(a) take all reasonable steps to:			
(i)	(i) minimise odour, fume, spontaneous combustion, greenhouse gas and particulate matter (including PM10 and PM2.5) emissions of the development;			
(ii)	(ii) minimise any visible off-site air pollution generated by the development (including methane flares); and			
(iii)	(iii) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time;			
(b)	(b) operate an air quality management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;			
(c)	(c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 6 above);			
(d)	(d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and			
(e)	(e) regularly assess meteorological and air quality monitoring data, and modify operations on the site to ensure compliance with the relevant conditions of this consent.			
Air Quality Management Plan				
B46	B46. The Applicant must prepare an Air Quality and Greenhouse Gas Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:	Compliant	Air Quality Management Plan Evidence of DPIE satisfaction/approval with Phase 2 Air Quality Management Plan dated 20 November 2020 Evidence of consultation with the EPA.	Review of relevant data indicates compliance with the requirements of this condition. Wambo Coal is taking all reasonable and feasible avoidance and mitigation measures.
(a)	(a) be prepared by a suitably qualified and experienced person/s;			
(b)	(b) be prepared in consultation with the EPA;			
(c)	(c) describe the measures to be implemented to ensure:			
(i)	(i) compliance with the air quality criteria and operating conditions in this consent;			
(ii)	(ii) best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and			
(iii)	(iii) the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events;			
(d)	(d) describe the air quality management system in detail; and			
(e)	(e) include an air quality monitoring program undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007), that:			
(i)	(i) uses monitors to evaluate the performance of the development against the air quality criteria in this consent and to guide day to day planning of operations;			
(ii)	(ii) adequately supports the air quality management system; and			
(iii)	(iii) includes a protocol for identifying any air quality-related exceedance, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
B47	B47. The Applicant must not commence Phase 2 until the Air Quality Management Plan is approved by the Planning Secretary.	Compliant	Evidence of DPIE satisfaction/approval with Phase 2 Air Quality Management Plan dated 20 November 2020	Note: Phase 2 to commence in December 2020.
B48	B48. The Applicant must implement the Air Quality Management Plan as approved by the Planning Secretary.	Compliant	Annual Reviews Site inspection conducted 19 November 2020 Site interviews conducted 19 November 2020	Review of relevant data indicates compliance with the requirements of this condition.
Greenhouse Gas				
B49	B49. For the life of the development, the Applicant must:	Compliant	Annual Reviews for 2017, 2018 and 2019, including DPIE acknowledgement of receipt and acceptance.	Green house gas emissions are reported in the annual reviews. This includes trends at the mine. Greenhouse gas emissions are generally minimised through mine planning and haul roads.
(a)	(a) monitor the greenhouse gas emissions generated by the development;			
(b)	(b) investigate ways to reduce greenhouse gas emissions generated by the development; and			
(c)	(c) report on greenhouse gas monitoring and abatement measures in the Annual Review,			
to the satisfaction of the Planning Secretary.				
METEOROLOGICAL MONITORING				
B50	B50. For the life of the development, the Applicant must ensure there is a suitable meteorological station operating in the vicinity of the site that:	Non-compliant (Low)	AQMP Annual Reviews Site inspection conducted 19 November 2020 Site interviews conducted 19 November 2020 Meteorological sampling data	The on-site weather station did not record data due to four outages in 2019 totalling 34 hours of downtime. As a result a low-risk non-compliance finding has been made. During the site inspection, the weather station was observed to be operating correctly, with a Sentinex weather station calibration certificate observed (29/9/2020). Therefore, no corrective action has been made. Sigma theta parameter – not in reports but observed on computer system – 19/11/2020
(a)	(a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007);			
(b)	(b) is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and			
(c)	(c) is capable of measuring meteorological conditions in accordance with the NSW Industrial Noise Policy (EPA, 2000), unless a suitable alternative is approved by the Planning Secretary following consultation with the EPA.			
WATER				
Soil Erosion				
B51	The Applicant must install and maintain suitable erosion and sediment control measures on the site, in accordance with the relevant requirements in the guidance series Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008).	Compliant	Erosion and sediment control plan Operational catchment plan Permanent and temporary erosion and sediment control structures inspected during site inspection	The ESCP identified the relevant requirements and the permanent and temporary controls inspected during the site inspection were installed and maintained consistent with industry practice.
Water Supply				
B52	The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply.	Compliant	Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020 Site Water Balance	The Site Water Balance includes as assessment of the likely water demands compared to the water allocation expected based on water access licences held for the site.
B53	The Applicant must report on water extracted or discharged from the site each year (direct and indirect) in the Annual Review, including water taken under each water licence.	Compliant	Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates compliance with the requirements of this condition.
<i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.</i>				
Pollution of Waters				

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings									
B54	Except as may be expressly provided by an EPL, the Applicant must comply with section 120 of the POEO Act while carrying out the development.	Compliant	Annual Reviews Annual Returns Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	2017 IEA Recommendation: Consideration should be given to the current Hales Crossing sump and pump arrangement to remove the risk of sump inundation. Options include relocating the sump and pump apparatus to a location outside the flood extents of Wollombi Brook 2020 IEA Findings The Hales Crossing sump and pump was inspected and discussed with reference to the condition B62: "Maximise, as far as reasonable, the diversion of clean water [Wollombi Brook in this case] around disturbed areas of the site [Hales Crossing sump]. Wambo staff identified the trade-off between relocation out of flood extent and capturing a small proportion of potential coal contact runoff. The likelihood of excessive coal build up is low, considering the sump is located on the main site access road. A small area of upslope clean water catchment was identified as to be diverted away from the sump. No incidents reported to the EPA during audit period – Sept 2017-now									
Discharge Limits													
B55	Except as may be expressly provided by an EPL or the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002, the Applicant must:	Not triggered	Annual Reviews	No discharge during Audit period – Sept 2017-now									
(a)	(a) not discharge more than 250 ML/day in total from the licensed discharge point/s at the development; and												
(b)	(b) ensure that the discharges from licensed discharge point/s comply with the limits in Table 7.												
	<p><i>Table 7: Discharge limits</i></p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>pH</td> <td>pH</td> <td>6.5 to 9.5</td> </tr> <tr> <td>Total suspended solids</td> <td>mg/litre</td> <td>120</td> </tr> </tbody> </table> <p>Note: This condition does not authorise the pollution of waters by any other pollutants.</p>	Pollutant	Units of measure	100 percentile concentration limit	pH	pH	6.5 to 9.5	Total suspended solids	mg/litre	120			
Pollutant	Units of measure	100 percentile concentration limit											
pH	pH	6.5 to 9.5											
Total suspended solids	mg/litre	120											
Compensatory Water Supply													
B56	B56. The Applicant must provide a compensatory water supply to any landowner of privately-owned land whose rightful water supply is adversely and directly impacted (other than an impact that is minor or negligible) as a result of the development, in consultation with DPIE Water, and to the satisfaction of the Planning Secretary.	Not triggered	Annual Reviews Annual Returns Site interviews conducted 18 November 2020	No compensatory water during Audit period – From Sept 2017 to-now									
B57	B57. The compensatory water supply measures must provide an alternative long term supply of water that is equivalent, in quality and volume, to the loss attributable to the development. Equivalent water supply should be provided (at least on an interim basis) as soon as practicable after the loss is identified, unless otherwise agreed with the landowner.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.									
B58	B58. If the Applicant and the landowner cannot agree on whether the loss of water is to be attributed to the development or the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.									
B59	B59. If the Applicant is unable to provide an alternative long term supply of water, then the Applicant must provide compensation, to the satisfaction of the Planning Secretary.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.									
	<p>Note::</p> <ul style="list-style-type: none"> • The Water Management Plan (see condition B66) is required to include trigger levels for investigating potentially adverse impacts on water supplies. 												
Water Management													
B60	B60. The Applicant may receive water from, and transfer water to, neighbouring mines including HVO, MTW and United Wambo open cut coal mine.	Note	Note										
B61	B61. The Applicant may integrate the site water management system with water management for the Wambo train loading facility and United Wambo open cut coal mine.	Note	Note										

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
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Water Management Performance Measures

B62 The Applicant must ensure that the development complies with the performance measures in Table 8. Not triggered Annual Reviews
Site inspection conducted 18 November 2020
Site interviews conducted 18 November 2020 By operation of condition B63, these performance criteria have not triggered as no new infrastructure has been constructed.
These criteria are incorporated into the WMP or subplans as relevant.

Feature	Performance Measure
Water management – General	<ul style="list-style-type: none"> Maintain separation between clean, dirty and mine water Minimise the use of clean and potable water Maximise water recycling, reuse and sharing opportunities Minimise the use of make-up water from external sources Design, install, operate and maintain water management infrastructure in a proper and efficient manner
Alluvial aquifers (including Wollombi Brook alluvium and excluding the North Wambo Creek alluvium)	<ul style="list-style-type: none"> Negligible impacts beyond those predicted in the documents listed in condition A2(c), including: <ul style="list-style-type: none"> negligible change in groundwater levels; negligible change in groundwater quality; and negligible impact to other groundwater users
Erosion and sediment control works	<ul style="list-style-type: none"> Design, install and maintain erosion and sediment controls in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004)</i> and <i>2E Mines and Quarries (DECC, 2008)</i> Design, install and maintain any infrastructure within 40 metres of watercourses in accordance with the guidance series for <i>Controlled Activities on Waterfront Land (DPI Water, 2012)</i> Design, install and maintain any creek crossings generally in accordance with the <i>Fisheries NSW Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013)</i> and <i>Why Do Fish Need To Cross The Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)</i>
Clean water diversions and storage infrastructure	<ul style="list-style-type: none"> Design, install and maintain the clean water system to capture and convey the 100 year ARI flood event Maximise, as far as reasonable, the diversion of clean water around disturbed areas on the site, except where clean water is captured for use on the site
Sediment dams	<ul style="list-style-type: none"> Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004)</i> and <i>2E Mines and Quarries (DECC, 2008)</i> and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i>
Above-ground mine water storages	<ul style="list-style-type: none"> Design, install and maintain mine water storage infrastructure to avoid unlicensed or uncontrolled discharge of mine water
Prescribed dams under the Dams Safety Act 1978 or Dams Safety Act 2015 (including South Wambo Dam)	<ul style="list-style-type: none"> Design, constructed and operated to the satisfaction of DSC Drained prior to the commencement of secondary workings in underlying longwalls, to the satisfaction of DSC
Feature	Performance Measure
Tailings storages	<ul style="list-style-type: none"> Design and maintain tailings storage areas to encapsulate and prevent the release of tailings seepage/leachate
Overburden emplacements	<ul style="list-style-type: none"> Design, install and maintain emplacements to encapsulate and prevent migration of tailings, acid forming and potentially acid forming materials, and saline and sodic material Design, install and maintain out-of-pit emplacements to prevent and/or manage long term saline seepage
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard
Creek diversion and restoration works (including the North Wambo Creek Diversion)	<ul style="list-style-type: none"> Diverted creek lines to be hydraulically and geomorphologically stable in the long-term Incorporate erosion control measures based on vegetation and engineering revegetations Incorporate persistent/permanent pools for aquatic habitat Revegetate with suitable native species
Aquatic, riparian and groundwater dependent ecosystems	<ul style="list-style-type: none"> Negligible environmental consequences beyond those predicted in the documents listed in condition A2(c) Maintain or improve baseline channel stability Develop site-specific in-stream water quality objectives in accordance with the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000)</i> and <i>Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC, 2006)</i>

B63 The performance measures in Table 8 do not apply to water management structures constructed prior to the approval of Modification 16. Note Note

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	Groundwater Dependent Ecosystem Study			
B64	Within 12 months of the determination of Modification 17, or as otherwise agreed with the Planning Secretary, the Applicant must commission and provide to the Planning Secretary for approval, a Groundwater Dependent Ecosystem Study report. This study must:	Compliant	Groundwater Dependent Ecosystem Study report Evidence of consultation with DPIE water Evidence of DPIE endorsement of specialist.	Review of relevant data indicates compliance with the requirements of this condition.
(a)	be prepared by suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;			
(b)	be developed in consultation with DPIE Water;			
(c)	provide advice on the likely level of groundwater dependence of the vegetation in the South Bates Extension Area given current groundwater levels and expert knowledge of the vegetation communities in the region;			
(d)	in the event it is considered that vegetation communities in the vicinity of the South Bates Extension Area are groundwater dependent (either entirely or partially), provide advice on the likelihood that subsidence associated with the South Bates Extension Area could cause adverse impacts and how any such impacts would manifest;			
(e)	consider to what degree the cumulative impacts of adjacent mining operations may have already impacted groundwater dependent vegetation across the South Bates Extension Area;			
(f)	provide any recommendations that would assist in assessing the potential fracture interconnections between surface water resources and hard rock aquifers that may impact on groundwater dependent vegetation; and			
(g)	include a management and/or remediation program that describes measures that could be implemented to ensure compliance with the performance measures in Table 1 or Table 8 for any groundwater dependent endangered ecological community.			
B65	The Applicant must take into account the findings of the Groundwater Dependent Ecosystem Study and not less than 2 years of monitoring results obtained under condition B7 in the preparation of any Extraction Plan for Longwalls 23 – 25.	Compliant	South Bates Extension Underground Mine Extraction Plan Longwalls 21 to 24.	Review of relevant data indicates compliance with the requirements of this condition.
	Water management plan			
B66	The Applicant must prepare a Water Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:	Compliant	WMP DPIE satisfaction/approval dated 20 November 2020 for Phase 2 Water Management Plan	<p>2017 IEA Recommendation: The Annual Reviews do not explicitly forecast compliance with the HRSTS rules. It is recommended that the forecast presented in future Annual Reviews is expanded to explicitly address forecast compliance</p> <p>2017 IEA Recommendation: A comparison of the overall site water balance to the EIS predictions should be presented in future Annual Reviews. If the differences between the EIS water management system and operations are such that a meaningful comparison of the predictions is not possible, or the EIS does not provide sufficient detail on the water balance predictions to allow a comparison of the water balance (which looks likely based upon Appendix E of the EIS), this should be acknowledged.</p> <p>2017 IEA Recommendation: Site Water Management Plan should be updated to include the predicted salt balance.</p> <p>2017 IEA Recommendation: It is recommended that section 2.2.16 of the Site Water Management Plan is improved by providing a high level strategy for the decommissioning of water management structures (including the management of water during the decommissioning process).</p> <p>2017 IEA Recommendation: Improvements could be made in terms of the overall site water management if specific groundwater inflows to the open cut via alluvium and Permian could be pumped and/or metered.</p> <p>2017 IEA Recommendation: The GWMP should be updated with the suggestions provided by NSW government subsequent to approval of the GWMP in November 2015 and resubmitted. Updates should include:</p> <ul style="list-style-type: none"> • A more contemporary reference to groundwater sampling techniques; • Amendment of the text relating to purging of groundwater bores to be consistent with the latest guidelines; • Outline the methods of water quality data upload from the laboratory; • The bore labels in Figure 7 need to be clear for all bores; and
(a)	be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary;			
(b)	be prepared in consultation with DPIE Water and the EPA;			
(c)	describe the measures to be implemented to ensure that the Applicant complies with the water management performance measures (see Table 8);			
(d)	include a:			
(i)	Site Water Balance that includes details of: <ul style="list-style-type: none"> • predicted annual inflows and outflows on the site; • sources and security of water supply for the life of the development (including authorised entitlements and licences); • water storage capacity; • water use and management on the site, including any water transfers or water sharing with neighbouring mines; • licensed discharge points and limits; and • reporting procedures, including the annual preparation of an updated site water balance; 			
(ii)	Salt Balance that includes details of: <ul style="list-style-type: none"> • sources of saline material on the site; • saline material and saline water management on the site; • measures to minimise discharge of saline water from the site; and • reporting procedures, including the annual preparation of an updated salt balance; 			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(iii)	<p>Erosion and Sediment Control Plan that:</p> <ul style="list-style-type: none"> • is consistent with the requirements of Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book (Landcom, 2004) and Volume 2E: Mines and Quarries (DECC, 2008); • identifies activities that could cause soil erosion, generate sediment or affect flooding; • describes measures to minimise soil erosion and the potential for the transport of sediment to downstream waters, and manage flood risk; • describes the location, function, and capacity of permanent erosion and sediment control structures and flood management structures; and • describes what measures would be implemented to maintain (and if necessary decommission) the structures over time; <p>(iv) Surface Water Management Plan that includes:</p> <ul style="list-style-type: none"> • detailed baseline data of surface water flows and quality of watercourses and/or waterbodies potentially impacted by the development, including: <ul style="list-style-type: none"> - stream and riparian vegetation health; - channel stability (geomorphology); and - water supply for other surface water users; • a detailed description of the surface water management system; • detailed plans, design objectives and performance criteria for water infrastructure, including: <ul style="list-style-type: none"> - any approved creek diversions or restoration works associated with the development; - water run-off diversions and catch drains; - water storages and sediment dams; - emplacement areas and tailings storages; and - reinstated drainage networks on rehabilitated areas of the site; • detailed performance criteria, including trigger levels for identifying and investigating any potentially adverse impacts associated with the development, on: <ul style="list-style-type: none"> - downstream surface water flows and quality (including Wollombi Brook, North Wambo, South Wambo, and Stony Creeks); - channel stability; - stream and riparian vegetation health; - water supply for other water users; and - post-mining water pollution from rehabilitated areas of the site; • a program to monitor: <ul style="list-style-type: none"> - compliance with the relevant performance measures listed in Table 8 and the performance criteria established above; - controlled and uncontrolled discharges and seepage/leachate from the site; - impacts on water supply for other water users; - surface water inflows, outflows and storage volumes to inform the Site Water Balance; and - the effectiveness of the surface water management system and the measures within the Erosion and Sediment Control Plan; • reporting procedures for the results of the monitoring program; and • a plan to respond to any exceedances of the surface water performance measures or performance criteria, and repair, mitigate, compensate and/or offset any adverse surface water impacts of the development; 			<ul style="list-style-type: none"> • <i>General update of text relating to historical or proposed activities.</i> <p>2017 IEA Recommendation: <i>It is recommended that section 2.2.16 of the Site Water Management Plan is improved by providing a high-level strategy for the decommissioning of water management structures (including the management of water during the decommissioning process) as part of any future update of the Site Water Management Plan.</i></p> <p>2017 IEA Recommendation: <i>The following area recommendations for the ESCP:</i></p> <ul style="list-style-type: none"> • <i>A description of the existing as-built ESC arrangements for each sediment-affected catchment would enhance the current understanding of the site ESC arrangements; and</i> • <i>A description of the known issues and actions would be useful in demonstrating that the ESCP is operating effectively and areas for improvement.” (RE, 2018).</i> <p><i>Additionally, the ESCP structure and text would benefit from a review to improve the general readability of the document. This could involve ensuring that the plan structure is logical, the scope and progression of each section is clear, and overly lengthy or repetitious text is rationalised (RE, 2018).</i></p> <p>2017 IEA Recommendation: <i>Update GWMP to include Montrose Dam prior to its construction,</i></p> <p>2017 IEA Recommendation: <i>Consideration should be made to directly monitor the quality of groundwater seepage reporting to the underground and open-cut workings.</i></p> <p>2020 IEA Findings:</p> <p>Relevant 2017 recommendations have been discussed in Section 3 of the main report. Section 4.1.3 of the WMP does not refer to overburden emplacements, however no new overburden emplacements were constructed during the audit period and no new overburden emplacements would be associated with the operation Phase 2 of the DA 305-7-2003.</p> <p>Recommendation 2: <i>Figure 10 of the ESCP would benefit from flow direction arrows indicating is satisfaction of detailed plans for water run-off diversions and catch drains and any reinstated drainage networks on rehabilitated areas of the site.</i></p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(v)	<p>Groundwater Management Plan, which is consistent with Groundwater Monitoring and Modelling Plans – Introduction for prospective mining and petroleum activities (DPI Water, 2014) and includes:</p> <ul style="list-style-type: none"> • detailed baseline data of groundwater levels, yield and quality for groundwater resources and groundwater dependent ecosystems potentially impacted by the development, including groundwater supply for other water users; • a detailed description of the groundwater management system; • groundwater performance criteria, including trigger levels for identifying and investigating any potentially adverse groundwater impacts associated with the development, on: <ul style="list-style-type: none"> – regional and local aquifers (alluvial and hardrock); – groundwater supply for other water users such as privately-owned licensed groundwater bores; and – groundwater dependent ecosystems; • a program to monitor and evaluate: <ul style="list-style-type: none"> – compliance with the relevant performance measures listed in Table 8, and the performance criteria established above, including monitoring of regional groundwater levels and quality during the life of the development and at least 10 years post-mining; – water loss/seepage from water storages into the groundwater system (particularly from South Wambo Dam and Montrose East Dam); – groundwater inflows, outflows and storage volumes to inform the Site Water Balance; – any hydraulic connectivity between the alluvial and hardrock aquifers; – impacts on groundwater dependent ecosystems; – impacts on groundwater supply for other water users; – the effectiveness of the groundwater management systems; and • reporting procedures for the results of the monitoring program; • a plan to respond to any exceedances of the groundwater performance criteria, and repair, mitigate, compensate and/or offset any adverse groundwater impacts of the development; and • a program to periodically validate the groundwater model for the development, including an independent review of the model every 3 years, and comparison of monitoring results with modelled predictions; and 			
(vi)	a protocol to report on the measures, monitoring results and performance criteria identified above, in the Annual Review referred to in condition D10.			
B67	B67. The Applicant must not commence Phase 2 until the Water Management Plan is approved by the Planning Secretary. B68. The Applicant must implement the Water Management Plan as approved by the Planning Secretary	Compliant	DPIE satisfaction/approval dated 20 November 2020 for Phase 2 Water Management Plan	Note: Phase 2 does not commence until December 2020.
B68	B68. The Applicant must implement the Water Management Plan as approved by the Planning Secretary.	Compliant	<p>Annual Reviews</p> <p>Site inspection conducted 18 November 2020</p> <p>Site interviews conducted 18 November 2020</p>	<p>From the site inspection and interviews, the site personnel were generally aware of the requirements of the WMP relevant to their role and the infrastructure appeared to be constructed and maintained in accordance with the plan. During the site inspection it was noted that:</p> <ul style="list-style-type: none"> • The MIA and workshop area was in a period of transition with the construction of new workshops and associated changes, however the disturbed area was contained within the existing permanent water management system. • Eagles Nest and GBF dams were in the process of being desilted by dredging. Mixed of these water storages for both water inventory/supply and environmental containment is not ideal, but the associated risks were mitigated by operational procedures. <p>A small area of rehabilitated overburden emplacement immediately west of the Historic Wambo Homestead appeared to drain offsite to the south. No evidence of excessive erosion or sediment generation was present. In the event that this area is disturbed as part of the United Wambo Open Cut Coal mine (not subject to this consent), the</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings																		
				conceptual surface water management system layout indicates a proposed sediment basin for this catchment.																		
BIODIVERSITY																						
Biodiversity Offset Strategy																						
B69	<p>B69. The Applicant must implement the Biodiversity Offset Strategy set out in Table 9 and shown in Appendix 6, to the satisfaction of the Planning Secretary.</p> <table border="1"> <thead> <tr> <th>Area</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>Remnant Woodland Enhancement Area A</td> <td>424 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area B</td> <td>454 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area C</td> <td>211 ha</td> </tr> <tr> <td>Open Woodland Revegetation</td> <td>270 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area D</td> <td>46 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area D Extension</td> <td>2 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area E</td> <td>41.6 ha</td> </tr> <tr> <td>Remnant Woodland Enhancement Area for the Wambo Coal Terminal</td> <td>As shown in Appendix 6</td> </tr> </tbody> </table>	Area	Size	Remnant Woodland Enhancement Area A	424 ha	Remnant Woodland Enhancement Area B	454 ha	Remnant Woodland Enhancement Area C	211 ha	Open Woodland Revegetation	270 ha	Remnant Woodland Enhancement Area D	46 ha	Remnant Woodland Enhancement Area D Extension	2 ha	Remnant Woodland Enhancement Area E	41.6 ha	Remnant Woodland Enhancement Area for the Wambo Coal Terminal	As shown in Appendix 6	Compliant	<p>Annual Reviews for 2017, 2018 and 2019 IEA – EPBC Approval and NSW Development Consent (Cumberland Ecology, 2020), including DPIE letter of satisfaction dated 18 June 2020 and letter of acceptance of response to recommendations dated 17 July 2020</p>	<p>2017 IEA Recommendation: Offset area E is required to be secured under a conservation agreement by December 2017 and included in the Biodiversity Management Plan and MOP. A draft has been sent to OEH. This should aim to finalise by the due date.</p> <p>Review of relevant documentation indicates compliance with the requirements of this condition. No additional offsets have been identified as being required under Condition B3.</p> <p>Review of the 2017 IEA recommendation indicates it was not achieved, with a non-compliant (administrative) found against condition B72. This finding was determined by Cumberland Ecology 2020 and is otherwise closed out.</p>
Area	Size																					
Remnant Woodland Enhancement Area A	424 ha																					
Remnant Woodland Enhancement Area B	454 ha																					
Remnant Woodland Enhancement Area C	211 ha																					
Open Woodland Revegetation	270 ha																					
Remnant Woodland Enhancement Area D	46 ha																					
Remnant Woodland Enhancement Area D Extension	2 ha																					
Remnant Woodland Enhancement Area E	41.6 ha																					
Remnant Woodland Enhancement Area for the Wambo Coal Terminal	As shown in Appendix 6																					
	<p>Notes:</p> <ul style="list-style-type: none"> The area of Open Woodland Revegetation in Table 9 was previously 1,570 hectares. Under EA (Mod 16) this obligation was reduced to 270 hectares, with the remaining area being taken up by SSD 7142. Additional offsets may be required by the Planning Secretary under condition B3. 	Note																				
B71	The land used to satisfy the requirement to establish Open Woodland Revegetation under condition B69 cannot be the same land as land used for Open Woodland Revegetation or Ecological Mine Rehabilitation under SSD 7142. If the United Wambo open cut coal mine does not proceed to Phase 2 (as defined within SSD 7142), then the Applicant must establish an additional 1,300 hectares of Open Woodland Revegetation, as otherwise required under SSD 7142.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.																		
Long Term Security																						
B72	The Conservation Agreement/s made under section 69B of the National Parks and Wildlife Act 1974 for the offset areas listed in Table 9 must remain in force in perpetuity.	Non-compliant (Administrative)	<p>OEH (now BCD) approval of Conservation Agreement dated 1 September 2017.</p> <p>Annual Reviews for 2017, 2018 and 2019 IEA – EPBC Approval and NSW Development Consent (Cumberland Ecology, 2020), including DPIE letter of satisfaction dated 18 June 2020 and letter of acceptance of response to recommendations dated 17 July 2020</p> <p>Deed of Variation of Conservation Agreement for Wambo Remnant Woodland Enhancement Areas 20 June 2020</p> <p>Deed of Variation of Conservation Agreement executed confirmation from the Biodiversity Conservation Trust dated 20 July 2020</p> <p>Deed of Variation of Conservation Agreement registered on title confirmation from the Biodiversity Conservation Trust dated 15 September 2020</p>	<p>Offset Area E was initially required to be secured under conservation agreement by December 2017; however, it is noted DPIE granted extension (letter dated 26 February 2018) to 31 July 2018.</p> <p>Cumberland Ecology, who completed an independent biodiversity audit of the EPBC Approval and DA 305-7-2003 in 2019/2020 sighted of attempts by WCPL to contact BCT to finalise the agreement; however, registration on title confirmation was received from BCT until 15 September 2020.</p> <p>Therefore, an administrative non-compliance with the requirements of this condition is noted.</p> <p>This finding was made as part of the Cumberland Ecology (2020) IEA and has now been closed out with the registration on title.</p>																		
Offset Conservation																						
B73	The Applicant must not undertake any mining operations (except approved underground mining operations) or other activities within the offset areas listed in Table 9, other than:	Compliant	<p>Annual Reviews</p> <p>BMP dated May 2019 (WA-ENV-MNP-506)</p> <p>IEA – EPBC Approval and NSW Development Consent (Cumberland Ecology, 2020)</p>	Review of relevant documentation indicates compliance with the requirements of this condition.																		
(a)	environmental management, environmental monitoring or other monitoring required under this consent or under an approved management plan or monitoring program;																					

