

DA 305-7-2003 and DA 177-8-2004 – 2023 Independent Environmental Audit

Wambo Coal Mine

WAMBO COAL PTY LIMITED

Version 1

11 December 2023



Document review

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Abbreviations

Abbreviation	Definition
A444	Authorisation 444
AHIP	Aboriginal Heritage Impact Permit
ANC	administrative non-compliance
AQGHGMP	Air Quality and Greenhouse Gas Management Plan
BCD	Biodiversity and Conservation Division
BCT	Biodiversity Conservation Trust
BFMP	Built Features Management Plan
BMP	Biodiversity Management Plan
CA	corrective action
CCC	Community Consultative Committee
CCL	Consolidated Coal Lease
CHPP	coal handling and preparation plant
CL	coal lease
CMP	Conservation Management Plan
CRRP	Coal Resource Recovery Plan
Development Consent	DA 305-7-2003 & DA 177-8-2004
DPE	Department of Planning and Environment
DPE – Water	Department of Planning and Environment – Water
EMS	Environmental Management Strategy
EPA	Environment Protection Authority
ESCP	Erosion and Sediment Control Plan
GWMP	Groundwater Management Plan
HMP	Heritage Management Plan
HRSTS	Hunter River Salinity Trading Scheme
IEA	Independent Environmental Audit
KCB	Klohn Crippen Berger (Australia) Pty Ltd
LMP	Land Management Plan
LW	longwall
the Mine	Wambo Coal Mine
ML	mining lease
MOP	Mining Operations Plan
NMP	Noise Management Plan
NWCD	North Wambo Creek Diversion
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
PSMP	Public Safety Management Plan
OFI	opportunity for improvement
Onward Consulting	Onward Consulting Pty Ltd

Abbreviation	Definition
RMP	Rehabilitation Management Plan
ROM	run-of-mine
RWEA	Remnant Woodland Enhancement Areas
RWEP	Remnant Woodland Enhancement Program
SMP	Subsidence Monitoring Program
SSD	State Significant Development
STP	sewage treatment plant
SWMP	Surface Water Management Plan
the Mine	Wambo Coal Mine
TMP	Traffic Management Plan
TSS	total suspended solids
United	United Collieries Pty Limited
UWJV	United Wambo Joint Venture
WAL	water access licence
WCPL	Wambo Coal Pty Limited
WMP	Water Management Plan

Executive summary

Onward Consulting Pty Ltd (Onward Consulting) was engaged by Wambo Coal Pty Limited (WCPL) to conduct an Independent Environmental Audit (IEA) of the Wambo Coal Mine (the Mine), an underground coal mining and coal processing operation located approximately 15 km west of Singleton, near the village of Warkworth, New South Wales (NSW). The IEA was conducted in accordance with Conditions D11 and D12 of the Development Consents (i.e. DA 305-7-2003 and DA 177-8-2004) as issued by the Department of Planning and Environment (DPE) and with consideration to the *Independent Audit Post Approval Requirements* (DPE, 2020).

The audit period to which this audit applies is inclusive of the period 21 November 2020 to 30 October 2023. This report presents the findings of this audit.

The audit team consisted of Elliot Holland (Lead Auditor) with technical expertise provided by specialist Lachlan Hammersley (water quality) of Klohn Crippen Berger (Australia) Pty Ltd (KCB). Appointment of the audit team was approved by DPE on 18 September 2023, with subsequent endorsement of the water quality technical specialist provided by DPE on 10 October 2023. The audit was inclusive of the following:

- a one day site inspection at the Mine which included interviews with key site personnel and inspection of all key aspects of the development (Section 2.2 and Appendix H of the IEA report);
- consultation with regulatory agencies and the chair of the Community Consultative Committee (CCC) to obtain feedback and identification of any key issues to focus on during the audit (Section 2.3 of the IEA report);
- the status of implementation of the previous IEA findings, recommendations and actions (Section 3.1 of the IEA report);
- an assessment of compliance against all conditions of:
 - DA 305-7-2003 (Section 3.3.1 and Appendix D of the IEA report);
 - DA 177-8-2003 (Section 3.3.2 and Appendix E of the IEA report);
 - Environmental Protection Licence (EPL) 529 (Section 3.3.3 and Appendix F of the IEA report);
 - active mining leases (Section 3.3.4 of the IEA report);
 - Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 (NSW) (Section 3.3.4 and Appendix G of the IEA report); and
 - relevant water licensing/approvals (Section 3.3.5).
- a review of the adequacy of the environmental management strategies, plans and programs required under the consent (Section 3.4 of the IEA report);
- identification and discussion of complaints and incidents that occurred during the audit period (Section 3.5 of the IEA report);
- an assessment of the environmental performance of the development through review of the implementation of key environmental management strategies, plans and programs (Section 4 of the IEA report); and
- identification of relevant Corrective Actions and/or Opportunities for Improvement (Section 5 of the IEA report).

Audit findings summary

The IEA identified a total of 13 non-compliances, with a low-risk non-compliance rating assigned to four non-compliances and an administrative non-compliance (ANC) assigned to nine non-compliances (Table E1). A number of these non-compliances were interrelated, including:

- NC01 and NC04: identified due to non-compliance with other conditions of DA 305-7-2003 and DA 177-8-2003 respectively;
- NC02, NC07, and NC11: all related to the same non-compliance;
- NC03 and NC05: both related to the same non-compliance;
- NC08 and NC09: both related to the same non-compliance; and
- NC10 and NC12: both related to the same non-compliance.

Table E1 Non-compliance summary

Finding ID	Non-compliance	Source	Condition	Risk rating
NC01	Non-compliance with this condition is noted in relation to non-compliances with other conditions of consent.	DA 305-7-2003	A2	Low
NC06		DA 177-8-2004	A2	Low
NC02	PM ₁₀ concentration data was not recorded continuously at monitoring points during the audit period due to technical and environmental factors that resulted in a loss of power or data.	DA 305-7-2003	B45	ANC
NC07		DA 177-8-2004	B3	ANC
NC11		EPL 529	M2.2	ANC
NC03	Exceedances at Groundwater Quality Monitoring Bore P315 resulted in non-compliance occurring due to exceedance of performance criteria in Table 8 of Condition B62 of DA 305-7-2003.	DA 305-7-2003	B62	Low
NC04	<p>Review of relevant documentation indicates that the BMP was approved by the DPE on 27 November 2020.</p> <p>Therefore, the Conservation Bond was required to be lodged by 27 May 2021, which was not achieved and is identified as a non-compliance with Condition B77.</p> <p>After 27 May 2021, an extension request for lodgement of the Conservation Bond was made on 23 August 2021. DPE provided a response on 24 September 2021, noting the lodgement of the Conservation Bond was overdue and requested submission by 31 December 2021. On 24 December 2021, DPE approved an extension until 18 February 2022. The Conservation Bond was lodged on 22 February 2022.</p>	DA 305-7-2003	B77	ANC
NC05	One non-compliance was not reported within seven days of becoming aware.	DA 305-7-2003	D9	ANC
NC08	Inundation events of the Hales Crossing Sump resulting in non-compliance with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> .	DA 177-8-2004	B6	Low
NC09		EPL 529	L1.1	Low
NC10	<p>During the audit period there were non-compliances due to:</p> <ul style="list-style-type: none"> – samples not being collected for discharge from the Sewage Treatment Plant (STP) discharge location because the location was dry or there was no discharge; – water samples not being collected from several monitoring locations because the location was either dry, had no flow, or was inaccessible at the time of monitoring; and – PM₁₀ concentration data not being recorded continuously at monitoring points due to technical and environmental factors that resulted in a loss of power or data. 	EPL 529	M2.1	ANC
NC12	<p>During the audit period there were non-compliances due to:</p> <ul style="list-style-type: none"> – samples not being collected for discharge from the STP discharge location because the location was dry or there was no discharge; and – water samples not being collected from several monitoring locations because the location was either dry, had no flow, or was inaccessible at the time of monitoring. 	EPL 529	M2.3	ANC
NC13	Conduct of the audit was unable to confirm that the requirements of Clause 19(2)(a) had been completed, that is written notice had been provided to the Secretary of the full name and contact details of the nominated person within 28 days after the date on which the Standard Conditions commenced to apply.	Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 (NSW)	Clause 19(2)(a)	ANC