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(b)	exploration and ancillary disturbance activities approved under a Biodiversity Management Plan or a Conservation Agreement; or			
(c)	rehabilitation activities under an approved Extraction Plan.			
Strategic Study Contribution				
B74	B74. If, during the life of the development, the Department commissions a strategic study into the regional vegetation corridor stretching from the Wollemi National Park to the Barrington Tops National Park, then the Applicant must contribute \$20,000 towards the completion of this study	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
Biodiversity Management Plan				
B75	B75. The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must:	Compliant	<p>BMP for LW 17 to 20, revised to also cover LW 21 to 24</p> <p>Evidence of request for input from BCD on BMP for LW 17 to 20 dated 23 March 2018</p> <p>Evidence of request for input from BCD on revised BMP to cover LW 21 to LW24 in addition to LW 17 to 20, dated 20 March 2020</p> <p>Evidence of response to OEH (now BCD and Heritage NSW) comments provided 1 April 2019 on BMP for LW 17 to 20 dated 6 April 2019.</p> <p>BMP</p> <p>Evidence of response to BCD comments provided 3 May 2020 on BMP for LW 21 to 24 dated 26 May 2020.</p> <p>Evidence of DPIE satisfaction/approval dated 20 September 2018.</p> <p>IEA – EPBC Approval and NSW Development Consent (Cumberland Ecology, 2020)</p>	<p>2017 IEA Recommendation: Recommend the nest boxes are installed as recommended in the 2016 flora and fauna monitoring report.</p> <p>2020 IEA Recommendation</p> <p>Review of the Phase 1 BMP indicates compliance with the requirements of this condition; however, the Phase 2 BMP has not been sighted during this audit. It is noted it was approved by DPIE on 27 November 2020.</p>
(a)	(a) be prepared by a suitably qualified and experienced person/s;			
(b)	(b) be prepared in consultation with BCD;			
(c)	(c) describe the short, medium, and long term measures to be undertaken to manage vegetation and fauna habitat on the site and in the offset areas;			
(d)	(d) describe how biodiversity management would be integrated with similar measures within the Water Management Plan referred to in condition B66 and the Rehabilitation Management Plan referred to in condition B107;			
(e)	(e) describe the measures to be implemented within approved disturbance areas on the site to:			
	(i) minimise the amount of clearing and employ temporary vegetation strategies (see condition B106);			
	(ii) minimise impacts on fauna, including undertaking pre-clearance surveys;			
	(iii) provide for the salvage, transplanting and/or propagation of any threatened flora found during preclearance surveys, in accordance with the Guidelines for the Translocation of Threatened Plants in Australia (Vallee et al., 2004);			
	(iv) minimise impacts on fauna habitat features such as tree hollows and termite mounds where reasonable and feasible; and			
	(v) maximise the salvage of resources, including bush rocks, tree hollows, fallen timber, vegetation and soil resources, for beneficial reuse, including fauna habitat enhancement;			
(f)	(f) describe the measures to be implemented on the site to:			
	(i) enhance the quality of vegetation, vegetation connectivity and fauna habitat including through the assisted regeneration and/or targeted revegetation of appropriate canopy, sub-canopy, understorey and ground strata;			
	(ii) introduce naturally scarce fauna habitat features such as nest boxes and salvaged tree hollows and promote the use of these introduced habitat features by threatened fauna species;			
	(iii) manage any potential conflicts between these works and Aboriginal heritage values; and			
	(iv) enhance riparian vegetation along the North Wambo Creek Diversion;			
	(v) protect vegetation and fauna habitat outside of the approved disturbance areas;			
	(vi) manage potential indirect impacts on threatened flora and fauna species;			
	(vii) manage the collection and propagation of seed from the local area;			
	(viii) control weeds, including measures to avoid and mitigate the spread of noxious weeds;			
	(ix) control feral pests with consideration of actions identified in relevant threat abatement plans;			
	(x) control erosion;			
	(xi) manage any grazing and agriculture;			
	(xii) control access to vegetated or revegetated areas; and			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	(xiii) manage bushfire hazards;			
(g)	(g) describe the measures to manage the offset areas listed in Table 9 in accordance with any Conservation Agreement/s, including measures to:			
	(i) enhance the quality of existing remnant vegetation; vegetation connectivity and fauna habitat;			
	(ii) avoid clearing of Warkworth Sands EEC and minimise vegetation clearing generally for gas drainage infrastructure and exploration activities;			
	(iii) control weeds and feral pests; and			
	(iv) limit vehicular traffic;			
(h)	(h) include a seasonally-based program to monitor and report on:			
	(i) the effectiveness of the above measures;			
	(ii) quality of vegetation, vegetation connectivity and fauna habitat through assessment of landscape functionality, species diversity and abundance, vegetation dynamics and habitat complexity; and			
	(iii) improvements that could be implemented to improve biodiversity outcomes;			
(i)	(i) identify the potential risks to the successful implementation of the Biodiversity Offset Strategy, and include a description of the contingency measures to be implemented to mitigate against these risks; and			
(j)	(j) include details of who would be responsible for monitoring, reviewing, and implementing the plan			
B76	B76. The Applicant must not commence Phase 2 until the Biodiversity Management Plan is approved by the Planning Secretary	Compliant	Phase 2 BMP	Approved 27 November 2020.
B77	B77. The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.	Non-compliant (Low)	Annual Reviews for 2017, 2018 and 2019 IEA – EPBC Approval and NSW Development Consent (Cumberland Ecology, 2020), including DPIE letter of satisfaction dated 18 June 2020 and letter of acceptance of response to recommendations dated 17 July 2020 WCPL Response to Audit Findings	Review of relevant documentation indicates non-compliance with the requirements of this condition occurred during the reporting period. Relevant findings were made by Cumberland Ecology (2020), with WCPL having submitted a response to audit findings and recommendations related to this non-compliance, which has been accepted by DPIE on 17 July 2020. Therefore, no further recommendations are made in relation to this non-compliance.
Conservation Bond				
B78	B78. Within 6 months of the approval of the Biodiversity Management Plan referred to in condition B74 above, or other timeframe agreed by the Planning Secretary, the Applicant must lodge a Conservation Bond with the Department to ensure that the Biodiversity Offset Strategy is implemented in accordance with the performance and completion criteria in the Biodiversity Management Plan. The sum of the bond must be determined by:	Not triggered	Site interviews conducted 18 November 2020 Consolidated Consents review for modifications	Conduct of the audit indicates this condition has not been triggered during the audit period, as this condition relates to the BMP for Stage 2 which has not yet been approved.
(a)	(a) calculating the remaining cost of implementing and managing the Biodiversity Offset Strategy at third party rates; and			
(b)	(b) employing a suitably qualified, independent and experienced person to verify the calculated costs.			
B79	B79. The calculation of the Conservation Bond must be submitted to the Department for approval at least 2 months prior to lodgement of the bond.	Not triggered	Site interviews conducted 18 November 2020 Consolidated Consents review for modifications	Conduct of the audit indicates this condition has not been triggered during the audit period, as this condition relates to the BMP for Stage 2 which has not yet been approved.
B80	B80. The Conservation Bond must be reviewed and, if required, an updated bond must be lodged with the Department within 3 months following:	Not triggered	Site interviews conducted 18 November 2020 Consolidated Consents review for modifications	Conduct of the audit indicates this condition has not been triggered during the audit period, as this condition relates to the BMP for Stage 2 which has not yet been approved.
(a)	(a) any update or revision to the Biodiversity Management Plan;			
(b)	(b) the completion of an Independent Environmental Audit in which recommendations relating to the implementation of the Biodiversity Offset Strategy have been made; or			
(c)	(c) in response to a request by the Planning Secretary,			
B81	B81. If the Biodiversity Offset Strategy is completed generally in accordance with the performance and completion criteria in the Biodiversity Management Plan, to the	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	satisfaction of the Planning Secretary, or if alternate funding arrangements are provided, the Planning Secretary will release the Conservation Bond.		Consolidated Consents review for modifications	
B82	B82. If the Biodiversity Offset Strategy is not completed generally in accordance with the completion criteria in the Biodiversity Management Plan, the Planning Secretary will call in all, or part of, the Conservation Bond, and arrange for the completion of the relevant works.	Not triggered	Site interviews conducted 18 November 2020 Consolidated Consents review for modifications	Conduct of the audit indicates this condition has not been triggered during the audit period.
HERITAGE				
Heritage Operating Conditions				
Notes:				
<ul style="list-style-type: none"> The Applicant is required to obtain consent from BCD under Section 90 of the National Parks Wildlife Act 1974 to destroy Aboriginal objects on the site. The Applicant must comply with the requirements of any Aboriginal Heritage Impact Permit/s issued for the development, including any approved salvage program. 				
B83	B83. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c) or approved under a permit issued under the National Parks and Wildlife Act 1974.	Compliant	Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019 Relevant AHIPs being #2222, #C0001474 and #C0002000 and C0003213 approved by OEH on 4 September 2017 Salvage Report for Open Artefact Sites in December 2018 and January 2019 under AHIPs #C0002000 and #2222 Due Diligence Surveys as identified in Annual Reviews for 2017, 2018 and 2019.	Review of relevant evidence indicates compliance with the requirements of this condition.
B84	B84. The Applicant must ensure that Aboriginal objects salvaged from the site are housed in a keeping place established for the purpose.	Compliant	Site inspection conducted 18 November 2020 Photos provided prior to the site inspection	Review of relevant evidence indicates compliance with the requirements of this condition.
B85	B85. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and BCD, and work must not recommence in the area until authorised by NSW Police Force and BCD.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018, and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
B86	B86. The Applicant must ensure that all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions.	Compliant	Wambo Generic Induction	Review of relevant evidence indicates compliance with the requirements of this condition.
B87	B87. The Applicant must undertake ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.	Compliant	Evidence of ongoing consultation with RAPs with letter dated 23 March 2020 regarding the revision of the HMP to cover LW 21 to 24. Salvage Report for Open Artefact Sites in December 2018 and January 2019 under AHIPs #C0002000 and #2222	Review of relevant evidence indicates compliance with the requirements of this condition. Conduct of the interviews indicate no response has been received from RAPs to date.
Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area A				
B88	B88. The Applicant must develop a management plan to manage Aboriginal cultural heritage in Remnant Woodland Enhancement Area A (referred to in Table 9 above) within 12 months of entering into a Conservation Agreement over that area, or as otherwise agreed by the Planning Secretary. The management plan must be:	Compliant	OEH (now BCD) approval of Conservation Agreement dated 1 September 2017. Appendix F dated March 2018 of the Wambo Coal Heritage Management Plan (WA-ENV-MNP-510) Correspondence from BCD dated 23 April 2018 indicating satisfaction Correspondence from DPIE dated 31 October 2018 indicating satisfaction	Review of relevant evidence indicates compliance with the requirements of this condition.
(a)	(a) prepared by a suitably qualified and experienced person/s;			
(b)	(b) developed in consultation with BCD and the Registered Aboriginal Parties; and			
(c)	(c) approved by the Planning Secretary.			
B89	B89. The Applicant must implement the Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area A approved by the Planning Secretary	Compliant	Annual Reviews for 2017, 2018 and 2019 Site inspection conducted 18 November 2020	Review of relevant documentation indicates compliance with the requirements of this condition.
Wambo Homestead				


Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
B90	B90. The Applicant must prepare a conservation management plan for the Wambo Homestead Complex in accordance with Heritage Branch guidelines, to the satisfaction of the Heritage Branch. This plan must:	Compliant	Wambo Coal Wambo Homestead CMP dated May 2019 (WA-ENV-MNP-511) Heritage Branch correspondence indicates as the condition did not require their endorsement, the Heritage Division did not need to provide comment, dated 18 December 2018 Evidence of DPIE satisfaction/approval dated 31 May 2019.	Review of relevant evidence indicates compliance with the requirements of this condition. However, the wording of this condition has been updated as 'to satisfaction of the Heritage Branch' as a result of Modification 16, Recommendation 3: <i>The CMP should be resubmitted to the Heritage Branch for endorsement/verification of satisfaction, to ensure compliance with the modified requirements of DA 305-7-2003.</i>
(a)	(a) describe the measures to be implemented to conserve, manage and interpret the cultural significance of the Wambo Homestead Complex;			
(b)	(b) contain a timetable for implementing conservation measures; and			
(c)	(c) detail ongoing maintenance and inspection programs.			
B91	B91. In circumstances where safe access to the Wambo Homestead Complex is able to be provided, opportunities are to be offered to the local community to visit the site during and after its conservation.	Compliant	Letter of invite sent to Jerrys Plains Public School dated 29 May 2019 Letter of invite sent to St Catherine's Catholic College dated 3 July 2019 Letter of invite sent to Singleton High School dated 3 July 2019. Site interviews conducted 18 November 2020	Review of relevant evidence indicates compliance with the requirements of this condition. However, invites have not been accepted to date.
B92	B92. The Applicant must undertake annual photographic recording of all structures within the Wambo Homestead Complex. The photographs are to be of archival quality in accordance with the Heritage Branch guidelines, How to Prepare Archival Records of Heritage Items 1994, and Guidelines for Photographic Recording of Heritage Items 1994. The photographic record is to be lodged with the Heritage Branch, and a copy is to be submitted to the Department and the Council.	Compliant	Wambo Homestead Archival Photographic Record December 2017, with submission to Heritage Branch, Council and DPIE (dated 23 March 2018) Wambo Homestead Archival Photographic Record December 2018, with submission to Heritage Branch (30 September 2020), Council and DPIE (dated 20 May 2019) Wambo Homestead Archival Photographic Record October 2019, with submission to Council and Heritage NSW (30 September 2020). DPIE email acknowledging receipt dated 24 November 2020.	Review of relevant evidence indicates compliance with the requirements of this condition. However, invites have not been accepted to date.
Road Rehabilitation				
B93	B93. Following the cessation of the use of the coal haulage road which traverses the Wambo Homestead Complex property, the land is to be returned to its former condition (pre-1999) and the half palisade fence on the southern alignment of the mounting yard is to be reinstated as required by the 1999 approval of the Heritage Branch for construction of the road.	Not triggered	N/A	Will be completed at cessation of mining
Movable Heritage Items				
B94	B94. The Applicant must liaise with the Power House Museum and Museums and Galleries Foundation regarding the significance of movable heritage which would be impacted by open cut mining and identify suitable repositories for the conservation and storage of any significant items, including Site 3 Abandoned Homestead A and Site 9 Abandoned Tractor.	Compliant	Evidence of letters sent to Power House Museum, Western Sydney University - School of Humanities and Communication Arts, and University of Sydney – Department of History dated 23 May 2019 WCPL Amended Response to 2017 IEA	Review of relevant evidence indicates compliance with the requirements of this condition. 2017 IEA Recommendation: <i>Site 3 and site 9 non-indigenous heritage items should be identified in the field. Then correspondence as required in the condition should occur to close out this item.</i> 2020 IEA Findings: Review of relevant documentation indicates Site 3 and Site 9 were identified as the abandoned Homestead A and Abandoned Tractor respectively and correspondence provided to Power House Museum, Western Sydney University - School of Humanities and Communication Arts, and University of Sydney – Department of History dated 23 May 2019, closing out the 2017 IEA Recommendation.
VISUAL				
Visual Amenity and Lighting				
B95	B95. The Applicant must:	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Annual Reviews Complaints records	Review of relevant information indicates a reduction in the number of complaints received during the reporting period related to lighting, with review of complaints indicating WCPL were responsive to addressing concerns.
(a)	(a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development;			
(b)	(b) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(c)	(c) ensure mobile lighting does not shine directly above the horizontal (except where required for emergency safety purposes);			
(d)	(d) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting; and			
(e)	(e) implement measures to mitigate visual impacts including:			
	(i) design and construction of development infrastructure in a manner that minimises visual contrasts; and (ii) progressive rehabilitation of mine waste rock emplacements (particularly outer batters), including partial rehabilitation of temporarily inactive areas.			
Visual Mitigation				
B96	B96. The Applicant must investigate and where feasible implement the following measures at locations assessed in the EIS as having a high potential visual impact:	Compliant	Wambo Coal Mining Operations Plan September 2019 – 31 December 2020 (September 2019) Annual Review for 2018 WCPL Amended Response to 2017 IEA Recommendations	<p>2017 IEA Recommendation: Recommend the Montrose Tree Screen requires attention to ensure effectiveness in mitigating visual impacts.</p> <p>2017 IEA Recommendation: Provide a more recent notification to owners of private residences of right to visual mitigation under consent condition.</p> <p>2020 IEA Findings: Review of relevant documentation indicates the 2017 IEA recommendations have been addressed, with the Montrose Tree Screen managed by the September 2019 MOP. Regarding the recommendation for a more recent notification; this is not a requirement of the development consent and viewed as irrelevant to compliance. This notwithstanding, review of relevant documentation indicates the only landowner from the EIS predicted as having potentially high visual impacts is subject to an access and compensation agreement.</p>
(a)	(a) implement landscaping works in consultation with affected rural residents; and/or			
(b)	(b) place and maintain visual screens between development infrastructure and the viewing location.			
B97	B97. During Phase 1, if a landowner of any dwelling assessed in the EIS as having a high potential visual impact requests the Applicant in writing to investigate ways to minimise the visual impact of the development on his/her dwelling, the Applicant must:	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
(a)	(a) within 28 days of receiving this request, commission a suitably qualified person whose appointment has been approved by the Planning Secretary, to investigate ways to minimise the visual impacts of the development on the landowner's dwelling; and			
(b)	(b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report.			
B98	B98. If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant must implement these measures to the satisfaction of the Planning Secretary.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
B99	B99. If the Applicant and the landowner disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
WASTE				
B100	B100. The Applicant must:	Compliant	Annual Reviews for 2017, 2018 and 2019 Council approval of on-site sewage management system dated 29 June 2020 EPA Online Waste Tracking System Transport certificates for 2019 and 2020 (ongoing) Total Waste Management Report for 2019 and 2020 (ongoing) Waste Tracking Spreadsheets Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	Review of relevant evidence indicates compliance with the requirements of this condition.
(a)	(a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development;			
(b)	(b) dispose of all waste at appropriately licensed waste facilities;			
(c)	(c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and			
(d)	(d) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition D10.			
B101	B101. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the Protection of the Environment Operations (Waste) Regulation 2014, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.	Compliant	EPL 529 Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			Annual Returns for 2017, 2018 and 2019 Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 The organic outputs ¹ derived from mixed waste exemption 2014 EPA correspondence regarding the Future of Mixed Waste Organic Outputs dated 2 December 2019 EPA correspondence providing Draft Amended Regulation Enabling Burial onsite with specific requirements on 16 September 2020 EPA Consultation during the conduct of the 2020 IEA.	
HAZARDS MANAGEMENT				
Spontaneous Combustion				
B102	B102. The Applicant must:	Compliant	Site interviews conducted 18 November 2020 Annual Review for 2018	2017 IEA Recommendation: Recommend that DRE is consulted in the future to confirm satisfaction with spontaneous combustion management. This may occur through the Annual Review process, requesting a response to this query in the submission letter 2020 Audit Findings: Review of relevant documentation indicates no spontaneous combustion events have occurred during the audit period. However, the spontaneous combustion event is still being managed and monitored; with evidence of liaison with the NSW Resources Regulator and general satisfaction identified. Therefore, the 2017 IEA recommendation has been closed out.
(a)	(a) take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site; and			
(b)	(b) manage any spontaneous combustion on the site to the satisfaction of the Resources Regulator.			
Dangerous Goods				
B103	B103. The Applicant must ensure that the storage, handling, and transport of:	Non-compliant (Low)	Annual Review for 2018 verifying update Licence to Store Explosives (XSTR100150) expiry 10/01/2023 Explosives Management Plan WA-MIN-MHMP-1201 Powerpoint Presentation Resources Regulator correspondence issuing s191 Improvement Notice under the <i>Work Health and Safety Act 2011</i> dated 6 November 2020 s191 Improvement Notice No. NTCE0006928 Dyno response to s191 Notice issued by Resources Regulator dated 30 November 2020 Peabody response to s191 Notice issued by Resources Regulator dated 30 November 2020	2017 IEA Recommendation: Recommend the internal Dangerous Goods and Hazardous Substances Management Plan (last updated in May 2015) is reviewed and revised as needed in the next audit period. 2020 Audit Findings: Review of relevant documentation indicates the 2017 IEA recommendation has been addressed and has therefore been closed out. Review of relevant documentation indicates a s191 Improvement Notice was issued by the NSW Resources Regulator under the <i>Work Health and Safety Act 2011</i> (WHS Act) on 6 November 2020, requiring a response by 30 November 2020. Therefore, a finding of non-compliance with a low risk rating has been found. Review of the Peabody response indicates that while most items have been closed out, a number of items remain open. Therefore, corrective action 1 has been made in relation to this Condition. Corrective Action 1: Ensure relevant items which remain open, as detailed in Peabody's response to the Resources Regulator on 30 November 2020, are closed out in consultation with and to the satisfaction of the Resources Regulator.
	(a) dangerous goods is done in accordance with the relevant Australian Standards, particularly AS1940 and AS1596, and the Dangerous Goods Code; and (b) explosives are managed in accordance with the requirements of the Resources Regulator.			
BUSHFIRE MANAGEMENT				
B104	B104. The Applicant must:	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 indicating no requests for assistance Annual Reviews for 2017, 2018 and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.
	(a) ensure that the development:			
	(i) provides for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2006) guideline; and			
	(ii) ensure that there is suitable equipment to respond to any fires on the site; and (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings																										
REHABILITATION																														
Rehabilitation Objectives																														
B105	<p>B105. The Applicant must rehabilitate the site to the satisfaction of the Resources Regulator. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition A2(c) and must comply with the objectives in Table 10.</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>All areas of the site affected by the development</td> <td> <ul style="list-style-type: none"> Safe, stable and non-polluting Fit for the intended post-mining land use/s </td> </tr> <tr> <td>Areas proposed for native ecosystem re-establishment</td> <td> <ul style="list-style-type: none"> Establish a minimum of 270 hectares of Open Woodland Revegetation to satisfy condition B09 Establish areas of self-sustaining: <ul style="list-style-type: none"> riparian vegetation, within any diverted and/or re-established creek lines and retained water features; habitat resources for threatened flora and fauna species; and vegetation connectivity and wildlife corridors, as far as is reasonable and feasible </td> </tr> <tr> <td>Final Landform</td> <td> <ul style="list-style-type: none"> Stable and sustainable for the intended post-mining land use/s Consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape Maximise surface water drainage to the natural environment (excluding final void catchment) </td> </tr> <tr> <td>Rehabilitation materials</td> <td> <ul style="list-style-type: none"> Materials from areas disturbed under this consent (including topsoils, substrates and seeds) are to be recovered, managed and used as rehabilitation resources, to the greatest extent practicable </td> </tr> <tr> <td>Surface infrastructure of the development</td> <td> <ul style="list-style-type: none"> Decommissioned and removed, unless the Resources Regulator agrees otherwise All surface infrastructure sites are to be revegetated with suitable local native plant species to a landform consistent with the surrounding environment </td> </tr> <tr> <td>Portals and vent shafts of the development</td> <td> <ul style="list-style-type: none"> To be decommissioned and made safe and stable Retain habitat for threatened species (e.g. bats), where practicable </td> </tr> <tr> <td>Watercourses subject to mine water discharges and/or subsidence impacts or environmental consequences that are greater than negligible</td> <td> <ul style="list-style-type: none"> Hydraulically and geomorphologically stable Aquatic ecology and riparian vegetation that is the same or better than prior to commencement of mining </td> </tr> <tr> <td>Water quality</td> <td> <ul style="list-style-type: none"> Water retained on the site is fit for the intended post-mining land use/s Water discharged from the site is suitable for receiving waters and fit for aquatic ecology and riparian vegetation </td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>Built features damaged by mining operations</td> <td> <ul style="list-style-type: none"> Repair to pre-mining condition or equivalent unless the: <ul style="list-style-type: none"> owner agrees otherwise; 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However, the method for assessing rehabilitation performance using Landscape Function Analysis (LFA) is inconsistent with the standard LFA Monitoring methods (Tongway and Hindley 2005).</p> <p>Therefore, there is potential that reporting of completion criteria and TARPs associated with the LFA performance measures are affected by this inconsistency, potentially resulting in inaccurate reporting on the success of rehabilitation.</p> <p>For this reason, a non-compliant finding has been made with an identified low risk and corrective action 2 has been made</p> <p>Corrective Action 2: The method for assessing rehabilitation performance using LFA monitoring should be reassessed in line with Tongway and Hindley (2005). TARP and Completion Criteria should be updated in the MOP.</p>
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Cliffs, minor cliffs, rock face features and steep slopes	<ul style="list-style-type: none"> No additional risk to public safety compared to prior to mining 																													
Community	<ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects associated with mine closure 																													
B106	<p>B106. The rehabilitation objectives in Table 10 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents.</p>	Compliant	<p>Site inspection conducted 18 November 2020</p>	<p>Review of relevant evidence indicates compliance with the requirements of this condition.</p>																										
Progressive Rehabilitation																														
B107	<p>B107. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.</p> <p><i>Nothing in this condition prevents further disturbance at some later stage of the development of areas that have been rehabilitated. Rehabilitation Management Plan</i></p>	Compliant	<p>Annual Reviews for 2017, 2018 and 2019</p> <p>Site inspection conducted 18 November 2020</p> <p>Site interviews conducted 18 November 2020</p>	<p>Evidence of progressive rehabilitation was observed during the site inspection.</p> <p>Temporary grass cover to provide cover and protection was also observed.</p>																										

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
B108	B108. The Applicant must prepare a Rehabilitation Management Plan for all land disturbed by the development to the satisfaction of the Resources Regulator. This plan must:	Non-compliant (Administrative)	Agency consultation during preparation of the 2020 IEA with NSW Resources Regulator, DPIE, DPIE Water, BCD and Council Annual Reviews 2017, 2018 and 2019 Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Wambo Coal Mining Operations Plan September 2019 – 31 December 2020 Resources Regulator MOP Approval 1 February 2018 Resources Regulator MOP Amendment A approval 9 April 2019 Resources Regulator MOP Amendment B approval 23 July 2019 Resources Regulator MOP Amendment C approval 11 November 2019 Resources Regulator Approval for RMP to be MOP 1 May 2015. Phase 2 RMP December 2020 to December 2023	2020 Audit Findings: Review of relevant evidence indicates general compliance with the requirements of this condition. However review of the MOP found that mine closure and care and maintenance programs are not included in accordance with Condition B110(g)&(j) respectively. Corrective Action 3: The MOP should be updated to include relevant programs and activities to address care and maintenance and mine closure requirements. Furthermore, while the RMP/MOP references regular consultation with relevant agencies (i.e. DPIE, DPIE Water, BCD and Council), no evidence of consultation during the preparation of the RMP/MOP applicable to the 2020 IEA period has been sighted. However, it is noted all these agencies were invited to provide input to the 2020 IEA and, with the exception of the Resources Regulator, no agencies expressed concerns or interest in relation to on-site rehabilitation. Review of the Phase 2 MOP indicates this requirement has been addressed with evidence in Appendix 2 of the MOP.
(a)	(a) be prepared by a suitably qualified and experienced person/s;			
(b)	(b) be prepared in consultation with the Department, DPIE Water, BCD and Council;			
(c)	(c) be prepared in accordance with any relevant DRG Guideline;			
(d)	(d) describe how the rehabilitation of the site would achieve the objectives identified in Table 10 and be integrated with the measures in the Biodiversity Management Plan referred to in condition B74;			
(e)	(e) describe how the rehabilitation of the site would be integrated with rehabilitation of the Wambo train loading facility and SSD 7142 United Wambo open cut coal mine;			
(f)	(f) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary);			
(g)	(g) describe the measures to be implemented to ensure compliance with the relevant conditions of this consent, and address all aspects of rehabilitation including mine closure, final landform, final land use/s and water management in the final landform;			
(h)	(h) include a detailed tailings management strategy that includes:			
(i)	(i) a strategy for treating and/or emplacing all tailings material generated by the Wambo CHPP; and			
	(ii) timing for rehabilitation of all tailings storage facilities, in order that final landform and land use objectives can be achieved in a timely manner;			
	(i) include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation;			
(j)	(j) include a program to monitor, independently audit and report on the effectiveness of the measures in paragraph (g), and progress against the detailed performance and completion criteria in paragraph (f);			
(k)	(k) to the maximum extent practicable build on and integrate with the other management plans required under this consent; and			
(l)	(l) include detailed scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years.			
B109	B109. The Applicant must not commence Phase 2 until the Rehabilitation Management Plan is approved by the Resources Regulator.	Not triggered	N/A	Note Phase 2 to commence in December 2020
B110	B110. The Applicant must implement the Rehabilitation Management Plan as approved by the Resources Regulator.	Non-compliant (Low)	Annual Reviews 2017, 2018 and 2019 Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Wambo Coal Mining Operations Plan September 2019 – 31 December 2020	Progressive rehabilitation has been undertaken in the areas identified in the MOP; however, the vegetation community of rehabilitation in the 'Ecosystem and Landuse Establishment' phase is not consistent with the final vegetation community contained within the MOP. Grassland and/or cover crop vegetation has been planted in areas identified as Woodland in the MOP. This is a result of the commencement of the United Wambo Joint Venture Operations in December 2020 and current operations to mine through these areas and the justification for this was understood by the auditor. However, this notwithstanding, a non-compliance has been found in relation to this condition and the following corrective action made. Corrective action 4: Where a variation to rehabilitation activities detailed in the approved RMP/MOP is planned to be undertaken, ensure this is undertaken in consultation with the NSW Resources Regulator and other relevant agencies detailed in Condition B108.
Note: • The Resources Regulator may permit the Rehabilitation Management Plan to be combined with a Mining Operations Plan, or similar plan, required under any mining lease granted for the development.				
TRANSPORT				
Monitoring of Coal Transport				
B111	B111. The Applicant must:	Compliant	Annual Reviews for 2017, 2018 and 2019	

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(a)	(a) keep accurate records of the amount of coal transported from the site (on a daily basis); and		2020 Train Weights Tracking Spreadsheet Train Schedule Tracking Spreadsheets	Review of relevant evidence indicates compliance with the requirements of this condition.
(b)	(b) include these records in the Annual Review.			
Parking				
B112	B112. The Applicant must provide sufficient parking on-site for all mine-related traffic to the satisfaction of the Planning Secretary.	Compliant	DPIE letter of satisfaction preceding the audit dated 24 May 2011 indicating 393 car parks for a workforce of approximately 320 personnel and site interviews indicating 150 new car parks created since DPIE approval.	Review of relevant documentation indicates satisfaction of the requirements of this condition preceded the audit. However, the site inspection did not identify any parking related issue.
Traffic Management Plan				
B113	B113. The Applicant must prepare a Traffic Management Plan for the Wambo Mining Complex, that includes use of the site by traffic approved under SSD 7142, to the satisfaction of the Planning Secretary. This plan must:	Compliant	TMP (WA-ENV-MNP-515) dated September 2020 Evidence of DPIE satisfaction/approval of Phase 2 Traffic Management Plan dated 16 November 2020 Evidence of consultation with RMS(TfNSW) and Council) via Major Projects Planning Portal dated 30 September 2020 – Appendix A of TMP	Review of relevant evidence indicates compliance with the requirements of this condition.
(a)	(a) be prepared by a suitably qualified and experienced person/s;			
(b)	(b) be prepared in consultation with RMS and Council;			
(c)	(c) include details of all transport routes, traffic types and access roads to be used for development-related traffic;			
(d)	(d) include details of the measures to be implemented to minimise traffic safety issues and disruption to local road users, particularly during shift change periods, including managing over-dimensional vehicles;			
(e)	(e) include a Drivers' Code of Conduct that includes procedures to ensure that drivers:			
	(i) adhere to travelling speeds;			
	(ii) adhere to the designated transport routes, where applicable; and			
	(iii) implement safe driving practices.			
B114	B114. The Applicant must not commence Phase 2 until the Traffic Management Plan is approved by the Planning Secretary.	Compliant	Evidence of DPIE satisfaction/approval of Phase 2 Traffic Management Plan dated 16 November 2020	Note: Phase 2 to commence in December 2020, after the site inspection for the 2020 IEA.
B115	B115. The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary	Not triggered	N/A	The TMP is a requirement of DA 305-7-2003 relating to Phase 2 of the Project. Therefore, the TMP does not apply until commencement of Phase 2 which is outside the 2020 IEA period. This notwithstanding, the 2020 IEA has considered the TMP against Condition B113 of DA 305-7-2003.
PART C ADDITIONAL PROCEDURES				
ACQUISITION UPON REQUEST				
C1	Upon receiving a written request for acquisition from the owner of the privately-owned land ^a listed in Table 11, the Applicant must acquire the land in accordance with the procedures in conditions C10 to C17, inclusive. <i>Table 11: Land subject to acquisition upon request</i>  ^a The location of the land referred to in Table 11 is shown in Appendix 4.	Compliant	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant evidence indicates general compliance with the requirements of this condition, with R019 purchased by WCPL on 15 May 2019.
ADDITIONAL MITIGATION UPON REQUEST				
C2	C2. Upon receiving a written request from the owner of any residence on the privately-owned land a listed in Table 11 or Table 12, the Applicant must implement additional mitigation measures at or in the vicinity of the residence in consultation with the landowner. These measures must be consistent with the measures outlined in the Voluntary Land Acquisition and Mitigation Policy for State Significant Mining, Petroleum and Extractive Industry Developments (NSW Government, 2018). They must also be reasonable and feasible, proportionate to the level of predicted impact and directed towards reducing the relevant noise and/or air quality impacts of the development. The Applicant must also be responsible for the reasonable costs of ongoing maintenance of these additional mitigation measures until the cessation of mining operations.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings				
<p>Table 12: Land subject to additional mitigation upon request</p> <table border="1"> <thead> <tr> <th>Mitigation Basis</th> <th>Land</th> </tr> </thead> <tbody> <tr> <td>Noise</td> <td>R003, R025</td> </tr> </tbody> </table> <p>* The locations of the land referred to in Table 12 is shown in Appendix 4.</p>					Mitigation Basis	Land	Noise	R003, R025
Mitigation Basis	Land							
Noise	R003, R025							
C3	C3. If within 3 months of receiving this request from the owner, the Applicant and the owner cannot agree on the measures to be implemented, or there is a dispute about the implementation of these measures, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.				
NOTIFICATION OF LANDOWNERS/TENANTS								
C4	C4. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended air quality and/or noise criteria, the Applicant must:	Non-compliant (administrative)	Resident tenancy agreements.	Review of relevant evidence indicates general compliance with the requirements of this condition. However, satisfaction of the Planning Secretary was not sighted. Therefore, an administrative non-compliance has been found in relation to this condition. Corrective Action 5: Provide copies of relevant resident tenancy agreements to the Planning Secretary to confirm satisfaction that the intents of this condition of been met.				
(a)	(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (NSW Health, 2017); and							
(b)	(b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Planning Secretary.							
NOTIFICATION OF EXCEEDANCES								
C5	C5. As soon as practicable and no longer than 7 days after obtaining monitoring results showing an exceedance of any noise, blasting or air quality criterion in PART B of this consent, the Applicant must provide the details of the exceedance to any affected landowners, tenants and the CCC.	Compliant	27 September 2019 Notification of Exceedance of Airblast Overpressure on 21 September 2019 to CCC and Affected Landowner 16 September 2020 Notification of Exceedance of Operational Noise Criteria on 8 September 2020 to CCC and Affected Landowner	2017 IEA Recommendation: Recommend neighbours are notified for all future exceedances of criteria. 2017 IEA Recommendation: Notification to landowners of the publication of management documents and monitoring results on the website is updated at regular intervals (suggested 4-5 yearly). 2020 IEA Findings: Review of relevant data indicates relevant 2017 IEA recommendations have been addressed and confirm compliance with this condition.				
C6	C6. For any exceedance of any air quality criterion in PART B of this consent, the Applicant must also provide to any affected land owners and tenants a copy of the NSW Health fact sheet entitled "Mine Dust and You" (NSW Health, 2017).	Not triggered		This condition is a result of the 29 August 2019 modification, after which no exceedances of relevant criteria have occurred. Therefore, not triggered.				
INDEPENDENT REVIEW								
C7	C7. If a landowner considers the development to be exceeding any relevant air quality, noise or blasting criterion in PART B of this consent, they may ask the Planning Secretary in writing for an independent review of the impacts of the development on their residence or land.	Compliant	DPIE request for independent review dated 26 February 2019, with subsequent endorsement of new person to complete independent review dated 25 March 2020 Independent Review prepared by Wilkinson Murray dated September 2019	Review of relevant evidence indicates general compliance with the requirements of this condition.				
C8	C8. If the Planning Secretary is not satisfied that an independent review is warranted, the Planning Secretary will notify the landowner in writing of that decision, and the reasons for that decision, within 21 days of the request for a review.	Compliant	DPIE request for independent review dated 26 February 2019, with subsequent endorsement of new person to complete independent review dated 25 March 2020 Independent Review prepared by Wilkinson Murray dated September 2019	Review of relevant evidence indicates general compliance with the requirements of this condition.				
C9	C9. If the Planning Secretary is satisfied that an independent review is warranted, within 3 months, or other timeframe agreed by the Planning Secretary and the landowner, of the Planning Secretary's decision, the Applicant must:	Compliant	DPIE request for independent review dated 26 February 2019, with subsequent endorsement of new person to complete independent review dated 25 March 2020 Independent Review prepared by Wilkinson Murray dated September 2019	While completion of the report was outside the 3 month requirement, review of the Independent Review indicates a decision was made to delay noise measurements due to concerns expressed by the landowner that the mine had been altering operations. While it is understood this delay was undertaken in consultation with the landowner and DPIE, WCPL were not made aware in order to ensure they would not be capable of revising operations and ensure suitable results were obtained.				
(a)	(a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to:							
	(i) consult with the landowner to determine their concerns;							
	(ii) conduct monitoring to determine whether the development is complying with the relevant criterion in PART B of this consent; and							
	(iii) if the development is not complying with the relevant criterion, identify measures that could be implemented to ensure compliance with the relevant criterion;							