Furthermore, a number of these non-compliances were already identified in Annual Reviews required by conditions of DA 305-7-2003 and DA 177-8-2003, and Annual Returns required by conditions of EPL 529, including:

- NC02, NC07, and NC11;
- NC03;
- NC10; and
- NC12.

Non-compliances identified against relevant approvals are identified and discussed in Section 3.3, Appendix D (DA 305-7-2003), Appendix E (DA 177-8-2004), and Appendix F (EPL 529).

A summary of WCPL's overall environmental performance is summarised in Section 4, and Corrective Actions or Opportunities for Improvement are summarised in Section 5.

Audit conclusion

With regard to environmental management of the Mine, WCPL is led by a competent and knowledgeable environmental department who provided all evidence requested during the audit and diligently facilitated the site inspection component of the audit.

The WCPL Environment & Community team has implemented the Mine environmental management systems to ensure processes are system-dependent as opposed to people-dependent. This approach is complemented by the established systems which include corporate Peabody systems and internal site-specific measures, as well as corporate Glencore systems where there is shared management responsibilities with United Collieries Pty Limited (who manage open cut operations) under the United Wambo Joint Venture (UWJV).

WCPL were transparent with the provision of information and open to receiving feedback and discussing contemporary measures with the audit team.

Contents

Executive summary	iv
1. Introduction	1
1.1 Background of the Project	1
1.1.1 Department of Planning and Environment endorsement	1
1.1.2 Period covered by the audit	1
1.2 Site description and history	1
1.3 Audit objectives	3
1.4 Audit commencement	4
1.5 Limitations	5
2. Audit methodology	6
2.1 Audit participants	6
2.2 Audit site inspection	7
2.2.1 Opening and closing meetings	7
2.2.2 Audit interviews	7
2.2.3 Site inspections	7
2.3 Agency/stakeholder consultation	8
2.4 Approval and document list	10
2.4.1 Approvals	10
2.4.2 Management plans	10
2.5 Definitions	12
3. Audit findings	13
3.1 Previous independent audit and status	13
3.2 Summary of agency notices, orders, penalty notices or prosecutions	17
3.2.1 Penalty notice issued by EPA	17
3.3 Summary of non-compliances	17
3.3.1 DA 305-7-2003	18
3.3.2 DA 177-8-2004	20
3.3.3 EPL 529	22
3.3.4 Relevant leases	24
3.3.5 Compliance with water licensing and approvals	25
3.4 Adequacy of any strategies/plans, programs and compliance documents	25
3.4.1 Extraction Plans	25
3.4.2 Environmental Management Strategy	25
3.4.3 Air Quality & Greenhouse Gas Management Plan	26
3.4.4 Noise Management Plan	26
3.4.5 Water Management Plan	26
3.4.6 Biodiversity Management Plan	27
3.4.7 Heritage Management Plan	28
3.4.8 Wambo Homestead Complex Conservation Management Plan	28
3.4.9 Traffic Management Plan	28
3.4.10 Rehabilitation Management Plan	28
3.5 Complaints and reportable incidents	29
3.5.1 Complaints	29
3.5.2 Reportable incidents	29
4. Environmental performance	30
4.1 General environmental management	30
4.2 Rehabilitation	30
4.3 Subsidence	31
4.3.1 Reporting requirements	31

4.3.2	Subsidence impact performance measures	31
4.3.3	Subsidence monitoring	31
4.3.4	Subsidence remediation	32
4.4	Water management.....	32
4.4.1	Erosion and sediment control	32
4.4.2	Incidents.....	32
4.4.3	Water supply	33
4.4.4	Water licensing and approvals.....	33
4.5	Biodiversity	33
4.5.1	Conservation Agreements / Biodiversity Offset Areas.....	33
4.5.2	Response to items raised by BCD	34
4.6	Air quality.....	35
4.7	Noise management	35
4.8	Aboriginal and historic heritage.....	35
4.9	Management of visual and lighting impacts	36
4.10	Bushfire management	36
4.11	Waste management	36
4.12	Traffic management	36
5.	Corrective actions and opportunities for improvement	38
5.1	Corrective actions.....	38
5.2	Opportunities for improvement.....	38
Appendix A	DPE endorsement of the audit team	
Appendix B	Independent Audit Declaration Forms	
Appendix C	Agency consultation	
Appendix D	DA 305-7-2003	
Appendix E	DA 177-8-2004	
Appendix F	EPL 529	
Appendix G	Standard Conditions (Schedule 8A, Part 2) of Mining Regulation 2016 (NSW)	
Appendix H	Site inspection photos	

Figures

Figure 2.1 Existing / approved Wambo Coal Mine general arrangement.....	2
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Tables

Table 2.1 Wambo Mine mining progress and approvals relevant to the 2023 IEA	3
Table 2.2 Requirements for this IEA.....	4
Table 3.1 Audit participants	7
Table 3.2 Agency and administrative organisation IEA requirements.....	8
Table 3.3 Approvals audited	10
Table 3.4 Management plans evaluated	10
Table 3.5 Risk ratings for non-compliances	12
Table 4.1 Status of 2020 IEA findings/recommendations	13
Table 4.2 Non-compliances with conditions of DA 305-7-2003.....	18
Table 4.3 Non-compliances with conditions of DA 177-8-2004.....	21
Table 4.4 Non-compliances with conditions of EPL 529	22

Table 4.5 Non-compliances with Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 (NSW).....	24
Table 6.1 Corrective actions identified during the audit	38
Table 6.2 Opportunities for improvement identified during the audit.....	38

1. Introduction

1.1 Background of the Project

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

The Mine operates under Development Consent 305-7-2003 (DA 305-7-2003) and is currently in Phase 2 operations which involves the underground mining operations and operation of the coal handling and preparation plant (CHPP), however no longer includes the open cut mining operations (Figure 1.1). Operations at the Mine also include a rail spur and loop, coal reclaim and rail loading facility for the Coal Terminal under DA 177-8-2004, which was granted in 2004 (Figure 1.1).

As part of DA 305-7-2003 and DA 177-8-2004, WCPL are required to undertake an Independent Environmental Audit (IEA) every three years.

WCPL engaged Lead Auditor Elliot Holland from Onward Consulting Pty Ltd (Onward Consulting) to carry out an IEA of the operation of the Mine, with Lachlan Hammersley of Klohn Crippen Berger (Australia) Pty Ltd (KCB) included in the audit team as the water quality technical specialist.

1.1.1 Department of Planning and Environment endorsement

The Department of Planning and Environment (DPE) endorsed the appointment of the audit team to conduct the IEA on 18 September 2023, with subsequent endorsement of the water quality technical specialist provided by DPE on 10 October 2023.

The letters of endorsement are included in Appendix A.

1.1.2 Period covered by the audit

The audit period is from the 20 November 2020 (last day of previous IEA completed by GHD Pty Ltd) to 30 October 2023 (the day of the 2023 IEA site inspection).

1.2 Site description and history

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

Modification 16 to DA 305-7-2003 was approved by the Independent Planning Commission of NSW on 29 August 2019 and required 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) under DA 305-7-2003.
- Phase 2 – underground mining operations at Wambo underground mine, the operation of Wambo mine infrastructure under DA 305-7-2003 and associated surface infrastructure.
- Phase 3 – following the cessation of underground mining operations that includes mine closure.