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(b)	(b) give the Planning Secretary and landowner a copy of the independent review; and			
(c)	(c) comply with any written requests made by the Planning Secretary to implement any findings of the review.			
LAND ACQUISITION				
C10	C10. Within 3 months of receiving a written request for acquisition from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on:	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
(a)	(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 development, having regard to the:			
	(i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and			
	(ii) presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the landowner's written request, and is due to be completed subsequent to that date, but excluding any improvements that have resulted from the implementation of the additional noise and/or air quality mitigation measures in condition C2;			
(b)	(b) the reasonable costs associated with:			
	(i) relocating within the Singleton local government area, or to any other local government area determined by the Planning Secretary; and			
	(ii) obtaining independent legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and			
(c)	(c) reasonable compensation for any disturbance caused by the land acquisition process.			
C11	C11. If, within 2 months of the binding written offer being made under condition C10, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C12	C12. Upon receiving a request, under condition C11, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
(a)	(a) consider submissions from both parties;			
(b)	(b) 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 condition C10;			
(c)	(c) prepare a detailed report setting out the reasons for any determination; and			
(d)	(d) provide a copy of the report to both parties.			
C13	C13. Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C14	C14. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition C10, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C15	C15. Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
C16	C16. If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C17	C17. The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions C10 to C16 inclusive, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Environmental Management Strategy				
D1	D1. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:	Non-compliant (administrative)	EMS (WA-ENV-MNP-501) – Rev 5 (March 18) Evidence of DPIE satisfaction/approval dated 26 March 2018 Evidence of DPIE satisfaction/approval for Phase 2 EMS dated 16 November 2020	Review of relevant evidence indicates general compliance with the requirements of this condition; however, the EMS is noted to include superseded Acts and Regulations, and outdated agency details. The former resulting in an administrative non-compliance with Condition D1(c) However, review of the Phase 2 EMS indicates this has now been addressed.
(a)	(a) provide the strategic framework for environmental management of the development;			
(b)	(b) identify the statutory approvals that apply to the development;			
(c)	(c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;			
(d)	(d) set out the procedures to be implemented to:			
	(i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;			
	(ii) receive record, handle and respond to complaints;			
	(iii) resolve any disputes that may arise during the course of the development;			
	(iv) respond to any non-compliance and any incident; and			
	(v) respond to emergencies; and			
(e)	(e) include:			
	(i) references to any strategies, plans and programs approved under the conditions of this consent; and			
	(ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.			
D2	D2. The Applicant must not commence Phase 2 until the Environmental Management Strategy is approved by the Planning Secretary.	Compliant	Evidence of DPIE satisfaction/approval for Phase 2 EMS dated 16 November 2020	Note: Phase 2 commencing in December 2020.
D3	D3. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	Compliant	EMS (WA-ENV-MNP-501) – Rev 5 (March 18) Annual Reviews for 2017, 2018 and 2019 Site inspection conducted 18 November 2020	Review of relevant evidence indicates general compliance with the requirements of this condition.
Adaptive Management				
D4	D4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.	Compliant	Site interviews conducted 18 November 2020 9 February 2018 blast event, with request from EPA dated 13 February 2018 for a report dated 2 March 2018 under Clause R3 of EPL 529 sighted. 5 April 2018 noise exceedance, with a notification provided 12 April 2018 and follow-up response investigation report provided to DPIE 11 May 2018. 17 May 2018 noise exceedance, with a notification provided 21 May 2018. 20-21 June 2018 potential noise exceedance identified by EPA with request under Clause R3 of EPL 529 made for an investigation report, with DPIE notified 26 June 2018. An attended Noise Monitoring Exceedance June 2018 Investigation Report was submitted to DPIE 20 July 2018.	Review of relevant evidence indicates general compliance with the requirements of this condition.
	Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:			
(a)	(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;			
(b)	(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and			
(c)	(c) implement reasonable remediation measures as directed by the Planning Secretary.			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			<p>5 September 2018 noise exceedance, with notification provided 14 September 2018 and investigation report and attended monitoring provided to DPIE on 25 October 2018.</p> <p>17 December 2018 noise exceedance, notification provided 28 December 2018</p> <p>21 September 2019 air blast overpressure exceedance, with notification provided 27 September 2019. 24 October 2019 response to DPIE RFI regarding exceedance. A show cause letter dated 5 November 2019 and response provided 20 November 2019.</p> <p>12 November 2019 noise exceedance, with notification provided 19 November 2019.</p> <p>8 September 2020 noise exceedance with notification, with notification provided 15 September 2020</p>	
Management Plan Requirements				
D5	D5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:	Compliant	<p>Wambo Homestead Complex Conservation Management Plan (May 2019 – WA-ENV-MNP-511)</p> <p>Wambo Coal Blast Management Plan (March 2020 – WA-ENV-MNP-507)</p> <p>Wambo Coal Surface Water Monitoring Program (March 2018 – WA-ENV-MNP-509.2)</p> <p>Wambo Coal Groundwater Monitoring Program (April 2018 – WA-ENV-MNP-509.1)</p> <p>Wambo Coal Surface and Groundwater Response Plan (April 2018 – WA-ENV-MNP-509.4)</p> <p>Wambo Coal Noise Management Plan (January 2020 – WA-ENV-MNP-503)</p> <p>Wambo Coal Air Quality & Greenhouse Gas Management Plan (April 2017 – WA-ENV-MNP-508)</p> <p>Wambo Coal Erosion and Sediment Control Plan (April 2018 – WA-ENV-MNP-509.3)</p> <p>Wambo Coal Environmental Management Strategy (March 2018 – WA-ENV-MNP-501)</p> <p>Wambo Coal Biodiversity Management Plan (May 2019 – WA-ENV-MNP-506)</p>	Review of relevant data indicates compliance with the requirements of this condition.
(a)	(a) summary of relevant background or baseline data;			
(b)	(b) details of:			
	(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);			
	(ii) any relevant limits or performance measures and criteria; and			
	(iii) the specific indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;			
(c)	(c) any relevant commitments or recommendations identified in the documents listed in condition A2(c);			
(d)	(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;			
(e)	(e) a program to monitor and report on the:			
	(i) impacts and environmental performance of the development; and			
	(ii) effectiveness of the management measures set out pursuant to paragraph (d);			
(f)	(f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;			
(g)	(g) a program to investigate and implement ways to improve the environmental performance of the development over time;			
(h)	(h) a protocol for managing and reporting any:			
(i)	(i) incident, non-compliance or exceedance of any impact assessment criterion and performance criterion);			
	(ii) complaint; or			
	(iii) failure to comply with other statutory requirements; and (i) a protocol for periodic review of the plan.			
	Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.			
REVISION OF STRATEGIES, PLANS AND PROGRAMS				
D6	D6. Within three months of:	Compliant	WCPL Status of Management Plans Required Under Development Consent (DA 305-7-2003)	2017 IEA Recommendation: Recommend that a register is kept to confirm reviews of strategies, plans, and programs required under this condition are undertaken following triggers specified in a-d.
(a)	(a) the submission of an incident report under condition D8;			
(b)	(b) the submission of an Annual Review under condition D10;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
(c)	(c) the submission of an Independent Environmental Audit under condition D11; or		<i>and Development Consent (DA 177-8-2004) Register</i>	2020 IEA Findings: Review of relevant evidence indicates general compliance with the requirements of this condition and that the 2017 IEA Recommendation has been addressed, with a register actively maintained.
(d)	(d) the approval of any modification (excluding Modification 16) of the conditions of this consent,			
	the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.			
D7	D7. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
	Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.	Note		
REPORTING AND AUDITING				
Incident Notification				
D8	D8. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.	Compliant	9 February 2018 blast event, with request from EPA dated 13 February 2018 for a report dated 2 March 2018 under Clause R3 of EPL 529 sighted. 5 April 2018 noise exceedance, with a notification provided 12 April 2018 and follow-up response investigation report provided to DPIE 11 May 2018. 17 May 2018 noise exceedance, with a notification provided 21 May 2018. 20-21 June 2018 potential noise exceedance identified by EPA with request under Clause R3 of EPL 529 made for an investigation report, with DPIE notified 26 June 2018. An attended Noise Monitoring Exceedance June 2018 Investigation Report was submitted to DPIE 20 July 2018. 5 September 2018 noise exceedance, with notification provided 14 September 2018 and investigation report and attended monitoring provided to DPIE on 25 October 2018. 17 December 2018 noise exceedance, notification provided 28 December 2018 21 September 2019 air blast overpressure exceedance, with notification provided 27 September 2019. 24 October 2019 response to DPIE RFI regarding exceedance. A show cause letter dated 5 November 2019 and response provided 20 November 2019. 12 November 2019 noise exceedance, with notification provided 19 November 2019. 8 September 2020 noise exceedance with notification, with notification provided 15 September 2020	Review of relevant evidence indicates compliance with the requirements of this condition.
Non-Compliance Notification				
D9	D9. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Not triggered	Not triggered	Review of relevant evidence indicates no non-compliances requiring notification have occurred, with 'A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.' – On review of documentation, non-compliances have been reported as incidents.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.			
	Annual Review			
D10	D10. By the end of March each year or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:	Compliant	Annual Reviews for 2017, 2018 and 2019 DPIE response to submission (dated 29 March 2018) on 7 September 2018 DPIE response to submission (dated 31 March 2020) on 26 June 2020 DPIE response to revised submission (dated 12 June 2019) on 8 July 2019	Review of relevant evidence indicates compliance with the requirements of this condition.
(a)	(a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;			
(b)	(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:			
	(i) relevant statutory requirements, limits or performance measures/criteria;			
	(ii) requirements of any plan or program required under this consent;			
	(iii) monitoring results of previous years; and			
	(iv) relevant predictions in the documents listed in condition A2(c);			
(c)	(c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;			
(d)	(d) evaluate and report on:			
	(i) the effectiveness of the noise and air quality management systems; and			
	(ii) compliance with the performance measures, criteria and operating conditions in this consent;			
(e)	(e) identify any trends in the monitoring data over the life of the development;			
(f)	(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and			
(g)	(g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.			
	Independent Environmental Audit			
D11	D11. By the end of October 2020, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:	Compliant	This Report	Relevant evidence presented in this audit report confirms compliance with this condition.
(a)	(a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;			
(b)	(b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;			
(c)	(c) be carried out in consultation with the relevant agencies and the CCC;			
(d)	(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);			
(e)	(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;			
(f)	(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and			
	(g) be conducted and reported to the satisfaction of the Planning Secretary.			
D12	D12. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with	Not triggered	N/A	The independent environmental audit required by the Development Consent does not precede this audit, which is the first audit to occur under Condition D11.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.			
	Monitoring and Environmental Audits			
D13	D13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit. For the purposes of this condition, as set out in the EP&A Act, "monitoring" means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" means a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.	Note		
D14	D14. Noise, blast and/or air quality monitoring under this consent may be undertaken at suitable representative monitoring locations instead of at privately-owned residences or other locations listed in Part B, providing that these representative monitoring locations are set out in the respective management plan/s.	Compliant	Wambo Coal Noise Management Plan (January 2020 – WA-ENV-MNP-503)	Yes, representative noise monitoring locations as agreed with the EPA in Sept/Oct 2019
	ACCESS TO INFORMATION			
D15	D15. Within three months of the determination of Modification 16, until the completion of all rehabilitation required under this consent, the Applicant must:	Compliant	Wambo website https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals.-Plans-Reports	2017 IEA Recommendation: Letter (c) and (d) in Schedule 3 Condition 2 are located and made publicly available on website. Review of the Wambo website indicates relevant documents required by this condition are included on the Wambo web page. In relation to the 2017 IEA Recommendation, these letters are no longer applicable to Condition A2 and therefore no longer apply to Condition D15.
(a)	(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:			
	(i) the documents listed in condition A2(c);			
	(ii) all current statutory approvals for the development;			
	(iii) all approved strategies, plans and programs required under the conditions of this consent;			
	(iv) detailed plans for the Phases of the development;			
	(v) minutes of CCC meetings;			
	(vi) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;			
	(vii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;			
	(viii) a summary of the current phase and progress of the development;			
	(ix) contact details to enquire about the development or to make a complaint;			
	(x) a complaints register, updated monthly;			
	(xi) the Annual Reviews of the development;			
	(xii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and			
	(xiii) any other matter required by the Planning Secretary; and			
(b)	(b) keep such information up to date, to the satisfaction of the Planning Secretary			

Appendix E – DA 177-8-2004

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Schedule 2 Part A – Administrative Conditions				
Obligation to minimise harm to the environment				
A1	In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Compliant	Site inspections and interviews conducted 18 November 2020 Site inspections and interviews conducted 19 November 2020 Relevant documentation identified against each condition of consent.	Review of relevant evidence indicates compliance with the requirements of this condition.
Terms of Consent				
A2	The development may only be carried out:	Non-compliant (Low)	Development Consent (DA 305-7-2003)	Not all of the conditions of consent have been complied with. See risk ratings for each individual non-compliance.
(a)	in compliance with the conditions of this consent;			
(b)	in accordance with all written directions of the Planning Secretary;			
(c)	generally in accordance with the SEE, SEE (Mod 1), EA (Mod 2) and EA (Mod 3); and			
(d)	generally in accordance with the Development Layout.			
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit has found this condition has not been triggered during the audit period.
(a)	the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and			
(b)	the implementation of any actions or measures contained in any such document referred to in paragraph (a).			
A4	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and the documents listed in condition A2(c). In the event of an inconsistency, ambiguity or conflict between any of the documents list	Note	N/A	
NOTIFICATION OF COMPLETION OR SUSPENSION				
A5	The Department must be notified in writing at least one month prior to the cessation of coal transportation.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit has found this condition has not been triggered during the audit period.
A6	The Department must be notified in writing immediately following both the commencement and completion of any periods of suspension of coal transportation.	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit has found this condition has not been triggered during the audit period.
LIMITS OF CONSENT				
Coal Transportation				
A7	Coal transportation may be carried out until 31 August 2042.	Compliant	Annual Reviews for 2017, 2018 and 2019 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Review of relevant data, conduct of site interviews and the site inspection indicate compliance with the requirements of this condition.
Note: Under this consent, the Applicant is required to decommission and rehabilitate the site and carry out other mine closure requirements. Consequently, this consent will continue to apply in all respects other than to permit the carrying out of coal transportation until the rehabilitation of the site and other requirements have been carried out to the required standard.				
A8	A maximum of 15 million tonnes of product coal from the United Wambo Mining Complex may be transported from the site in any calendar year.	Compliant	Annual Reviews for 2017, 2018 and 2019 2020 Train Weights Tracking Spreadsheet Train Schedule Tracking Spreadsheets	Review of relevant evidence indicates compliance with the requirements of this condition.
A9	A maximum of eight laden trains may leave the site in any 24 hour period.	Compliant	Annual Reviews for 2017, 2018 and 2019 2020 Train Weights Tracking Spreadsheet Train Schedule Tracking Spreadsheets	Review of relevant evidence indicates compliance with the requirements of this condition.
A10	No other trains may use the refuelling infrastructure, other than those being used for coal transportation under this consent.	Compliant	Annual Reviews for 2019 Production data for 2020 Site interviews conducted 18 November 2020	Review of relevant data indicates compliance with the requirements of this condition.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
			Site inspection conducted 18 November 2020	
Hours of Operation				
A11	The Applicant may undertake approved coal transportation 24 hours a day, 7 days a week.	Compliant	Annual Reviews for 2017, 2018, 2019 Site interviews conducted 18 November 2020 Annual Returns for 2017, 2018 and 2019	Review of relevant data indicates compliance with the requirements of this condition.
A12	The Applicant must take all reasonable steps to minimise train movements at the development on Friday evening (6 pm to 9 pm) and Sunday morning (9 am to 12 am), when the St Phillips Church is in use.	Compliant	Annual Reviews for 2018, 2019 Production data for 2020 Site interviews conducted 18 November 2020 Complaints data indicating no complaints received in relation to transport during these times	Review of relevant data indicates compliance with the requirements of this condition.
EVIDENCE OF CONSULTATION				
A13	Where conditions of this consent require consultation with an identified party, the Applicant must:	Non-compliant (Administrative)	Determined by other conditions	Refer to discussion at Condition B108.
(a)	consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and			
(b)	provide details of the consultation undertaken to the Planning Secretary, including:			
	(i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.			
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS				
A14	A14. With the approval of the Planning Secretary, the Applicant may:	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
(a)	prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);			
(b)	combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);			
(c)	update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and			
(d)	combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by a consent or approval for an adjoining mine subject to common, shared or related ownership or management, including DA 305-7-2003 (Wambo mine) and SSD 7142 (United Wambo open cut coal mine).			
A15	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
APPLICATION OF EXISTING STRATEGIES, PLANS OR PROGRAMS				
A16	The Applicant must continue to apply existing management strategies, plans or monitoring programs required prior to the approval of Modification 3, until the approval of a similar plan, strategy or program following the approval of Modification 3.	Compliant	Site inspection conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
PUBLIC INFRASTRUCTURE				
Protection of Public Infrastructure				
A17	Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Not triggered	Site interviews conducted 18 November 2020	Conduct of the audit indicates this condition has not been triggered during the audit period.
(a)	(a) repair, or pay the full costs associated with repairing, any public infrastructure ^a that is damaged by carrying out the development; and		Annual Reviews for 2017, 2018 and 2019 Consultation with agencies including Singleton Council and Transport for NSW.	
(b)	(b) relocate, or pay the full costs associated with relocating, any public infrastructure ^a that needs to be relocated as a result of the development.			

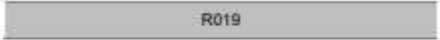
Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	^a This condition does not apply to damage to roads caused as a result of general road usage or damage subject to compensation under the Mining Act 1992.			
DEMOLITION				
A18	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
STRUCTURAL ADEQUACY				
A19	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with:	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
(a)	the relevant requirements of the BCA; and			
(b)	any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.			
	Notes: <ul style="list-style-type: none"> Under the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. Under the Coal Mine Subsidence Compensation Act 2017, the Applicant is required to obtain the Chief Executive of SA NSW's approval before carrying out certain development in a Mine Subsidence District. 			
OPERATION OF PLANT AND EQUIPMENT				
A20	A20. All plant and equipment used on site, or to monitor the performance of the development must be:	Compliant	Loader Work Order sample dated 12 October 2020 EIMCO 500 Hr service Air Exchanger for North Wambo Underground 21 October 2020 EIMCO ED7-10 250 Hr service dated 21 October 2020 Wambo Generic Induction Site inspection conducted 18 November 2020	2017 IEA Recommendation: Stream flow monitoring equipment failure. Recommend equipment is inspected regularly and replaced/repairs asap. FM5 was destroyed during a flood event and replaced in December 2016 (now FM15). FM6 was relocated in December 2016 (now FM16) 2020 IEA Findings: Review of relevant data indicates compliance with the requirements of this condition, with frequency of download and inspection regime has been increased to quarterly addressing the 2017 IEA recommendation.
(a)	(a) maintained in a proper and efficient condition; and			
(b)	(b) operated in a proper and efficient manner.			
COMPLIANCE				
A21	A21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Compliant	Wambo General Induction	Review of relevant data indicates compliance with the requirements of this condition.
APPLICABILITY OF GUIDELINES				
A22	A22. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.		Note	
A23	A23. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
PART B SPECIFIC ENVIRONMENTAL CONDITIONS				
Noise Operating Conditions				
B1	B1. The Applicant must:	Compliant	Annual Reviews Site inspection conducted 19 November 2020 Noise monitoring records for the audit period Wambo website Noise Management Plan Email from Aurizon dated 12/11/2020 detailing Aurizon NSW Locomotive Register	2017 IEA Recommendation: Reviewed ARTC EPL 3142 and email from Matt Pearce of Aurizon dated 12/09/13. Email confirms that locomotives are required to be tested by the rail operator for compliance with noise requirements. Recommend that this is updated to remain contemporary. 2020 IEA Findings: Review of relevant data indicates compliance with the requirements of this condition.
	(a) take all reasonable steps to minimise all noise associated with the development, including during noise enhancing meteorological conditions;			
	(b) operate a noise management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;			
	(c) only use locomotives and rolling stock that are approved to operate on the NSW rail network in accordance with the noise limits in ARTC's EPL and use reasonable endeavours to ensure that rolling stock is selected to minimise noise;			

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	(d) use all reasonable efforts to co-ordinate noise management on the site with the noise management at Wambo mine; and (e) carry out regular attended noise monitoring to determine whether the development is complying with the relevant conditions of this consent.			The NMP outlines measures to control and manage noise from the rail loop/rail load out areas, including a noise/visual bund along the south eastern portion of the rail loop/rail load out area as well as monthly attended and real-time continuous monitoring at three locations surrounding the rail load out area. Historically there have been no complaints or noise criteria exceedances as a result of activities at this location. On August 5, 2020, Rolling Stock Operators in NSW were issued with EPLs, which state that the "licensee must only operate locomotives on a Licensed Rail network that are in a class of locomotive listed on the Locomotive Class Register on the EPA's website". Aurizon complies with this register which frequently services Wambo Mine.
AIR QUALITY AND GREENHOUSE GAS				
Odour				
B2	B2. The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	Compliant	Complaints records Annual Reviews	Review of relevant data indicates compliance with the requirements of this condition No observed offensive odours during site inspection
Air Quality Operating Conditions				
B3	B3. The Applicant must: (a) take all reasonable steps to: (i) minimise odour, fume, spontaneous combustion, greenhouse gas and particulate matter (including PM10 and PM2.5) emissions of the development; (ii) minimise any visible off-site air pollution generated by the development; and (iii) minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; (b) operate an air quality management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent; (c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events; and (d) use all reasonable efforts to co-ordinate air quality management on the site with the air quality management at Wambo mine.	Compliant	Annual Reviews Site interviews conducted 18 November 2020 Site inspection conducted 19 November 2020 Air quality monitoring records for the audit period Wambo website	Review of relevant data indicates compliance with the requirements of this condition. Wambo Coal is taking all reasonable and feasible avoidance and mitigation measures. General avoidance and mitigation measures observed to implemented onsite include the use of four large water tankers / spray trucks on access roads, real -time monitoring of dust and weather. Real time monitoring is observed by permanent staff in the 'bird box' , where elevated dust levels are relayed to on-site staff to implement additional mitigation as required such as reducing work rate and locations of dust generating activities.
WATER				
Soil Erosion				
B4	B4. The Applicant must install and maintain suitable erosion and sediment control measures on the site, in accordance with the relevant requirements in the guidance series Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004) and 2E Mines and Quarries (DECC, 2008).	Compliant	Erosion and sediment control plan	As per DA 305-7-2003.
B5	Water Supply B5. The Applicant must ensure that it has sufficient water for all stages of the development, and if necessary, adjust the scale of the development to match its available water supply. <i>Note: Under the Water Act 1912 and/or the Water Management Act 2000, the Applicant is required to obtain all necessary water licences for the development, including during rehabilitation and post mine closure.</i>	Compliant	Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020 Water Management Plan	As per DA 305-7-2003.
Pollution of Waters				
B6	B6. Except as may be expressly provided by an EPL, the Applicant must comply with section 120 of the POEO Act while carrying out the development.	Compliant	Annual Reviews Annual Returns Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	As per DA 305-7-2003.
Water Management				
B7	B7. The Applicant may receive water from, and transfer water to, neighbouring mines including HVO, MTW, Wambo mine and United Wambo open cut coal mine.	Note	WMP Site interviews conducted 18 November 2020	As per DA 305-7-2003.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings										
B8	B8. The Applicant may integrate the site water management system with water management for Wambo mine and United Wambo open cut coal mine.	Note	Site inspection conducted 18 November 2020 WMP Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	As per DA 305-7-2003.										
Water Management Performance Measures														
B9	B9. The Applicant must ensure that the development complies with the performance measures in Table 1 <i>Table 1: Water management performance measures</i>	Compliant	Annual Reviews Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	As per DA 305-7-2003 except for above-ground storage tanks containing diesel and oil. The specific management measures described in the SWMP address the relevant performance measures, but these were verified due to time constraints during the site inspection.										
<table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td>Water management – General</td> <td> <ul style="list-style-type: none"> Maintain separation between clean and dirty water Minimise the use of clean and potable water Maximise water recycling, reuse and sharing opportunities Design, install, operate and maintain water management infrastructure in a proper and efficient manner </td> </tr> <tr> <td>Sediment dams</td> <td> <ul style="list-style-type: none"> Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landon, 2004) and <i>2E Mines and Quarries (DECC, 2008)</i> and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i> </td> </tr> <tr> <td>Chemical and hydrocarbon storage</td> <td> <ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard </td> </tr> <tr> <td>Above-ground storage tanks containing materials likely to cause environmental harm</td> <td> <ul style="list-style-type: none"> Imperviously bunded with a capacity of 110% that of the largest container stored within the bund Designed and constructed in a manner which prevents the ingress of rain water into the tanks Clearly labelled to identify contents </td> </tr> </tbody> </table>					Feature	Performance Measure	Water management – General	<ul style="list-style-type: none"> Maintain separation between clean and dirty water Minimise the use of clean and potable water Maximise water recycling, reuse and sharing opportunities Design, install, operate and maintain water management infrastructure in a proper and efficient manner 	Sediment dams	<ul style="list-style-type: none"> Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landon, 2004) and <i>2E Mines and Quarries (DECC, 2008)</i> and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i> 	Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard 	Above-ground storage tanks containing materials likely to cause environmental harm	<ul style="list-style-type: none"> Imperviously bunded with a capacity of 110% that of the largest container stored within the bund Designed and constructed in a manner which prevents the ingress of rain water into the tanks Clearly labelled to identify contents
Feature	Performance Measure													
Water management – General	<ul style="list-style-type: none"> Maintain separation between clean and dirty water Minimise the use of clean and potable water Maximise water recycling, reuse and sharing opportunities Design, install, operate and maintain water management infrastructure in a proper and efficient manner 													
Sediment dams	<ul style="list-style-type: none"> Design, install and maintain sediment dams in accordance with the guidance series <i>Managing Urban Stormwater: Soils and Construction – Volume 1</i> (Landon, 2004) and <i>2E Mines and Quarries (DECC, 2008)</i> and the requirements under the POEO Act or <i>Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002</i> 													
Chemical and hydrocarbon storage	<ul style="list-style-type: none"> Chemical and hydrocarbon products to be stored in bunded areas in accordance with the relevant Australian Standard 													
Above-ground storage tanks containing materials likely to cause environmental harm	<ul style="list-style-type: none"> Imperviously bunded with a capacity of 110% that of the largest container stored within the bund Designed and constructed in a manner which prevents the ingress of rain water into the tanks Clearly labelled to identify contents 													
HERITAGE														
Heritage Operating Conditions														
B10	B10. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c) or approved under a permit issued under the National Parks and Wildlife Act 1974.	Compliant	Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019 Relevant AHIPs being #2222, #C0001474 and #C0002000 and C0003213 approved by OEH on 4 September 2017 Salvage Report for Open Artefact Sites in December 2018 and January 2019 under AHIPs #C0002000 and #2222 Due Diligence Surveys as identified in Annual Reviews for 2017, 2018 and 2019.	Review of relevant evidence indicates compliance with the requirements of this condition.										
<p><i>Notes:</i></p> <ul style="list-style-type: none"> The Applicant is required to obtain consent from BCD under Section 90 of the <i>National Parks Wildlife Act 1974</i> to destroy Aboriginal objects on the site. The Applicant must comply with the requirements of any Aboriginal Heritage Impact Permit/s issued for the development, including any approved salvage program. 														
B11	B11. The Applicant must take all reasonable steps to ensure that the following sites or objects are not damaged by the development: 17, 18, 24, 25, 26, and 28.	Compliant	WCPL Heritage Register Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	Sites 17, 18, 24 and 26 are all listed as extant in the WCPL Heritage Register. Site 28 was salvaged prior to the 2020 IEA period.										
<i>Note: For more information on the sites and objects, see Figure 12 of the SEE.</i>														
B12	B12. The Applicant must ensure that Aboriginal objects salvaged from the site are housed in a keeping place established for the purpose.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Photos provided prior to the site inspection	Review of relevant evidence indicates compliance with the requirements of this condition. However, site interviews no Aboriginal objects have been salvaged in relation to DA 177-8-2003.										
B13	B13. The Applicant must take all reasonable steps to avoid non-Aboriginal heritage sites 5 and 6 during the development. However, if this is not practicable, the Applicant must record the sites to an archival standard, in accordance with the requirements of the Heritage Branch, to the satisfaction of the Planning Secretary.	Compliant	Heritage Management Plan dated July 2018 Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020	As per the 2017 IEA, the prior audit confirmed that site 5 (abandoned homestead b) and site 6 (piggery and butchers hut) were avoided during rail construction, and no subsequent impact has occurred.										
B14	B14. If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and BCD, and work must not recommence in the area until authorised by NSW Police Force and BCD.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018, and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.										