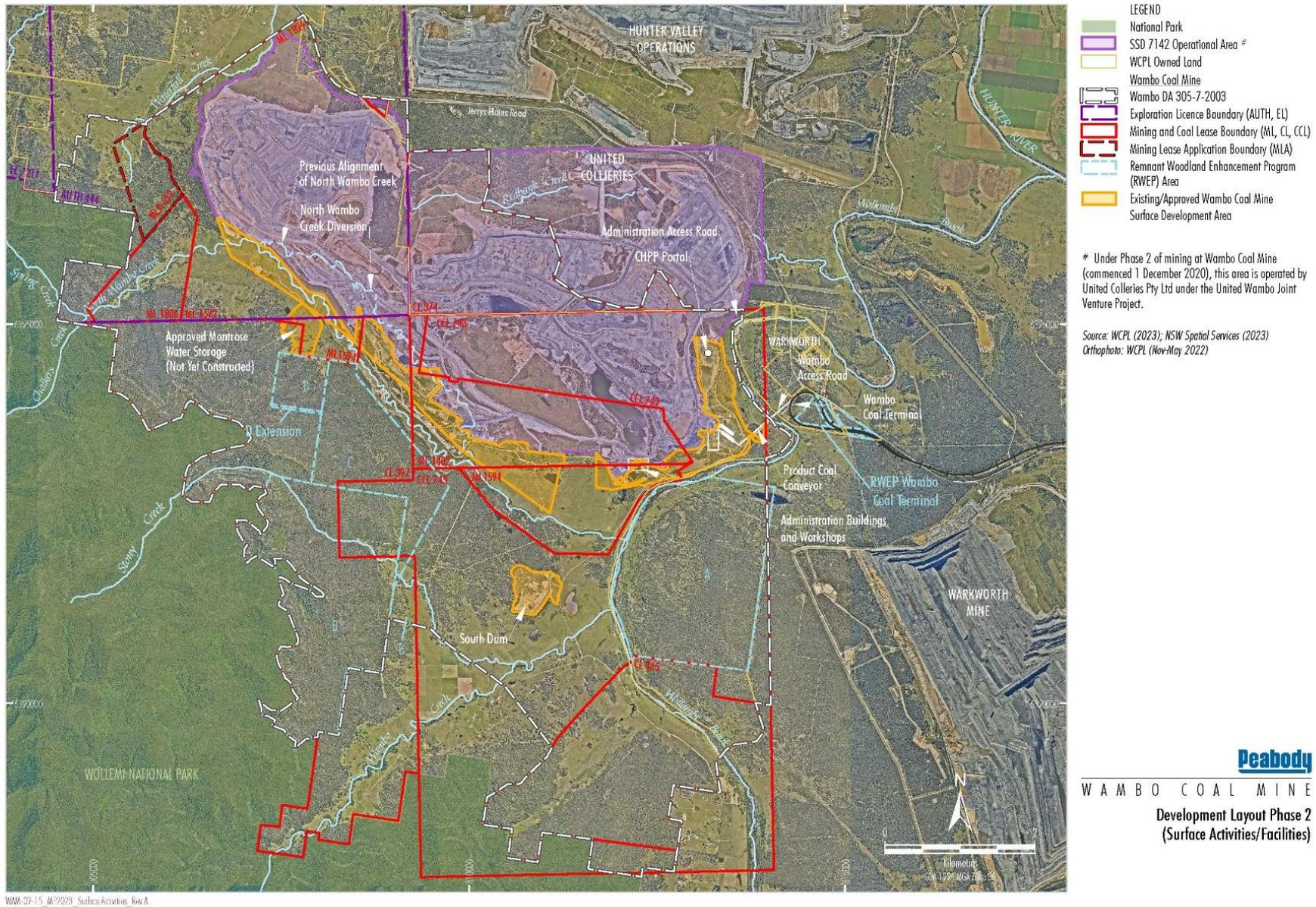


Figure 1.1 Existing / approved Wambo Coal Mine general arrangement

As discussed in Section 1.1, the Mine is currently operating in Phase 2, which commenced on 1 December 2020. Upon the commencement of Phase 2 under DA 305-7-2003, WCPL and United Collieries Pty Limited (United) entered into a 50:50 Joint Venture at the open cut mine (i.e. United Wambo Joint Venture [UWJV]), with open cut mining operations now conducted by the UWJV under State Significant Development (SSD) 7142. Operations under DA 177-8-2004 have not changed following the commencement of Phase 2.

WCPL continues to operate the underground mining operations and the CHPP and Coal Terminal (including coal handling and transport associated with the UWJV open cut operations).

Since the 2020 IEA, two further modifications to DA 305-7-2003 have been approved by DPE, including:

- Modification 18: reorientation of the First Workings for Longwall (LW) 24 of the Approved South Bates Extension Underground Mine; and
- Modification 19: continuation and improved efficiency of the South Bates Extension Underground Mine, including:
 - reorientation of LW 24 and 25;
 - an additional LW panel (i.e. LW 26);
 - processing of run-of-mine coal from LW 24 to 26 at the existing on-site coal handling and preparation plant;
 - an overall reduction in the approved area of overlying land predicted to experience potential subsidence impacts (relative to the layout assessed and approved by Modification 17); and
 - an additional mining lease (ML) over a component of Authorisation 444 (A444).

Relevant LW mining undertaken during the audit period and details of the approved Extraction Plan for each LW panel is summarised in Table 1.1.

Table 1.1 Wambo Mine mining progress and approvals relevant to the 2023 IEA

Panel	Start date	End date	Extraction Plan approval date
LW 20	February 2020	March 2021	4 June 2019, with revision approved May 2020 to shorten LWs 19 and 20.
LW 21	April 2021	February 2022	April 2021, with revisions approved: – January 2022 to shorten LW 22-24; and – December 2022 for shortening of LW 23, due to faulting, in accordance with Schedule 2, Condition A2 of DA 305-7-2003.