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
B15	B15. The Applicant must ensure that all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions.	Compliant	Wambo Generic Induction	Review of relevant evidence indicates compliance with the requirements of this condition.
B16	B16. The Applicant must undertake ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.	Compliant	Evidence of ongoing consultation with RAPs with letter dated 23 March 2020 regarding the revision of the HMP to cover LW 21 to 24. Salvage Report for Open Artefact Sites in December 2018 and January 2019 under AHIPs #C0002000 and #2222	Review of relevant evidence indicates compliance with the requirements of this condition.
VISUAL				
Visual Amenity and Lighting				
B17	B17. The Applicant must: (a) take all reasonable steps to minimise the visual and off-site lighting impacts of the development; (b) ensure no fixed outdoor lights shine directly above the horizontal or above the building line or any illuminated structure; (c) ensure mobile lighting does not shine directly above the horizontal (except where required for emergency safety purposes); and (d) ensure that all external lighting associated with the development complies with relevant Australian Standards including the latest version of Australian Standard AS4282 – Control of Obtrusive Effects of Outdoor Lighting.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018, and 2019 Complaints records	Review of relevant information indicates a reduction in the number of complaints received during the reporting period related to lighting, with review of complaints indicating WCPL were responsive to addressing concerns.
B18	B18. The Applicant must take all reasonable steps to mitigate off-site lighting impacts from the development, including measures to minimise the impacts of train headlight glare on privately owned land and the Golden Highway, to the satisfaction of the Planning Secretary.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018, and 2019 Complaints records	Review of relevant information indicates a reduction in the number of complaints received during the reporting period related to lighting, with review of complaints indicating WCPL were responsive to addressing concerns.
Visual Mitigation				
B19	B19. The Applicant must investigate and where feasible implement the following measures at locations within Warkworth Village: (a) implement landscaping works in consultation with affected rural residents; and/or (b) place and maintain visual screens between development infrastructure and the viewing location.	Compliant	2017 IEA Site interviews conducted 18 November 2020	Review of relevant evidence and conduct of the site inspection indicates compliance with the requirements of this condition.
B20	B20. If a landowner within Warkworth Village requests the Applicant in writing to investigate ways to minimise the visual impact of the development on his/her dwelling or land, the Applicant must: (a) within 28 days of receiving this request, commission a suitably qualified person whose appointment has been approved by the Planning Secretary, to investigate ways to minimise the visual impacts of the development on the landowner's dwelling; and (b) give the landowner a copy of the visual impact mitigation report within 14 days of receiving this report.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018, and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
B21	B21. If both parties agree on the measures that should be implemented to minimise the visual impact of the development, then the Applicant must implement these measures to the satisfaction of the Planning Secretary.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018, and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
B22	B22. If the Applicant and the landowner disagree on the measures that should be implemented to minimise the visual impact of the development, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018, and 2019	Conduct of the audit indicates this condition has not been triggered during the audit period.
WASTE				
B23	B23. The Applicant must: (a) take all reasonable steps to minimise the waste generated by the development; and (b) dispose of all waste at appropriately licensed waste facilities.	Compliant	Annual Reviews for 2017, 2018 and 2019 Council approval of on-site sewage management system dated 29 June 2020 EPA Online Waste Tracking System Transport certificates for 2019 and 2020 (ongoing)	Review of relevant evidence indicates compliance with the requirements of this condition.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings								
			Total Waste Management Report for 2019 and 2020 (ongoing) Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Annual Reviews									
B24	B24. Except as expressly permitted in an applicable EPL, specific resource recovery order or exemption under the Protection of the Environment Operations (Waste) Regulation 2014, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.	Compliant	EPL 529 Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019 Annual Returns for 2017, 2018 and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.								
BUSHFIRE MANAGEMENT												
B25	B25. The Applicant must: (a) ensure that the development: (i) provides for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2006) guideline; and (ii) ensure that there is suitable equipment to respond to any fires on the site; and (b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 indicating no requests for assistance Annual Reviews for 2017, 2018 and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.								
REHABILITATION												
Rehabilitation Objectives												
B26	B26. The Applicant must rehabilitate the site to the satisfaction of the Resources Regulator. This rehabilitation must be generally consistent with the proposed rehabilitation activities described in the documents listed in condition A2(c) and must comply with the objectives in Table 2. Table 2: Rehabilitation objectives	Non-compliant (Low)	Site inspection conducted 18 November 2020 Hanson Bailey 2017 IEA Agency consultation during preparation of this IEA with NSW Resources Regulator Wambo Coal Mining Operations Plan September 2019 – 31 December 2020 Resources Regulator MOP Approval 1 February 2018 Resources Regulator MOP Amendment A approval 9 April 2019 Resources Regulator MOP Amendment B approval 23 July 2019 Resources Regulator MOP Amendment C approval 11 November 2019	2017 IEA Recommendation: Woodland corridors in the RL 160 dump areas are developed further to join the existing areas and the MOP is amended at next review to show proposed and defined corridors. 2020 Audit Findings: Review of relevant evidence indicates that the rehabilitation objectives in the MOP are consistent with the requirements of this condition. However, the method for assessing rehabilitation performance using Landscape Function Analysis (LFA) is inconsistent with the standard LFA Monitoring methods (Tongway and Hindley 2005). Therefore, there is potential that reporting of completion criteria and TARPs associated with the LFA performance measures are affected by this inconsistency, potentially resulting in inaccurate reporting on the success of rehabilitation. For this reason, a non-compliant finding has been made with an identified low risk and corrective action 2 has been made Corrective Action 2: The method for assessing rehabilitation performance using LFA monitoring should be reassessed in line with Tongway and Hindley (2005). TARP and Completion Criteria should be updated in the MOP.								
	Table 2: Rehabilitation objectives											
	<table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <tr> <td>All areas of the site affected by the development</td> <td> <ul style="list-style-type: none"> Safe, stable and non-polluting Fit for the intended post-mining land use/s </td> </tr> <tr> <td>Areas proposed for native ecosystem re-establishment</td> <td> <ul style="list-style-type: none"> Establish areas of self-sustaining: <ul style="list-style-type: none"> riparian vegetation, within any diverted and/or re-established creek lines and retained water features; habitat resources for threatened flora and fauna species; and vegetation connectivity and wildlife corridors, as far as is reasonable and feasible </td> </tr> <tr> <td>Final Landform</td> <td> <ul style="list-style-type: none"> Stable and sustainable for the intended post-mining land use/s Consistent with and complement the topography of the surrounding region Maximise surface water drainage to the natural environment (excluding final void catchment) </td> </tr> </tbody> </table>	Feature	Objective	All areas of the site affected by the development	<ul style="list-style-type: none"> Safe, stable and non-polluting Fit for the intended post-mining land use/s 	Areas proposed for native ecosystem re-establishment	<ul style="list-style-type: none"> Establish areas of self-sustaining: <ul style="list-style-type: none"> riparian vegetation, within any diverted and/or re-established creek lines and retained water features; habitat resources for threatened flora and fauna species; and vegetation connectivity and wildlife corridors, as far as is reasonable and feasible 	Final Landform	<ul style="list-style-type: none"> Stable and sustainable for the intended post-mining land use/s Consistent with and complement the topography of the surrounding region Maximise surface water drainage to the natural environment (excluding final void catchment) 			
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B27	B27. The rehabilitation objectives in Table 2 apply to the entire site, including all landforms constructed under either this consent or previous consents. However, the Applicant is not required to undertake any additional earthmoving works on landforms that have been approved and constructed under previous consents.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	Site inspection indicates compliance with the requirements of this condition.								
Progressive Rehabilitation												
B28	B28. The Applicant must rehabilitate ^a the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable steps must be taken to minimise the total area exposed at any time. Interim stabilisation and temporary vegetation strategies must be employed when areas prone to dust generation, soil erosion and weed incursion cannot be permanently rehabilitated.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Site inspection indicates compliance with the requirements of this condition.								

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	a Nothing in this condition prevents further disturbance at some later stage of the development of areas that have been rehabilitated.			
TRANSPORT				
Monitoring of Coal Transport				
B29	B29. The Applicant must: (a) keep accurate records of the: (i) amount of coal despatched from the site each year; and (ii) number of laden train movements generated by the development (on a daily basis); and (b) include these records in the Annual Review.	Compliant	Annual Reviews for 2017, 2018 and 2019 2020 Train Weights Tracking Spreadsheet Train Schedule Tracking Spreadsheets	Review of relevant evidence indicates compliance with the requirements of this condition.
Road Safety				
B30	B30. The Applicant must take all reasonable steps to minimise road safety impacts from train headlight glare on motorists using the Golden Highway and Wallaby Scrub Road, including consideration of appropriate screening measures, to the satisfaction of the RMS and Council.	Compliant	Annual Reviews for 2017, 2018 and 2019 Complaints Records Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	2017 IEA Recommendation: Recommend this condition is revised to remove at next modification as Correspondence with RMS no longer required as Mount Thorley Warkworth have approval to mine through Wallaby Scrub Road. 2020 IEA Findings: Conduct of the 2020 IEA indicates this recommendation was not addressed, in the sense that this condition still exists in the consent. This notwithstanding, conduct of the audit indicates compliance with the requirements of this condition.
B31	B31. The Applicant must implement all reasonable and feasible measures to avoid dirt from the site being tracked onto the Golden Highway.	Compliant	Annual Reviews for 2017, 2018 and 2019 Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	2017 IEA Recommendation: Internal inspections and photographs are taken of dirt tracking on the Golden Highway so that compliance with condition can be confirmed in future. 2020 IEA Findings: Conduct of the 2020 IEA found the relevance of this condition questionable. The access road to the Mine is sealed from the Golden Highway to the relevant haul roads. The site inspection did not indicate tracking of dirt onto the Golden Highway to be a potentially relevant issue to the Project.
Parking				
B32	B32. The Applicant must provide sufficient parking on the site or at Wambo mine for all development-related traffic to the satisfaction of the Planning Secretary.	Compliant	DPIE letter of satisfaction preceding the audit dated 24 May 2011 indicating 393 car parks for a workforce of approximately 320 personnel and site interviews indicating 150 new car parks created since DPIE approval.	Review of relevant documentation indicates satisfaction of the requirements of this condition preceded the audit. However, the site inspection did not identify any parking related issue.
ELECTRICITY TRANSMISSION LINE				
B33	B33. The Applicant must ensure that all development in the easement under Transgrid's 330kV Transmission Line No. 81 is carried out strictly in accordance with the relevant safety guidelines for works under or near high voltage transmission lines, in consultation with Transgrid, and to the satisfaction of the Planning Secretary.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period, and was considered during the 2011 Audit.
PART C ADDITIONAL PROCEDURES				
ACQUISITION UPON REQUEST				
C1	C1. Upon receiving a written request for acquisition from the owner of the privately-owned land listed in Table 3, the Applicant must acquire the land in accordance with the procedures in conditions C3 to C10, inclusive.  <small>* The location of the land referred to in Table 3 is shown on the figure in Appendix 3.</small>	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
NOTIFICATION OF LANDOWNERS/TENANTS				
C2	C2. Prior to entering into any tenancy agreement for any land owned by the Applicant that is predicted to experience exceedances of the recommended air quality and/or noise criteria, the Applicant must:	Non-compliant (administrative)	Resident tenancy agreements.	Review of relevant evidence indicates general compliance with the requirements of this condition. However, satisfaction of the Planning

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	(a) advise the prospective tenants of the potential health and amenity impacts associated with living on the land, and give them a copy of the NSW Health fact sheet entitled "Mine Dust and You" (NSW Health, 2017); and (b) advise the prospective tenants of the rights they would have under this consent, to the satisfaction of the Planning Secretary.			Secretary was not sighted. Therefore, an administrative non-compliance has been found in relation to this condition. Corrective Action 5: Provide copies of relevant resident tenancy agreements to the Planning Secretary to confirm satisfaction that the intents of this condition of been met.
LAND ACQUISITION				
C3	C3. Within 3 months of receiving a written request for acquisition from a landowner with acquisition rights, the Applicant must make a binding written offer to the landowner based on: (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 development, having regard to the: (i) existing and permissible use of the land, in accordance with the applicable planning instruments at the date of the written request; and (ii) 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 any additional noise and/or air quality mitigation measures; (b) the reasonable costs associated with: (i) relocating within the Singleton local government area, or to any other local government area determined by the Planning Secretary; and (ii) obtaining independent legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired; and (c) reasonable compensation for any disturbance caused by the land acquisition process.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C4	C4. If, within 2 months of the binding written offer being made under condition C3, the Applicant and landowner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C5	C5. Upon receiving a request, under condition C4, the Planning Secretary will request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to: (a) consider submissions from both parties; (b) 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 condition C3; (c) prepare a detailed report setting out the reasons for any determination; and (d) provide a copy of the report to both parties.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C6	C6. Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the independent valuer's determination.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C7	C7. However, if either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, either party may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to the matters referred to in condition C3, the independent valuer's report, the detailed report of the party that disputes the independent valuer's determination and any other relevant submissions.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C8	C8. Within 14 days of this determination, the Applicant must make a binding written offer to the landowner to purchase the land at a price not less than the Planning Secretary's determination	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
C9	C9. If the landowner refuses to accept the Applicant's binding written offer under this condition within 6 months of the offer being made, then the Applicant's obligations to acquire the land shall cease, unless the Planning Secretary determines otherwise.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
C10	C10. The Applicant must pay all reasonable costs associated with the land acquisition process described in conditions C3 to C9 inclusive, including the costs associated with obtaining Council approval for any plan of subdivision (where permissible), and registration of this plan at the Office of the Registrar-General.	Not triggered	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Environmental Monitoring Program				
D1	D1. The Applicant must prepare an Environmental Monitoring Program for the development, in consultation with the relevant agencies, and to the satisfaction of the Planning Secretary. This program must: (a) describe the measures to be implemented to comply with the relevant performance measures and operating conditions of this consent; (b) include a monitoring program to evaluate the performance of the development against the relevant performance measures in this consent; and (c) include a protocol for identifying any air quality or noise related-exceedances, incident or non-compliance and for notifying the Department and relevant stakeholders of these events.	Compliant	Annual Reviews for 2017, 2018 and 2019 Wambo Homestead Complex Conservation Management Plan (May 2019 – WA-ENV-MNP-511) Wambo Coal Blast Management Plan (March 2020 – WA-ENV-MNP-507) Wambo Coal Surface Water Monitoring Program (March 2018 – WA-ENV-MNP-509.2) Wambo Coal Groundwater Monitoring Program (April 2018 – WA-ENV-MNP-509.1) Wambo Coal Surface and Groundwater Response Plan (April 2018 – WA-ENV-MNP-509.4) Wambo Coal Noise Management Plan (January 2020 – WA-ENV-MNP-503) Wambo Coal Air Quality & Greenhouse Gas Management Plan (April 2017 – WA-ENV-MNP-508) Wambo Coal Erosion and Sediment Control Plan (April 2018 – WA-ENV-MNP-509.3) Wambo Coal Environmental Management Strategy (March 2018 – WA-ENV-MNP-501) Wambo Coal Biodiversity Management Plan (May 2019 – WA-ENV-MNP-506)	Review of relevant data indicates compliance with the requirements of this condition are addressed by individual management plans (e.g. Blast Management Plan, Noise Management Plan, etc.).
D2	D2. The Applicant must implement the Environmental Monitoring Program as approved by the Planning Secretary.	Compliant	Annual Reviews for 2017, 2018 and 2019 Wambo Homestead Complex Conservation Management Plan (May 2019 – WA-ENV-MNP-511) Wambo Coal Blast Management Plan (March 2020 – WA-ENV-MNP-507) Wambo Coal Surface Water Monitoring Program (March 2018 – WA-ENV-MNP-509.2) Wambo Coal Groundwater Monitoring Program (April 2018 – WA-ENV-MNP-509.1) Wambo Coal Surface and Groundwater Response Plan (April 2018 – WA-ENV-MNP-509.4) Wambo Coal Noise Management Plan (January 2020 – WA-ENV-MNP-503) Wambo Coal Air Quality & Greenhouse Gas Management Plan (April 2017 – WA-ENV-MNP-508) Wambo Coal Erosion and Sediment Control Plan (April 2018 – WA-ENV-MNP-509.3) Wambo Coal Environmental Management Strategy (March 2018 – WA-ENV-MNP-501) Wambo Coal Biodiversity Management Plan (May 2019 – WA-ENV-MNP-506)	Review of relevant data indicates compliance with the requirements of this condition are addressed by individual management plans (e.g. Blast Management Plan, Noise Management Plan, etc.).

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Environmental Management Strategy				
D3	<p>D3. The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <p>(a) provide the strategic framework for environmental management of the development;</p> <p>(b) identify the statutory approvals that apply to the development;</p> <p>(c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;</p> <p>(d) set out the procedures to be implemented to:</p> <p>(i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;</p> <p>(ii) receive record, handle and respond to complaints;</p> <p>(iii) resolve any disputes that may arise during the course of the development;</p> <p>(iv) respond to any non-compliance and any incident; and</p> <p>(v) respond to emergencies; and</p> <p>(e) include:</p> <p>(i) references to any strategies, plans and programs approved under the conditions of this consent; and</p> <p>(ii) a clear plan depicting all the monitoring to be carried out under the conditions of this consent.</p>	Non-compliant (administrative)	<p>EMS (WA-ENV-MNP-501) – Rev 5 (March 18)</p> <p>Evidence of DPIE satisfaction/approval dated 26 March 2018</p> <p>Evidence of DPIE satisfaction/approval for Phase 2 EMS dated 16 November 2020</p>	<p>Review of relevant evidence indicates general compliance with the requirements of this condition; however, the EMS is noted to include superseded Acts and Regulations, and outdated agency details. The former resulting in an administrative non-compliance with Condition D1(c)</p> <p>However, review of the Phase 2 EMS indicates this has now been addressed.</p>
D4	D4. The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	Compliant	<p>EMS (WA-ENV-MNP-501) – Rev 5 (March 18)</p> <p>Evidence of DPIE satisfaction/approval dated 26 March 2018</p> <p>Evidence of DPIE satisfaction/approval for Phase 2 EMS dated 16 November 2020</p> <p>Site inspection conducted 18 November 2020</p>	<p>Review of relevant evidence indicates general compliance with the requirements of this condition.</p>
Adaptive Management				
D5	<p>D5. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <p>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</p> <p>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</p> <p>(c) implement reasonable remediation measures as directed by the Planning Secretary.</p>	Compliant	<p>Site interviews conducted 18 November 2020</p> <p>Exceedance notification dated 12 April 2018, with a follow-up investigation report provided by WCPL on 11 May 2018</p> <p>Exceedance notification dated 21 May 2018 and May Attended Noise Monitoring Report</p> <p>EPA Request for Report in Accordance with EPL #529</p> <p>Wambo Coal Attended Noise Monitoring Exceedance June 2018 Investigation Report – Clause R3 of EPL #529 (submitted to DPIE on 20 July 2018)</p> <p>14 September 2018 Letter to DPIE notifying of Exceedance, with additional information provided 25 October 2018</p> <p>28 December 2018 Letter to DPIE notifying of Exceedance</p> <p>24 October 2019 response to RFI regarding exceedance of airblast overpressure on 21 September 2019, with a show cause letter dated 20 November 2019.</p> <p>19 November 2019 noise exceedance notification</p>	<p>Review of relevant evidence indicates general compliance with the requirements of this condition.</p>

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
REVISION OF STRATEGIES, PLANS AND PROGRAMS				
D6	D6. Within three months of: (a) the submission of an incident report under condition D8; (b) the submission of an Annual Review under condition D1010; (c) the submission of an Independent Environmental Audit under condition D11; or (d) the approval of any modification of the conditions of this consent, the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.	Compliant	WCPL <i>Status of Management Plans Required Under Development Consent (DA 305-7-2003) and Development Consent (DA 177-8-2004) Register</i>	2017 IEA Recommendation: Recommend that a register is kept to confirm reviews of strategies, plans, and programs required under this condition are undertaken following triggers specified in a-d. 2020 IEA Findings: Review of relevant evidence indicates general compliance with the requirements of this condition and that the 2017 IEA Recommendation has been addressed, with a register actively maintained.
D7	D7. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. <i>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development</i>	Not triggered Note	Site interviews conducted 18 November 2020 Annual Reviews for 2017, 2018 and 2019	Review of relevant data indicates this condition has not been triggered during the audit period.
REPORTING AND AUDITING				
Incident Notification				
D8	D8. The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident.	Compliant	See Condition D5	Review of relevant evidence indicates general compliance with the requirements of this condition.
Non-Compliance Notification				
D9	D9. Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. <i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i>	Not triggered	Not triggered	Review of relevant evidence indicates no non-compliances requiring notification have occurred, with 'A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.' – On review of documentation, non-compliances have been reported as incidents.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
Annual Review				
D10	<p>D10. By the end of March each year or other timeframe agreed by the Planning Secretary, a report must be submitted to the Department reviewing the environmental performance of the development, to the satisfaction of the Planning Secretary. This review must:</p> <p>(a) describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, including a comparison of these results against the:</p> <p>(i) relevant statutory requirements, limits or performance measures/criteria;</p> <p>(ii) requirements of any plan or program required under this consent;</p> <p>(iii) monitoring results of previous years; and</p> <p>(iv) relevant predictions in the documents listed in condition A2(c);</p> <p>(c) identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;</p> <p>(d) evaluate and report on:</p> <p>(i) the effectiveness of the noise and air quality management systems; and</p> <p>(ii) compliance with the performance measures, criteria and operating conditions in this consent;</p> <p>(e) identify any trends in the monitoring data over the life of the development;</p> <p>(f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and</p> <p>(g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development.</p>	Compliant	<p>Annual Reviews for 2017, 2018 and 2019</p> <p>DPIE response to submission (dated 29 March 2018) on 7 September 2018</p> <p>DPIE response to submission (dated 31 March 2020) on 26 June 2020</p> <p>DPIE response to revised submission (dated 12 June 2019) on 8 July 2019</p>	Review of relevant evidence indicates compliance with the requirements of this condition.
Independent Environmental Audit				
D11	<p>D11. By the end of October 2020, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <p>(a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;</p> <p>(c) be carried out in consultation with the relevant agencies and the CCC;</p> <p>(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);</p> <p>(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;</p> <p>(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and</p> <p>(g) be conducted and reported to the satisfaction of the Planning Secretary</p>	Compliant	This Audit	Relevant evidence presented in this audit report confirms compliance with this condition.
D12	D12. Within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary, the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a	Not triggered	N/A	The independent environmental audit required by the Development Consent does not precede this audit, which is the first audit to occur under Condition D11.

Condition Number	Requirement	Compliance Status	Evidence sighted	Audit findings
	timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.			
	Monitoring and Environmental Audits			
D13	D13. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit. For the purposes of this condition, as set out in the EP&A Act, "monitoring" means monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" means a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.	Note	Note	
	ACCESS TO INFORMATION			
D14	D14. Within three months of the determination of Modification 3, until the completion of all rehabilitation required under this consent, the Applicant must:	Compliant	Wambo website https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals,-Plans-Reports	Review of the Wambo website indicates relevant documents required by this condition are included on the Wambo web page.
	(a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:			
	(i) the documents listed in condition A2(c);			
	(ii) all current statutory approvals for the development;			
	(iii) all approved strategies, plans and programs required under the conditions of this consent;			
	(iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;			
	(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;			
	(vi) a summary of the current phase and progress of the development;			
	(vii) contact details to enquire about the development or to make a complaint;			
	(viii) a complaints register, updated monthly;			
	(ix) the Annual Reviews of the development;			
	(x) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; and			
	(xi) any other matter required by the Planning Secretary; and			
	(b) keep such information up to date, to the satisfaction of the Planning Secretary			

Appendix F – EPL 529

Condition Number	Requirement	Compliance Status	Evidence sighted													
A1	A1 What the licence authorises and regulates															
A1.1	<p>A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation. Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.</p> <table border="1"> <thead> <tr> <th>Scheduled Activity</th> <th>Fee Based Activity</th> <th>Scale</th> </tr> </thead> <tbody> <tr> <td>Coal works</td> <td>Coal works</td> <td>> 5000 handir</td> </tr> <tr> <td>Crushing, grinding or separating</td> <td>Crushing, grinding or separating</td> <td>> 2000 proces</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>> 5000 produ</td> </tr> </tbody> </table> <p><i>Note: In relation to this licence, the licensee must comply with:</i></p> <p>a) the activity scale limits imposed by this licence;</p> <p>b) the activity scale limits which apply for the reporting period specified in this licence; and</p> <p>c) the activity scale limits imposed by other legal instruments, such as approvals currently in force under the Environmental Planning and Assessment Act 1979.</p>	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 5000 handir	Crushing, grinding or separating	Crushing, grinding or separating	> 2000 proces	Mining for coal	Mining for coal	> 5000 produ	Compliant	<p>Site interviews conducted 18 November 2020</p> <p>Site inspection conducted 18 November 2020</p> <p>Annual Reviews for 2017, 2018 and 2019</p> <p>Annual Returns for 2017, 2018 and 2019</p> <p>Annual Reviews</p>	It was verified during site interviews and the site inspection that these, and no other activities, are being undertaken.
Scheduled Activity	Fee Based Activity	Scale														
Coal works	Coal works	> 5000 handir														
Crushing, grinding or separating	Crushing, grinding or separating	> 2000 proces														
Mining for coal	Mining for coal	> 5000 produ														
A2	Premises or plant to which this licence applies															
A2.1	<p>The licence applies to the following premises:</p> <table border="1"> <thead> <tr> <th>Premises Details</th> </tr> </thead> <tbody> <tr> <td>WAMBO COAL PTY LTD</td> </tr> <tr> <td>JERRYS PLAINS ROAD</td> </tr> <tr> <td>WARKWORTH</td> </tr> <tr> <td>NSW 2330</td> </tr> <tr> <td>SURFACE OPERATIONS ARE DEFINED IN THE PLAN OF THE PREMISES TITLED "WAMBO MINE ENVIRONMENT PROTECTION LICENCE 529 PLAN OF PREMISES DWG 2672-1 DATED 19/2/2020 AND SPATIAL FILES EPA REF DOC19/1117899-2 AND UNDERGROUND MINING FOR COAL IN WYBROW SEAM, REDBANK CREEK SEAM, WAMBO SEAM, WHYNOT SEAM, ARROWFIELD SEAM DEFINED BY PLAN TITLED "WAMBO UNDERGROUND MULTI SEAM WORKINGS PLAN PROPOSED AND EXISTING WORKINGS AS AT 18/2/2020 OPENCUT VOID AS AT 30/6/2018" DWG 0953-4 DATED 19/2/2020 EPA REF DOC19/1117899-2.</td> </tr> </tbody> </table>	Premises Details	WAMBO COAL PTY LTD	JERRYS PLAINS ROAD	WARKWORTH	NSW 2330	SURFACE OPERATIONS ARE DEFINED IN THE PLAN OF THE PREMISES TITLED "WAMBO MINE ENVIRONMENT PROTECTION LICENCE 529 PLAN OF PREMISES DWG 2672-1 DATED 19/2/2020 AND SPATIAL FILES EPA REF DOC19/1117899-2 AND UNDERGROUND MINING FOR COAL IN WYBROW SEAM, REDBANK CREEK SEAM, WAMBO SEAM, WHYNOT SEAM, ARROWFIELD SEAM DEFINED BY PLAN TITLED "WAMBO UNDERGROUND MULTI SEAM WORKINGS PLAN PROPOSED AND EXISTING WORKINGS AS AT 18/2/2020 OPENCUT VOID AS AT 30/6/2018" DWG 0953-4 DATED 19/2/2020 EPA REF DOC19/1117899-2.	Compliant	SIX Maps/SEED Portal	Review of aerial photography with cadastral overlay indicates activities are within the area described.						
Premises Details																
WAMBO COAL PTY LTD																
JERRYS PLAINS ROAD																
WARKWORTH																
NSW 2330																
SURFACE OPERATIONS ARE DEFINED IN THE PLAN OF THE PREMISES TITLED "WAMBO MINE ENVIRONMENT PROTECTION LICENCE 529 PLAN OF PREMISES DWG 2672-1 DATED 19/2/2020 AND SPATIAL FILES EPA REF DOC19/1117899-2 AND UNDERGROUND MINING FOR COAL IN WYBROW SEAM, REDBANK CREEK SEAM, WAMBO SEAM, WHYNOT SEAM, ARROWFIELD SEAM DEFINED BY PLAN TITLED "WAMBO UNDERGROUND MULTI SEAM WORKINGS PLAN PROPOSED AND EXISTING WORKINGS AS AT 18/2/2020 OPENCUT VOID AS AT 30/6/2018" DWG 0953-4 DATED 19/2/2020 EPA REF DOC19/1117899-2.																
A3	Other activities															
A3.1	<p>This licence applies to all other activities carried on at the premises, including</p> <table border="1"> <thead> <tr> <th>Ancillary Activity</th> </tr> </thead> <tbody> <tr> <td>Chemical Storage Facilities</td> </tr> <tr> <td>Sewage Treatment Systems</td> </tr> </tbody> </table>	Ancillary Activity	Chemical Storage Facilities	Sewage Treatment Systems	Compliant	<p>Annual Returns for 2017, 2018 and 2019</p> <p>Council approval of on-site sewage management system dated 29 June 2020</p> <p>Site inspection conducted 18 November 2020</p> <p>Site interviews conducted 18 November 2020</p>	Review of relevant evidence indicates compliance with the requirements of this condition.									
Ancillary Activity																
Chemical Storage Facilities																
Sewage Treatment Systems																

Condition Number	Requirement	Compliance Status	Evidence sighted																									
A4	A4 Information supplied to the EPA																											
A4.1	<p>A4.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.</p> <p>In this condition the reference to "the licence application" includes a reference to:</p> <p>a) the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and</p> <p>b) the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.</p>	Note	<p>Site interviews conducted 18 November 2020</p> <p>Site inspection conducted 18 November 2020</p>																									
2	Discharges to Air and Water and Applications to Land																											
P1	Location of monitoring/discharge points and areas																											
P1.1	<p>The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point</p> <table border="1"> <thead> <tr> <th colspan="4"><i>Air</i></th> </tr> <tr> <th>EPA Identification no.</th> <th>Type of Monitoring Point</th> <th>Type of Discharge Point</th> <th>Location Description</th> </tr> </thead> <tbody> <tr> <td>13</td> <td>Ambient air quality monitoring</td> <td></td> <td>PM10 TEOM AQ01 at 6393959 (Easting North Point 13 on Figure 1.</td> </tr> <tr> <td>14</td> <td>Ambient air quality monitoring</td> <td></td> <td>PM10 TEOM AQ02 at 6390320 (Easting North Point 14 on Figure 1.</td> </tr> <tr> <td>15</td> <td>Ambient air quality monitoring</td> <td></td> <td>PM10 TEOM AQ03 at 6398522 (Easting North Point 15 on Figure 1.</td> </tr> <tr> <td>16</td> <td>Ambient air quality monitoring</td> <td></td> <td>PM10 TEOM AQ04 at 6399587 (Easting North Point 16 on Figure 1.</td> </tr> </tbody> </table>	<i>Air</i>				EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	13	Ambient air quality monitoring		PM10 TEOM AQ01 at 6393959 (Easting North Point 13 on Figure 1.	14	Ambient air quality monitoring		PM10 TEOM AQ02 at 6390320 (Easting North Point 14 on Figure 1.	15	Ambient air quality monitoring		PM10 TEOM AQ03 at 6398522 (Easting North Point 15 on Figure 1.	16	Ambient air quality monitoring		PM10 TEOM AQ04 at 6399587 (Easting North Point 16 on Figure 1.	Compliant	<p>Air Quality and Greenhouse Gas Management Plan (AQGGMP)</p> <p>Annual Returns for 2017, 2018 and 2019</p> <p>Annual Reviews</p>	<p>Review of relevant evidence indicates compliance with the requirements of this condition.</p>
<i>Air</i>																												
EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description																									
13	Ambient air quality monitoring		PM10 TEOM AQ01 at 6393959 (Easting North Point 13 on Figure 1.																									
14	Ambient air quality monitoring		PM10 TEOM AQ02 at 6390320 (Easting North Point 14 on Figure 1.																									
15	Ambient air quality monitoring		PM10 TEOM AQ03 at 6398522 (Easting North Point 15 on Figure 1.																									
16	Ambient air quality monitoring		PM10 TEOM AQ04 at 6399587 (Easting North Point 16 on Figure 1.																									
P1.2	<p>The following points referred to in the table are identified in this licence for the purposes of the monitoring and/or the setting of limits for discharges of pollutants to water from the point.</p>	Note	<p>WMP</p> <p>Annual Returns for 2017, 2018 and 2019</p>	<p>The 2018 Annual Return identified a non-compliance. This more</p>																								

Condition Number	Requirement	Compliance Status	Evidence sighted
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Annual Reviews

appropriately related to M2.3 and is addressed below.

Water and land

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
4	Discharge to Waters, Water Quality Monitoring, Volumetric Monitoring	Discharge to Waters, Water Quality Monitoring, Volumetric Monitoring	HRSTS Outlet from Eagles Nest Dam at co-ordinates 313133 6393073 (Easting Northing) shown as EPA Point 4 on Figure 1.
18	Discharge to utilisation area, Discharge quality monitoring	Discharge to utilisation area, Discharge quality monitoring	STP discharge monitoring at coordinates 312057 6393219 (Easting, Northing) shown as STPD1 on Figure 1.
19	Discharge to Waters, Water Quality Monitoring, Volumetric Monitoring	Discharge to Waters, Water Quality Monitoring, Volumetric Monitoring	HRSTS Discharge from South Wambo Dam at co-ordinates 311917, 6391114 (Easting and Northing) shown as EPA Point 19 on Figure 1.
24	Ambient water quality monitoring		WQ monitoring point at co-ordinates 314429, 6385707 (Easting, Northing) shown as SW01 on Figure 1.
25	Ambient water quality monitoring		WQ monitoring point at co-ordinates 314376, 6385037 (Easting, Northing) shown as SW02 on Figure 1.
26	Ambient water quality monitoring		WQ monitoring point at co-ordinates 312509, 6392866 (Easting, Northing) shown as SW03 on Figure 1.
27	Ambient water quality monitoring		WQ monitoring point at co-ordinates 306887, 6396024 (Easting, Northing) shown as SW04 on Figure 1.
28	Ambient water quality monitoring		WQ monitoring point at co-ordinates 311927, 6392157 (Easting, Northing) shown as SW05 on Figure 1.
29	Ambient water quality monitoring		WQ monitoring point at co-ordinates 309056, 6389550 (Easting, Northing) shown as SW06 on Figure 1.
30	Ambient water quality monitoring		WQ monitoring point at co-ordinates 311263, 6390718 (Easting, Northing) shown as SW07 on Figure 1.
31	Ambient water quality monitoring		WQ monitoring point at co-ordinates 308536, 6392133 (Easting, Northing) shown as SW08 on Figure 1.

Condition Number	Requirement	Compliance Status	Evidence sighted
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32	Ambient water quality monitoring		WQ monitoring point at co-ordinates 312179 639293 (Easting, Northing) shown as on Figure 1.
33	Ambient water quality monitoring		WQ monitoring point at co-ordinates 313055 639309 (Easting, Northing) shown as on Figure 1.
34	Ambient water quality monitoring		WQ monitoring point at co-ordinates 309431 639355 (Easting, Northing) shown as SW27a on Figure 1.
35	Ambient water quality monitoring		WQ monitoring point at co-ordinates 313276 639398 (Easting, Northing) shown as on Figure 1.
36	Ambient water quality monitoring		WQ monitoring point at co-ordinates 309905 639319 (Easting, Northing) shown as SW32a on Figure 1.
37	Ambient water quality monitoring		WQ monitoring point at co-ordinates 311750 639419 (Easting, Northing) shown as on Figure 1.
38	Ambient water quality monitoring		WQ monitoring point at co-ordinates 307194 6398519 (Easting, Northing) shown as SW39 on Figure 1.
39	Ambient water quality monitoring		WQ monitoring point at co-ordinates 307194 6398519 (Easting, Northing) shown as SW39 on Figure 1.
40	Ambient water quality monitoring		WQ monitoring point at co-ordinates 311910 639109 (Easting, Northing) shown as on Figure 1.
41	Ambient water quality monitoring		WQ monitoring point at co-ordinates 307257 639895 (Easting, Northing) shown as on Figure 1.
42		Discharge to utilisation area	STP discharge to utilisation area at co-ordinates 313331 639387 (Easting, Northing) shown as STPD2 on Figure 1.
43	Discharge to utilisation area, Discharge quality monitoring	Discharge to utilisation area, Discharge quality monitoring	STP discharge monitoring at co-ordinates 313086 639320 (Easting, Northing) shown as STPD3 on Figure 1.
44		Discharge to pipeline	Mine water transfer to United Mine at co-ordinates 312392 6395510 (Easting, Northing) shown as MWD1 on Figure 1.

Condition Number	Requirement	Compliance Status	Evidence sighted
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45	Discharge to pipeline	Mine water transfer to United Mine at co-ordinates 313154 6395178 (Easting, Northing) shown as MWD2 on Figure 1.
46	Ambient water quality monitoring	WQ monitoring point at co-ordinates 312677 639522 (Easting, Northing) shown as on Figure 1.
47	Ambient water quality monitoring	WQ monitoring point at co-ordinates 310435 639644 (Easting, Northing) shown as Wombat Dam on Figure 1.
48	Ambient water quality monitoring	WQ monitoring point at co-ordinates 313443 6394011 (Easting, Northing) shown as Milk Can Dam on Figure 1.
49	Ambient water quality monitoring	WQ monitoring point at co-ordinates 311024 639404 (Easting, Northing) shown as Dump on Figure 1.
50	Ambient water quality monitoring	WQ monitoring point at co-ordinates 307325 639838 (Easting, Northing) shown as on Figure 1.
51	Ambient water quality monitoring	WQ monitoring point at co-ordinates 307397 6398576 (Easting, Northing) shown as ME2 on Figure 1.
52	Effluent quality monitoring	STPD2 Discharge Monitoring STP at co-ordinates 313294 6393219 (Easting, Northing) shown as STP2 on Figure 1.

P1.3 The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.

Compliant

Noise Management Plan
Blast Management Plan

Noise management plan shows all listed noise monitoring locations and meteorological station.
Blast management plan shows all blast monitoring locations and meteorological station.

Noise/Weather		
EPA identification no.	Type of monitoring point	Location description
10	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor BM02 at coordinates 316394560 (Easting Northing) shown as EPA10 on Figure 1.
11	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor BM05 at coordinates 306399794 (Easting Northing) shown as EPA11 on Figure 1.
12	Air blast overpressure & ground vibration peak particle velocity monitoring	Blast monitor BM07 at coordinates 306398655 (Easting Northing) shown as EPA12 on Figure 1.
17	Meteorological Station – to determine meteorological conditions for noise monitoring	Weather Station at co-ordinates 31256393111 (Easting, Northing) shown as EPA17 on Figure 1.
20	Noise monitoring	Noise monitoring point in NMG1 at co-ordinates 306000, 6399785 (Easting Northing) shown as N16 on Figure 1.
21	Noise monitoring	Noise monitoring point in NMG2 at co-ordinates 304461, 6398713 (Easting Northing) shown as N20A on Figure 1.
22	Noise monitoring	Noise monitoring point in NMG3 at co-ordinates 310491, 6390223 (Easting Northing) shown as N21 on Figure 1.
23	Noise monitoring	Noise monitoring point in NMG4 at co-ordinates 304172, 6398160 (Easting Northing) shown as N26 on Figure 1.

P1.4 For the purposes of Condition P1.1, P1.2 and P1.3 Figure 1 refers to the plan titled "Wambo Mine Environment Protection Licence 529 Plan of Premises Monitoring Sites dated 19/3/2020 EPA Reference DOC19/1117899-6.

Note

P1.5 The datum for grid references in this Licence is the Geodetic Datum of Australia 1994 (GDA94), Zone 56.

Note

Condition Number	Requirement	Compliance Status	Evidence sighted																			
3	Limit Conditions																					
L1	Pollution of waters																					
L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	No pollution of water incidents reported during audit period.																		
L2	Concentration limits																					
L2.1	For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Not triggered	Annual Returns for 2017, 2018 and 2019 Annual Reviews	No discharges during audit period.																		
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Not triggered	Annual Returns for 2017, 2018 and 2019 Annual Reviews	No discharges during audit period.																		
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.	Note	Annual Returns for 2017, 2018 and 2019 Annual Reviews																			
L2.4	Water and/or Land Concentration Limits POINT 4.19	Note	Annual Returns for 2017, 2018 and 2019 Annual Reviews																			
	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of Measure</th> <th>50 percentile concentration limit</th> <th>90 percentile concentration limit</th> <th>3DGM concentration limit</th> <th>100 percentile concentration limit</th> </tr> </thead> <tbody> <tr> <td>pH</td> <td>pH</td> <td></td> <td></td> <td></td> <td>6.5 to</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td></td> <td></td> <td></td> <td>120</td> </tr> </tbody> </table>	Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit	pH	pH				6.5 to	Total suspended solids	milligrams per litre				120			
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																	
pH	pH				6.5 to																	
Total suspended solids	milligrams per litre				120																	
L3	Volume and mass limits																					
L3.1	For each discharge point or utilisation area specified below (by a point number), the volume/mass of: a) liquids discharged to water; or; b) solids or liquids applied to the area; must not exceed the volume/mass limit specified for that discharge point or area.	Not triggered	Annual Returns for 2017, 2018 and 2019 Annual Reviews	No discharges during audit period																		
	<table border="1"> <thead> <tr> <th>Point</th> <th>Unit of Measure</th> <th>Volume/Mass Limit</th> </tr> </thead> <tbody> <tr> <td>4.19</td> <td>megalitres per day</td> <td>250</td> </tr> </tbody> </table>	Point	Unit of Measure	Volume/Mass Limit	4.19	megalitres per day	250															
Point	Unit of Measure	Volume/Mass Limit																				
4.19	megalitres per day	250																				
L3.2	The licensee must not discharge more than a combined total of 250 megalitres per day from the discharge points specified by Condition L3.1.	Note	Annual Returns for 2017, 2018 and 2019 Annual Reviews																			
L4	Waste																					

Condition Number	Requirement	Compliance Status	Evidence sighted																										
L4.1	<p>The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.</p> <p>Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.</p> <p>Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below. This condition does not limit any other conditions in this licence.</p> <table border="1"> <thead> <tr> <th>Code</th> <th>Waste</th> <th>Description</th> <th>Activity</th> <th>Other Limits</th> </tr> </thead> <tbody> <tr> <td>NA</td> <td>Compost (The compost exemption 2016-NSW EPA)</td> <td>To be used as soil ameliorant in mine rehabilitation</td> <td>-</td> <td>The Licensee must comply with the Compost exemption</td> </tr> <tr> <td>NA</td> <td>Gypsum plaster board</td> <td>To be used as soil ameliorant in mine rehabilitation</td> <td>-</td> <td>The Licensee must comply with the Recycled plasterboard exemption</td> </tr> <tr> <td>NA</td> <td>Certain organics</td> <td>Pasteurised garden organics to be used as soil ameliorant in mine rehabilitation</td> <td>-</td> <td>The Licensee must comply with the Pasteurised garden organics exemption</td> </tr> <tr> <td>NA</td> <td>Recovered aggregate</td> <td>To be used on the mine for road making, building, landscape and construction</td> <td>-</td> <td>The Licensee must comply with the Recycled aggregate exemption</td> </tr> </tbody> </table>	Code	Waste	Description	Activity	Other Limits	NA	Compost (The compost exemption 2016-NSW EPA)	To be used as soil ameliorant in mine rehabilitation	-	The Licensee must comply with the Compost exemption	NA	Gypsum plaster board	To be used as soil ameliorant in mine rehabilitation	-	The Licensee must comply with the Recycled plasterboard exemption	NA	Certain organics	Pasteurised garden organics to be used as soil ameliorant in mine rehabilitation	-	The Licensee must comply with the Pasteurised garden organics exemption	NA	Recovered aggregate	To be used on the mine for road making, building, landscape and construction	-	The Licensee must comply with the Recycled aggregate exemption	Compliant	<p>Annual Returns for 2017, 2018 and 2019</p> <p>Council approval of on-site sewage management system dated 29 June 2020</p> <p>EPA Online Waste Tracking System Transport certificates for 2019 and 2020 (ongoing)</p> <p>Total Waste Management Report for 2019 and 2020 (ongoing)</p> <p>Site inspection conducted 18 November 2020</p> <p>Site interviews conducted 18 November 2020</p>	Review of relevant evidence indicates compliance with the requirements of this condition.
Code	Waste	Description	Activity	Other Limits																									
NA	Compost (The compost exemption 2016-NSW EPA)	To be used as soil ameliorant in mine rehabilitation	-	The Licensee must comply with the Compost exemption																									
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NA	Recovered aggregate	To be used on the mine for road making, building, landscape and construction	-	The Licensee must comply with the Recycled aggregate exemption																									
L4.2	The Licensee must not dispose of waste generated on the premises, on the premises, unless authorised to do so by a condition of this Licence.	Compliant	<p>Annual Returns for 2017, 2018 and 2019</p> <p>Council approval of on-site sewage management system dated 29 June 2020</p> <p>EPA Online Waste Tracking System Transport certificates for 2019 and 2020 (ongoing)</p> <p>Total Waste Management Report for 2019 and 2020 (ongoing)</p> <p>Site inspection conducted 18 November 2020</p> <p>Site interviews conducted 18 November 2020</p>	Review of relevant evidence indicates compliance with the requirements of this condition.																									
L4.3	The Licensee is authorised to receive mine water from United Mine to be stored and used on the premises for activities authorised by the Licence.	Compliant	<p>Annual Returns for 2017, 2018 and 2019</p> <p>Site interviews conducted 18 November 2020</p>	Review of relevant evidence indicates compliance with the requirements of this condition.																									

Condition Number	Requirement	Compliance Status	Evidence sighted
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L5 Noise limits

L5.1 Noise generated at the premises must not exceed the noise limits presented in the table below. The noise limits in the table below represent the noise contribution from the premises.

Receiver Land Number	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LA1(15 minute)
EPA Point 20 in NMG1	40	40	40	50
EPA Point 21 in NMG2	40	40	40	50
EPA Point 22 in NMG3	40	40	40	50
EPA Point 23 in NMG4	38	38	38	50
Residence 019	59	59	59	
Residence 003 and 025 in NMG3	40	40	40	50
Residence 016 and 039 in NMG1	40	40	40	50
Residence 029, 042 and 345 in NMG4	40	40	40	50
Residence 033 and 320 in NMG2	40	40	40	50
Residence 006 and 007 in NMG3	39	39	39	50
Residence 048 and 343	39	39	39	50
Residence 017 in NMG1	38	38	38	50
Residence 030, 035, 049, 075 and 379	38	38	38	50
Residence 346 and 348 in NMG4	38	38	38	50
Residence 344 in NMG2	37	37	37	50
Residence 043, 183, 380 and 381	37	37	37	50
All other privately owned residences in Appendix 4 of DA 305-7-2003 29 August 2019	35	35	35	50

Non-compliant (Low)

Annual Returns for 2017, 2018 and 2019
Annual Reviews
Site inspection conducted 19 November 2020
Site interviews conducted 19 November 2020
Agency Consultation

Review of relevant documentation for the audit period detailed the following exceedances:

- 5/04/2018 – One exceedance of the noise impact assessment criteria at location N26.
- 17/12/2018 – One exceedance of the noise impact assessment criteria at locations N20A.
- 17/18 December 2018 – One exceedance of the noise impact assessment criteria at location N16
- 12 November 2019 noise exceedance, with notification provided 19 November 2019.
- 8 and 10 September 2020 – Sited post approval form from DPIE dated 15 September 2020 acknowledging receipt of written report regarding the exceedance, letter to the EPA dated 15 September 2020 detailing exceedance of noise criteria at location N26 by 3 dB including low frequency penalty. A re-measure taken two nights later confirmed the exceedance.

L5.2 Limits and Residences referenced in condition L5.1 are from Appendix 4 and Table 3 - Phase 1 in DA 305-7-2003 dated 29 August 2019 (EPA Reference DOC19/1117963). Note Annual Returns for 2017, 2018 and 2019 Annual Reviews

L5.3 Noise monitoring groups (NMG) referenced in Condition 5.1 are from the document titled "Wambo Coal Mine Noise Monitoring Groups Noise Modelling Evaluation" Global Acoustics dated 16 August 2019, EPA Reference DOC19/704212. Note Annual Returns for 2017, 2018 and 2019 Annual Reviews

L5.4 For the purpose of Condition L5.1:
a) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
b) Evening is defined as the period from 6pm to 10pm; and
c) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays. Note Annual Returns for 2017, 2018 and 2019 Annual Reviews Noise monitoring records

L5.5 The noise limits set out in condition L5.1 apply under all meteorological conditions except for the following:
a) Wind speeds greater than 3 metres/second at 10 metres above the ground level; Note Annual Returns for 2017, 2018 and 2019 Annual Reviews Noise monitoring records

Condition Number	Requirement	Compliance Status	Evidence sighted	
	b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or c) Stability category G temperature inversion conditions.			
L5.6	For the purposes of condition L5.5: a) Data recorded by the closest and most representative meteorological station installed on the premises at EPA Identification Point 17 must be used to determine meteorological conditions; and b) Temperature inversion conditions (stability category) are to be determined by the methods referred to in Fact Sheet D of the Noise Policy for Industry (2017).	Note	Annual Returns for 2017, 2018 and 2019 Annual Reviews Noise monitoring records	
L6	Blasting			
L6.1	Blasting in or on the premises must only be carried out between 0900 hours and 1700 hours, Monday to Saturday. Blasting in or on the premises must not take place on Sundays or Public Holidays without the prior approval of the EPA.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Blast monitoring records	Blasting was undertaken on a Sunday on one occasion during the reporting period, however prior approval from the EPA was obtained. Review of relevant data indicates compliance with the requirements of this condition.
L6.2	The airblast overpressure level from blasting operations in or on the premises must not exceed: 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; at either monitoring point 10, 11 or 12 in Condition P1.3.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Blast monitoring records	Review of relevant data indicates compliance with the requirements of this condition.
L6.3	The airblast overpressure level from blasting operations in or on the premises must not exceed: 120 dB (Lin Peak) at any time; at either monitoring point 10, 11 or 12 in Condition P1.3.	Non-compliant (Low)	Annual Returns for 2017, 2018 and 2019 Annual Reviews Blast monitoring records	The 2019 Annual review shows that one blast during the reporting period recorded an overpressure over 120 dB (120.6 dB) at BM05 (EPA11) on 13 September 2019. The corresponding ground vibration for this blast was 1.17 mm/s.
L6.4	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 5 mm/second for more than 5% of the total number of blasts during each reporting period; at either monitoring point 10, 11 or 12 in Condition P1.3.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Blast monitoring records	Review of relevant data indicates compliance with the requirements of this condition.
L6.5	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: 10 mm/second at any time; at either monitoring point 10, 11 or 12 in Condition P1.3.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Blast monitoring records	Review of relevant data indicates compliance with the requirements of this condition.
L6.6	Offensive blast fume must not be emitted from the premises.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Blast monitoring records Complaints records Site interviews conducted 19 November 2020	Review of relevant data indicates compliance with the requirements of this condition.
	Definition: Offensive blast fume means post-blast gases from the detonation of explosives at the premises that by reason of their nature, duration, character or quality, or the time at which they are emitted, or any other circumstances:	Note		

Condition Number	Requirement	Compliance Status	Evidence sighted	
	1. are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or 2. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted			
4	Operating Conditions			
O1	Activities must be carried out in a competent manner			
O1.1	Licensed activities must be carried out in a competent manner. This includes: a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity	Compliant	Site interviews conducted 18 November 2020 Site inspection conducted 18 November 2020 – Storage areas	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
O2	Maintenance of plant and equipment			
O2.1	All plant and equipment installed at the premises or used in connection with the licensed activity: a) must be maintained in a proper and efficient condition; and b) must be operated in a proper and efficient manner.	Compliant	Loader Work Order sample dated 12 October 2020 EIMCO 500 Hr service Air Exchanger for North Wambo Underground 21 October 2020 EIMCO ED7-10 250 Hr service dated 21 October 2020 Wambo Generic Induction Site inspection conducted 18 November 2020	Review of relevant data indicates compliance with the requirements of this condition.
	Sewage Treatment System			
O2.2	The licensee is responsible for the correct operation of the sewage treatment system on their premises.	Compliant	Annual Return for 2019 Quarterly inspection records samples for 17 March 2020, 18 June 2020 and 15 September 2020 completed by All Septic Services Council approval of on-site sewage management system dated 29 June 2020	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
O2.3	Correct operation involves regular supervision and system maintenance. The licensee must be aware of the system management requirements and must ensure that the necessary service contracts are in place.	Compliant	Annual Return for 2019 Quarterly inspection records samples for 17 March 2020, 18 June 2020 and 15 September 2020 completed by All Septic Services Council approval of on-site sewage management system dated 29 June 2020	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
O2.4	The sewage treatment system must be serviced by a suitably qualified and experienced wastewater technician at least once in each quarterly period and a minimum of four times per year.	Compliant	Annual Return for 2019	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
O2.5	The licensee must record each inspection and any actions required or recommended by the technician including all results of tests performed on the sewage treatment system by the technician as required in Condition O2.4.	Compliant	Quarterly inspection records samples for 17 March 2020, 18 June 2020 and 15 September 2020 completed by All Septic Services	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
O2.6	The licensee must prepare a sewage treatment system maintenance program. The program must include: a) Certification from the system provider that the sewage treatment system is operating within its capacity; b) Date, time and results of all routine maintenance procedures undertaken to the sewage treatment system; and c) Provide written records of each quarterly inspection.	Compliant	Annual Return for 2019 Quarterly inspection records samples for 17 March 2020, 18 June 2020 and 15 September 2020 completed by All Septic Services Council approval of on-site sewage management system dated 29 June 2020	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.

Condition Number	Requirement	Compliance Status	Evidence sighted	
O3 Dust				
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 19 November 2020 AQGGMP	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition. Non compliance referred to in Condition B45 (observations of dust offsite from Golden Highway), however during audit it was observed processes are in place to ensure events and management measures implemented onsite are reported. Observations during audit included proactive management of dust including operator training, use of weather forecasts, start-up ,meetings, dust measurement, dust mitigation, weather forecasting and operator controls as per the dust management plan to minimise emission of dust.
O3.2	All trafficable areas, coal storage areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind-blown or traffic generated dust.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 19 November 2020 AQGGMP Annual Returns for 2017, 2018, and 2019 Annual Reviews	During the conduct of the audit, documentation reviewed, and the site inspection indicates general compliance with the requirements of this condition. This includes the use of four large waters trucks that operate constantly on trafficable areas and reducing operations to manage dust as required.
O3.3	All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 19 November 2020 AQGGMP Annual Returns for 2017, 2018, and 2019 Annual Reviews	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
O4 Effluent application to land				
O4.1	Effluent application must not occur in a manner that causes ponding or surface runoff.	Not triggered	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	During the conduct of the audit the STP had been decommissioned and was in the process of being re-sited for allow construction of the United Wambo Joint Venture.
O4.2	Spray from effluent application must not drift beyond the boundary of the effluent discharge utilisation area.	Not triggered	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	During the conduct of the audit the STP had been decommissioned and was in the process of being re-sited for allow construction of the United Wambo Joint Venture.
O4.3	The quantity of effluent/solids applied to the utilisation area must not exceed the capacity of the area to effectively utilise the effluent/solids.	Not triggered	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	During the conduct of the audit the STP had been decommissioned and was in the

Condition Number	Requirement	Compliance Status	Evidence sighted	
	For the purpose of this condition, 'effectively utilise' include the use of the effluent/solids for pasture or crop production, as well as the ability of the soil to absorb the nutrient, salt, hydraulic load and organic material.			process of being re-sited for allow construction of the United Wambo Joint Venture.
O4.4	The licensee must ensure that the effluent discharge utilisation area perimeter is fenced and signposted "Effluent Re-Use Area Keep Out" and controlled in a manner to ensure exclusion of persons from that area.	Not triggered	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	During the conduct of the audit the STP had been decommissioned and was in the process of being re-sited for allow construction of the United Wambo Joint Venture.
O5	O5 Emergency response			
	<i>Note: The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The licensee must develop a Pollution Incident Response Management Plan in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations.</i>			
O6	O6 Other operating conditions			
O6.1	All above-ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.	Compliant	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
5	5 Monitoring and Recording Conditions			
M1	M1 Monitoring records			
M1.1	The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.	Compliant	Annual Returns for 2016, 2017, 2018, 2019 Environmental monitoring data available on the Wambo website: https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals-Plans-Reports	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
M1.2	All records required to be kept by this licence must be: a) in a legible form, or in a form that can readily be reduced to a legible form; b) kept for at least 4 years after the monitoring or event to which they relate took place; and c) produced in a legible form to any authorised officer of the EPA who asks to see them.	Compliant	Annual Returns for 2016, 2017, 2018, 2019 Environmental monitoring data available on the Wambo website: https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals-Plans-Reports	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: a) the date(s) on which the sample was taken; b) the time(s) at which the sample was collected c) the point at which the sample was taken; and d) the name of the person who collected the sample.	Compliant	Annual Returns for 2016, 2017, 2018, 2019 Environmental monitoring data available on the Wambo website: https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals-Plans-Reports	During the conduct of the audit, documentation reviewed and the site inspection indicates general compliance with the requirements of this condition.
M2	M2 Requirement to monitor concentration of pollutants discharged			
M2.1	For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:	Note		

Condition Number	Requirement	Compliance Status	Evidence sighted								
M2.2	Air Monitoring Requirements POINT 13,14,15,16 <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Non-compliant (Low)	Site inspection conducted 19 November 2020 Site interviews conducted 19 November 2020 Annual Returns for 2017, 2018 and 2019 Annual Reviews
Pollutant	Units of measure	Frequency	Sampling Method								
PM10	micrograms per cubic metre	Continuous	AM-22								
			See Non-compliance in 2017 (occurrence 30/31-12-2017), 2018 and 2019 Annual Reviews. For 2019 there were Non Compliances, mostly due to power outages. but also, communication errors. The number of occasions were posted, but no detail is provided on the duration of each occasion, i.e. 1 hour or 3 days to know the significance of each outage. Recent improvement was to virtualise computer hardware individually for monitoring stations, rather than all hardware being housed in one unit. Wambo Coal advised during the audit that they can't install a battery for AQ meters due to air conditioning enclosures drawing so much power. Corrective Action 6: when PM10 samplers (TEOM) stop logging data, report the duration and the 24 hour average concentration to see if the downtime would likely of resulted in an exceedance.								

Condition Number	Requirement	Compliance Status	Evidence sighted
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M2.3	<p>Water and/ or Land Monitoring Requirements</p> <p>POINT 4,19</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Conductivity</td> <td>microsiemens per centimetre</td> <td>Continuous during discharge</td> <td>A probe designed to measure the range 0 to 10,000 uS/cm</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Continuous during discharge</td> <td>In line instrument</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Daily during any discharge</td> <td>Grab sample</td> </tr> <tr> <td>Turbidity</td> <td>nephelometric turbidity units</td> <td>Continuous during discharge</td> <td>In line instrument</td> </tr> </tbody> </table> <p>POINT 18,42,52</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Faecal Coliforms</td> <td>colony forming units per 100 millilitres</td> <td>Quarterly during discharge</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Quarterly during discharge</td> <td>Grab sample</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Electrical conductivity</td> <td>microsiemens per centimetre</td> <td>Monthly</td> <td>Grab sample</td> </tr> <tr> <td>pH</td> <td>pH</td> <td>Monthly</td> <td>Grab sample</td> </tr> <tr> <td>Total suspended solids</td> <td>milligrams per litre</td> <td>Monthly</td> <td>Grab sample</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	Conductivity	microsiemens per centimetre	Continuous during discharge	A probe designed to measure the range 0 to 10,000 uS/cm	pH	pH	Continuous during discharge	In line instrument	Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample	Turbidity	nephelometric turbidity units	Continuous during discharge	In line instrument	Pollutant	Units of measure	Frequency	Sampling Method	Faecal Coliforms	colony forming units per 100 millilitres	Quarterly during discharge	Grab sample	pH	pH	Quarterly during discharge	Grab sample	Pollutant	Units of measure	Frequency	Sampling Method	Electrical conductivity	microsiemens per centimetre	Monthly	Grab sample	pH	pH	Monthly	Grab sample	Total suspended solids	milligrams per litre	Monthly	Grab sample	Non-compliant (low)	<p>Annual Returns for 2017, 2018 and 2019</p> <p>Annual Reviews for 2017, 2018 and 2019</p>	<p>In 2018, Surface water samples were unable to be collected at SW28 (Stoney Creek) on three occasions in 2018 as the surface water sampling contractor advised that access was unsafe following wet weather.</p> <p>In 2019, Condition M2.3 of EPL 529 requires 30 samples be collected, however due to dry conditions and subsequent reductions to runoff in catchments, adequate samples were unable to be collected at monitoring locations SW01, SW02, SW03, SW27/SW27a, SW32/SW32a and SW08. The non-compliance is considered to be a result of the prevailing climatic conditions during the reporting period (i.e. drought).</p> <p>In 2019, Groundwater samples were not collected on 38 occasions due to insufficient water as a result of extended drought. Monitoring locations P106, P114, P315, GW08 and GW09 were monitored but samples were unable to be taken on 8 February, 3 April, 5 June, 6 August, 3 October and 3 December as the locations were dry or had insufficient water to provide a representative sample.</p>
Pollutant	Units of measure	Frequency	Sampling Method																																																	
Conductivity	microsiemens per centimetre	Continuous during discharge	A probe designed to measure the range 0 to 10,000 uS/cm																																																	
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M3	Testing methods - concentration limits			
M3.1	<p>Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:</p> <p>a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or</p> <p>b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or</p> <p>c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.</p>	Compliant	<p>Annual Returns for 2017, 2018 and 2019</p> <p>Annual Reviews</p> <p>Monitoring records</p>	<p>During the conduct of the audit, documentation reviewed indicates general compliance with the requirements of this condition.</p>
M3.2	<p>Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.</p>	Compliant	<p>Annual Returns for 2017, 2018 and 2019</p> <p>Annual Reviews</p> <p>Monitoring records</p>	<p>During the conduct of the audit, documentation reviewed indicates general compliance with the requirements of this condition.</p>

Note: The Protection of the Environment Operations (Clean Air) Regulation 2010 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".

Condition Number	Requirement	Compliance Status	Evidence sighted																																									
M4	Weather monitoring																																											
M4.1	<p>At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.</p> <p>POINT 17</p> <table border="1"> <thead> <tr> <th>Parameter</th> <th>Sampling method</th> <th>Units of measure</th> <th>Averaging period</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td>Rainfall</td> <td>AM-4</td> <td>millimetres</td> <td>1 hour</td> <td>Continuous</td> </tr> <tr> <td>Wind Speed at 10 metres</td> <td>AM-2 & AM-4</td> <td>metres per second</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Wind Direction at 10 metres</td> <td>AM-2 & AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 2 metres</td> <td>AM-4</td> <td>Celsius</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Temperature at 10 metres</td> <td>AM-4</td> <td>Celsius</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Sigma Theta</td> <td>AM-2 & AM-4</td> <td>Degrees</td> <td>15 minutes</td> <td>Continuous</td> </tr> <tr> <td>Total Solar Radiation</td> <td>AM-4</td> <td>Watts per square metre</td> <td>15 minutes</td> <td>Continuous</td> </tr> </tbody> </table>	Parameter	Sampling method	Units of measure	Averaging period	Frequency	Rainfall	AM-4	millimetres	1 hour	Continuous	Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous	Wind Direction at 10 metres	AM-2 & AM-4	Degrees	15 minutes	Continuous	Temperature at 2 metres	AM-4	Celsius	15 minutes	Continuous	Temperature at 10 metres	AM-4	Celsius	15 minutes	Continuous	Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous	Total Solar Radiation	AM-4	Watts per square metre	15 minutes	Continuous	Non-compliance (Low)	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monitoring records	<p>The on-site weather station did not record data due to four outages in 2019 totalling 34 hours of downtime. As a result a low-risk non-compliance finding has been made.</p> <p>During the site inspection, the weather station was observed to be operating correctly, with a Sentinex weather station calibration certificate observed (29/9/2020).</p> <p>Therefore, no corrective action has been made.</p>
Parameter	Sampling method	Units of measure	Averaging period	Frequency																																								
Rainfall	AM-4	millimetres	1 hour	Continuous																																								
Wind Speed at 10 metres	AM-2 & AM-4	metres per second	15 minutes	Continuous																																								
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Sigma Theta	AM-2 & AM-4	Degrees	15 minutes	Continuous																																								
Total Solar Radiation	AM-4	Watts per square metre	15 minutes	Continuous																																								
M5	M5 Recording of pollution complaints																																											
M5.1	The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.	Compliant	Complaints register for 2018, 2019, 2020 Annual Returns for 2017, 2018 and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.																																								
M5.2	<p>The record must include details of the following:</p> <p>a) the date and time of the complaint;</p> <p>b) the method by which the complaint was made;</p> <p>c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;</p> <p>d) the nature of the complaint;</p> <p>e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>f) if no action was taken by the licensee, the reasons why no action was taken.</p>	Compliant	Complaints register for 2018, 2019, 2020 Annual Returns for 2017, 2018 and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.																																								
M5.3	The record of a complaint must be kept for at least 4 years after the complaint was made.	Compliant	Complaints register for 2017, 2018, 2019, 2020 Annual Returns for 2017, 2018 and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.																																								
M5.4	The record must be produced to any authorised officer of the EPA who asks to see them.	Not triggered	Site inspection conducted 18 November 2020 Site interviews conducted 18 November 2020	During the conduct of the audit this condition was identified as not triggered.																																								
M6	Telephone complaints line																																											
M6.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.	Compliant	Management plans and Annual Review reporting publicly available on the Wambo website (https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals-Plans-Reports) 24 hour Community Enquiry Line (02 6570 2245) Dedicated community email account (wambocommunity@peabodyenergy.com) Blasting information Hotline (02 8250 5205)	Review of relevant evidence indicates compliance with the requirements of this condition.																																								
M6.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	Compliant	Management plans and Annual Review reporting publicly available on the Wambo website (https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals-Plans-Reports)	<p>Review of relevant evidence indicates compliance with the requirements of this condition.</p> <p>Recommendation 4: Rather than the current text which reads</p>																																								

Condition Number	Requirement	Compliance Status	Evidence sighted													
				'Enquiries or complaints can be lodged at – WamboCommunity@peabodyenergy.com , the Wambo website should be revised to give details for the 24 hour Community Enquiry Line being available to make complaints.												
M6.3	The preceding two conditions do not apply until 3 months after: the date of the issue of this licence.	Not triggered	N/A	Issue of EPL 529 preceded the audit period.												
M7	Requirement to monitor volume or mass															
M7.1	For each discharge point or utilisation area specified below, the licensee must monitor: a) the volume of liquids discharged to water or applied to the area; b) the mass of solids applied to the area; c) the mass of pollutants emitted to the air; at the frequency and using the method and units of measure, specified below. POINT 4,19 <table border="1"> <thead> <tr> <th>Frequency</th> <th>Unit of Measure</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Continuous</td> <td>megalitres per day</td> <td>In line instrumentation</td> </tr> </tbody> </table>	Frequency	Unit of Measure	Sampling Method	Continuous	megalitres per day	In line instrumentation	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monitoring records	Review of relevant evidence indicates compliance with the requirements of this condition.						
Frequency	Unit of Measure	Sampling Method														
Continuous	megalitres per day	In line instrumentation														
M8	Blasting															
M8.1	To determine compliance with conditions L6.2, L6.3, L6.4 and L6.5: a) Airblast overpressure and ground vibration levels must be measured and electronically recorded for monitoring points 10, 11 and 12 for the parameters specified in Column 1 of the table below; and b) The licensee must use the units of measure, sampling method, and sample at the frequency specified opposite in the other columns. <table border="1"> <thead> <tr> <th>Parameters</th> <th>Units of Measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>Airblast Overpressure</td> <td>Decibels (Linear Peak)</td> <td>All Blasts</td> <td>Australian Standard 2187.2-2008</td> </tr> <tr> <td>Ground Vibration Peak Particle Velocity</td> <td>millimetres/second</td> <td>All Blasts</td> <td>Australian Standard 2187.2-2008</td> </tr> </tbody> </table>	Parameters	Units of Measure	Frequency	Sampling Method	Airblast Overpressure	Decibels (Linear Peak)	All Blasts	Australian Standard 2187.2-2008	Ground Vibration Peak Particle Velocity	millimetres/second	All Blasts	Australian Standard 2187.2-2008	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monitoring records	Wambo Mine's blast monitoring program includes five blast monitors in the vicinity of the mine site. All these monitors record and store blasting information for each blast event for the units of measurement specified under this condition. Review of relevant evidence indicates compliance with the requirements of this condition.
Parameters	Units of Measure	Frequency	Sampling Method													
Airblast Overpressure	Decibels (Linear Peak)	All Blasts	Australian Standard 2187.2-2008													
Ground Vibration Peak Particle Velocity	millimetres/second	All Blasts	Australian Standard 2187.2-2008													
M9	Other monitoring and recording conditions															
	HRSTS Monitoring															
M9.1	The Licensee must continuously operate and maintain communication equipment which makes the conductivity and flow measurements, taken at Points 4 and 19 available to the "Service Coordinator" within one hour of those measurements being taken and makes them available in the format specified in the report titled "Hunter River Salinity Trading Scheme Discharge Point Telemetry Specification - Rev V1.0 Released 4 October 2018" as published by WaterNSW.	Not triggered	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monitoring records Maintenance records	No discharge during audit period.												
M9.2	The licensee must ensure that all monitoring data is within a margin of error of 5% for conductivity measurements and 10% for discharge flow measurement.	Not triggered	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monitoring records	No discharge during audit period.												

Condition Number	Requirement	Compliance Status	Evidence sighted									
M9.3	The licensee must mark monitoring point(s) number 4 and 19, with a sign which clearly indicates the name of the licensee, whether the monitoring point is up or down stream of the discharge point(s) and that it is a monitoring point for the Hunter River Salinity Trading Scheme.	Compliant	Site inspection conducted 18 November 2020	Signage at monitoring point number 4 sighted during site inspection.								
Requirement to Monitor Particulate Matter												
M9.4	The Licensee must record the average PM10 concentration at Monitoring Points 13,14,15 and 16 at intervals of 10 minutes. This data must be made available upon request to any EPA Authorised Officer who requests to see it.	Non-compliant (Administrative)	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monitoring records PM10 monitoring data observed during audit to be at 10 min intervals. Data from 18/11/2020	Review of the 2018 Annual Return indicates meteorological data was recorded at 10 minute intervals, not 15 minute intervals as required. No recommendation has been made in relation to this finding, as this did not occur during the 2019 period, and the 2020 period (up to the time of the site inspection).								
M10	Noise monitoring											
M10.1	To assess compliance with the noise limits specified within this licence, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below POINT 20,21,22,23 <table border="1"> <thead> <tr> <th>Assessment period</th> <th>Minimum frequency in a reporting period</th> <th>Minimum duration within assessment period</th> <th>Minimum number of assessments</th> </tr> </thead> <tbody> <tr> <td>Night</td> <td>Monthly</td> <td>15 minutes</td> <td>1 operation</td> </tr> </tbody> </table>	Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessments	Night	Monthly	15 minutes	1 operation	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monthly noise monitoring reports	Monthly noise monitoring reports show operator attended noise monitoring occurs as point 20, 21, 22, 23 on a monthly basis during the NPI defined night time period. Review of relevant evidence indicates compliance with the requirements of this condition.
Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessments									
Night	Monthly	15 minutes	1 operation									
M10.2	To assess compliance with condition L5.1, attended noise monitoring must be undertaken in accordance with Conditions L5.4 to L5.6: a) at the EPA points 20,21,23 and 23 identified in P1.3; b) occur every calendar month in a reporting period; and c) occur during one night time period as defined in the Noise Policy for Industry 2017 for a minimum of 15 minutes at each location from a), and when relevant b) during the night.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monthly noise monitoring reports	Monthly noise monitoring reports show operator attended noise monitoring occurs as point 20, 21, 22, 23 on a monthly basis during the NPI defined night time period. Review of relevant evidence indicates compliance with the requirements of this condition.								
M10.3	For the purposes of compliance monitoring and determining the noise generated at the premises the modification factors in the EPA's Fact Sheet C of the Noise Policy for Industry (2017) must be applied, as appropriate, to the noise levels measured by noise monitoring equipment.	Compliant	Annual Returns for 2017, 2018 and 2019 Annual Reviews Monthly noise monitoring reports	Review of relevant evidence indicates compliance with the requirements of this condition.								
	Definitions Noise refers to 'sound pressure levels' for the purpose of conditions L5.1 to L5.6 and condition M10.	Note										
6	Reporting Conditions											
R1	Annual return documents											
R1.1	The licensee must complete and supply to the EPA an Annual Return in the approved form comprising: 1. a Statement of Compliance 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and	Compliant	Annual Returns for 2017, 2018, and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.								

Condition Number	Requirement	Compliance Status	Evidence sighted	
	7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA			
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.	Compliant	Annual Returns for 2017, 2018, and 2019	Review of relevant evidence indicates compliance with the requirements of this condition.
R1.3	Where this licence is transferred from the licensee to a new licensee: a) the transferring licensee must prepare an Annual Return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and b) the new licensee must prepare an Annual Return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period. Note: An application to transfer a licence must be made in the approved form for this purpose.	Not triggered	N/A	Conduct of the audit indicates this condition has not been triggered during the audit period.
R1.4	Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an Annual Return in respect of the period commencing on the first day of the reporting period and ending on: a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or b) in relation to the revocation of the licence - the date from which notice revoking the licence operates.	Not triggered	N/A	Conduct of the audit indicates this condition has not been triggered during the audit period.
R1.5	The Annual Return for the reporting period must be supplied to the EPA via eConnect EPA or by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').	Compliant	https://apps.epa.nsw.gov.au/prpoeoapp/Detail.aspx?instid=529&id=529&option=licence&searchrange=licence&range=POEO%20licence&prp=no&status=Issued	Review of relevant data indicates compliance with the requirements of this condition.
R1.6	The licensee must retain a copy of the Annual Return supplied to the EPA for a period of at least 4 years after the Annual Return was due to be supplied to the EPA.	Compliant	Annual Returns for 2016, 2017, 2018, 2019 https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals.-Plans-Reports	Review of relevant data indicates compliance with the requirements of this condition.
R1.7	Within the Annual Return, the Statements of Compliance must be certified and the Monitoring and Complaints Summary must be signed by: a) the licence holder; or b) by a person approved in writing by the EPA to sign on behalf of the licence holder.	Compliant	Annual Returns for 2016, 2017, 2018, 2019 https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Approvals.-Plans-Reports	Review of relevant data indicates compliance with the requirements of this condition.
R2	Notification of environmental harm			
R2.1	Notifications must be made by telephoning the Environment Line service on 131 555.	Not triggered	Annual Returns for 2016, 2017, 2018, 2019 Site interviews conducted 18 November 2020 Agency consultation with the EPA	Review of relevant data indicates this condition has not been triggered during the audit period.
R2.2	The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.	Not triggered	Annual Returns for 2016, 2017, 2018, 2019 Site interviews conducted 18 November 2020 Agency consultation with the EPA	Review of relevant data indicates this condition has not been triggered during the audit period.
	Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.	Note		

Condition Number	Requirement	Compliance Status	Evidence sighted	
R3	Written report			
R3.1	Where an authorised officer of the EPA suspects on reasonable grounds that: a) where this licence applies to premises, an event has occurred at the premises; or b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence, and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.	Compliant	Blast Events 9 February 2018 Report (March 2018), submitted on 1 March 2018 before the due date of 2 March 2018. Wambo Coal s191 Response_ Notice 1598046 dated 4 September 2020 EPL 529 EPA response to Annual Return 98207 submitted 28 October 2020	Review of relevant data indicates compliance with the requirements of this condition.
R3.2	The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.	Compliant	Blast Events 9 February 2018 Report (March 2018), submitted on 1 March 2018 before the due date of 2 March 2018. Wambo Coal s191 Response_ Notice 1598046 dated 4 September 2020 EPL 529 EPA response to Annual Return 98207 submitted 28 October 2020	Review of relevant data indicates compliance with the requirements of this condition.
R3.3	The request may require a report which includes any or all of the following information: a) the cause, time and duration of the event; b) the type, volume and concentration of every pollutant discharged as a result of the event; c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort; e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants; f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and g) any other relevant matters.	Compliant	Blast Events 9 February 2018 Report (March 2018), submitted on 1 March 2018 before the due date of 2 March 2018. Wambo Coal s191 Response_ Notice 1598046 dated 4 September 2020 EPL 529 EPA response to Annual Return 98207 submitted 28 October 2020	Review of relevant data indicates compliance with the requirements of this condition.
R3.4	The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.	Not triggered	Site interviews conducted 18 November 2020 Agency consultation with the EPA	Review of relevant data indicates this condition has not been triggered during the audit period.
R4	Other notifications			
	Notification of Pollution of Waters			
R4.1	The Licensee must notify the EPA by telephoning the Environment Line service on 131 555 immediately after the Licensee becomes aware of any contravention or potential contravention of Condition L1 of the Licence.	Not triggered	Site interviews conducted 18 November 2020 Agency consultation with the EPA	Review of relevant data indicates this condition has not been triggered during the audit period.
R4.2	The Licensee must provide written details of the notification to the EPA Director Hunter at hunter.region@epa.nsw.gov.au within 7 days of the date of the notification.	Not triggered	Site interviews conducted 18 November 2020 Agency consultation with the EPA	Review of relevant data indicates this condition has not been triggered during the audit period.
	Blast Exceedance Reporting			
R4.3	The licensee must report any exceedance of licence blasting limits to the EPA Hunter at hunter.region@epa.nsw.gov.au as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	Compliant	M_27WMA_433 Airblast Overpressure Incident Investigation	Wambo Coal Airblast Overpressure Incident Investigation Report dated September, 2019 indicated WCPL self-reported an exceedance of airblast overpressure to the NSW EPA and DPIE on 21 September,

Condition Number	Requirement	Compliance Status	Evidence sighted	
				2019 (reference number EPA103592). Review of relevant data indicates compliance with the requirements of this condition.
Noise Exceedance Reporting				
R4.4	The licensee must report any exceedance of licence noise limits to the EPA Hunter at hunter.region@epa.nsw.gov.au as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents	Compliant	Following letters to the EPA: <ul style="list-style-type: none"> - Notification of Noise Limit Exceedance 5th April 2018 - Notification of Exceedance – Noise Impact Assessment Criteria 20 June 2018 - Notification of Potential Exceedance – Noise Impact Assessment Criteria 17 December 2018 - Notification of Exceedance – Noise Impact Assessment Criteria 17 January 2019 - Environmental Noise Report (November) Exceedance of Operational Noise Criteria 12 November 2019 - Notification of Exceedance – Operational Noise Criteria 8 September 2020. 	Review of relevant data indicates compliance with the requirements of this condition.
R5 Other reporting conditions				
HRSTS Reporting				
R5.1	The licensee must compile a written report of the activities under the Scheme for each scheme year. The scheme year shall run from 1 July to 30 June each year. The written report must be submitted to the EPA's regional office within 60 days after the end of each scheme year and be in a form and manner approved by the EPA. The information will be used by the EPA to compile an annual scheme report.	Not triggered	N/A	Review of relevant data indicates this condition has not been triggered during the audit period.
R5.2	The Licensee must include graphical analysis of turbidity measured at EPA Point 25 for the length of any discharges from EPA Point 1 within the HRSTS Report that includes the two hour period prior to the commencement of any discharge from EPA Point 1 and the two hour period after any discharge from EPA Point 1.	Not triggered	N/A	Review of relevant data indicates this condition has not been triggered during the audit period.
Sewage Treatment System Report				
R5.3	The sewage treatment system maintenance program required by Condition O2.6 must be submitted annually to the EPA with the Annual Return.	Compliant	Annual Returns for 2017, 2018, 2019	Review of relevant data indicates compliance with the requirements of this condition.
R5.4	The licensee must retain a copy of each report required by Condition O2.5 for 3 years from the date each record is made.	Compliant	Annual Returns for 2017, 2018, 2019	Review of relevant data indicates compliance with the requirements of this condition.
Blast Monitoring Report				
R5.5	The results of the blast monitoring required by the licence must be submitted to the EPA, with each Annual Return, at the end of each reporting period. The monitoring results must identify any exceedance of licence limits.	Compliant	Annual Returns for 2017, 2018 and 2019	Review of relevant data indicates compliance with the requirements of this condition.
Noise Compliance Assessment Report				
R5.6	The Licensee must provide the EPA with its Annual Return an annual noise compliance assessment report prepared by an appropriately qualified acoustic consultant. The report must include an assessment of any exceedance of noise limits and justification that the noise monitoring points identified in Condition P1.4 are still representative of the sensitive receivers within the noise monitoring groups identified in Condition L5 of the Licence.	Compliant	Annual Returns for 2017, 2018 and 2019	Review of relevant data indicates compliance with the requirements of this condition.

Condition Number	Requirement	Compliance Status	Evidence sighted							
Water Quality Monitoring Report										
R5.7	The licensee must provide the EPA with its Annual Return an annual water quality monitoring report prepared by an appropriately qualified and experienced person that includes the following: a) for the monitoring required by the licence during the reporting period to which the Annual Return relates: (i) a summary of results for all ambient water quality monitoring required by the licence in table form and graphical form; (ii) total daily rainfall records from the premises meteorological monitoring required by the licence on the day that the sampling was undertaken in table form; (iii) total daily continuous rainfall records in graphical form; and (iv) a plan with the monitoring locations. b) A graphical presentation of the trends of monitoring results required by the licence for the reporting period to which the Annual Return relates and the preceding data for the period of record the licensee has monitoring results for the licensed location. c) A graphical representation of total daily continuous rainfall records required by the licence for the record that matches the ambient water quality results, if available.	Compliant	Annual Returns for 2017, 2018 and 2019	Review of relevant data indicates compliance with the requirements of this condition.						
7 General Conditions										
G1 Copy of licence kept at the premises or plant										
G1.1	A copy of this licence must be kept at the premises to which the licence applies.	Compliant	Site inspection conducted 18 November 2020	Review of relevant data indicates compliance with the requirements of this condition.						
G1.2	The licence must be produced to any authorised officer of the EPA who asks to see it.	Not triggered	N/A	Review of relevant data indicates this condition has not been triggered during the audit period.						
G1.3	The licence must be available for inspection by any employee or agent of the licensee working at the premises.	Compliant	Site inspection conducted 18 November 2020	Review of relevant data indicates compliance with the requirements of this condition.						
G2 Other general conditions										
G2.1 Completed Programs										
	<table border="1"> <thead> <tr> <th>Program</th> <th>Description</th> <th>Completed Date</th> </tr> </thead> <tbody> <tr> <td>Saline water discharge dispersion investigation</td> <td>Saline water discharge dispersion investigation. Minimise risk of saline discharge to downstream irrigators.</td> <td>08-July-2005</td> </tr> </tbody> </table>	Program	Description	Completed Date	Saline water discharge dispersion investigation	Saline water discharge dispersion investigation. Minimise risk of saline discharge to downstream irrigators.	08-July-2005	Not triggered	N/A	Review of relevant data indicates this condition has not been triggered during the audit period.
Program	Description	Completed Date								
Saline water discharge dispersion investigation	Saline water discharge dispersion investigation. Minimise risk of saline discharge to downstream irrigators.	08-July-2005								

Condition Number	Requirement	Compliance Status	Evidence sighted
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Provide comprehensive site water balance.	Provide comprehensive site water balance.. Gain insight into licensee's ability to contain a significant rainfall event.(@)	04-March-2011	
Groundwater Trend Report	Provide statistical analysis and report on historical trends in groundwater monitoring data.. Streamline reporting requirements.(@)	04-March-2011	
Water Spray Evaporator Report	Licensee must investigate & provide a report regarding any potential environmental impacts from the use of mine water spray/evaporators.	07-November-2011	
Groundwater Investigation	Licensee must investigate and provide a report regarding the identification of possible sources of elevated electrical conductivity in groundwater on the premises.	06-October-2011	
Coal Mine Particulate Matter Control Best Practice	Requires licensee to conduct a site specific Best Management Practice (BMP) determination to identify ways to reduce particle emissions.	03-September-2012	
Mine Water Seepage Mitigation Report	Licensee to provide report with proposed works that ensure the structural integrity of C11 dam and mitigates mine water seepage to receiving environment.	03-October-2012	
Mine Water Seepage Mitigation Strategy	Licensee to undertake actions to mitigate mine seepage from C11 dam to receiving environment as identified in report entitled "Wambo Coal Mine C11 Dam Seepage Assessment" completed for PRP 11.	21-August-2013	
Particulate Matter Control Best Practice Implementation – Wheel Generated Dust	Implementation of particulate matter best management practices to address wheel-generated dust.	15-August-2014	
Particulate Matter Control Best Practice Implementation - Disturbing and Handling Overburden under Adverse Weather Conditions	Implementation of particulate matter best management practices to address the handling of overburden during adverse weather.	15-August-2014	
North Wambo Creek Diversion Works	Licensee must complete mitigation works to ensure that the North Wambo Creek diversion operates in an environmentally satisfactory manner.	10-December-2013	
Particulate Matter Control Best Practice Implementation - Wheel Generated Dust.	Implementation of best practice measures to address wheel-generated dust	15-August-2014	
Particulate Matter Control Best Practice – Disturbing & Handling Overburden under Adverse Weather Conditions	Implementation of best practice measures to address the handling of overburden during adverse weather	15-August-2014	
Particulate Matter Control Best Practice - Trial of Best Practice Measures for Disturbing & Handling Overburden	Investigation to establish best practice measures for the handling of overburden	31-July-2014	
Coal Mine Wind Erosion of Exposed Land Assessment	Assessment of predicted vs actual exposed lands	09-October-2015	

8	Pollution Studies and Reduction Programs		
U1	Dredging of HRSTS Staged Discharge Dam to prevent scouring of coal fines to Wollombi Brook during HRSTS Discharge		
U1.1	The Licensee must undertake a dredging or desilting and maintenance program of the HRSTS staged discharge dam that discharges through EPA point 4 (this dam is known as the Eagles Nest Dam). The dredging: a) must be undertaken before any water is discharged from EPA Point 4;	Compliant	Site inspection 18 November 2020 Review of relevant data and conduct of the site inspection indicates compliance with the requirements of this condition.

Condition Number	Requirement	Compliance Status	Evidence sighted	
	b) be sufficient enough to ensure that the off-take point within the dam that discharges to Wollombi Brook is clear of coal fines, silt and sediment to prevent release of these pollutants to Wollombi Brook during discharge.			
U1.2	The Licensee must implement condition U1.1 by 1 August 2020 and provide the EPA with a report on completion of the dredging, desilting and maintenance. The Report must include:	Not triggered	Evidence of implementation by 1 August 2020 Site inspection 18 November 2020	Review of relevant data and conduct of the site inspection indicates this condition has not been triggered.
	a) an estimate of volume of material dredged since the 31 December 2019;			
	b) evidence of the clearance of coal fines, silt and sediment from the water off-take and;			
	c) justification of how the Licensee will maintain this dam do prevent build up of coal fines and silt from building up at the off-take.			
9 Special Conditions				
E1	Hunter River Salinity Trading Scheme			
E1.1	This licence authorises the discharge of saline water into the Hunter River Catchment from an authorised discharge point (or points), in accordance with the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002.	Note		
E1.2	For the purposes of Clauses 23 and 29 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002 the licensee must apply the conversion factor of 0.6.	Note	Monitoring records Annual Returns for 2017, 2018 and 2019	
E1.3	Under this licence the licensee may only discharge saline water into Wollombi Brook when the flow in the brook exceeds 500 ML/day, measured at the Bulga gauging station.	Not triggered	N/A	Review of relevant data indicates this condition has not been triggered during the audit period.
E1.4	The licensee must not exceed the hourly volume discharge limit calculated using the following formula, at all discharge point(s) on this licence titled "Discharge of saline water under the Hunter River Salinity Trading Scheme (HRSTS)": $H = V / RRT$	Not triggered	N/A	Review of relevant data indicates this condition has not been triggered during the audit period.

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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
0	M Kiejda, E Smith, E Holland, E Potoczny & T Tinkler	E Holland		S Murphy		22/12/2020
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2	E. Holland	E Holland		S Murphy		16/11/2021

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