LW 22	May 2022	February 2022	
LW 23	March 2023	November 2023	
LW 24	N/A	N/A	

1.3 Audit objectives

Onward Consulting was commissioned to undertake an IEA of the Mine on behalf of WCPL. Primarily, the purpose of this audit was to satisfy Conditions D11 and D12 of DA 305-7-2003 and DA 177-8-2004, requiring completion of an IEA every three years.

The IEA was undertaken in accordance with the requirements of Conditions D11 and D12 of DA 305-7-2003 and DA 177-8-2004. The IEA requirements of DA 305-7-2003 and DA 177-8-2004 are detailed in Table 1.2.

Table 1.2 Requirements for this IEA

Condition	Requirement	Reference to report section
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:	
(a)	be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;	Section 2.1 Appendix A Appendix 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;	Section 2.1 Appendix A Appendix B
(c)	be carried out in consultation with the relevant agencies and the CCC;	Section 2.3 Appendix C
(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);	Sections 3 and 4 Appendix D Appendix E Appendix F
(e)	review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;	Section 3.4
(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	Section 5
(g)	be conducted and reported to the satisfaction of the Planning Secretary.	Outside the audit process
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 timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.	Outside the audit process

1.4 Audit commencement

An inception meeting was held between Onward Consulting and WCPL on 4 October 2023 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.

Commencement of the IEA occurred on 4 October 2023, following completion of engagement of technical specialists required for the IEA (Section 1.1 and Appendix A).

1.5 Limitations

This report has been prepared by Onward Consulting for WCPL and may only be used and relied on by WCPL for the purpose agreed between Onward Consulting and WCPL as set out in Section 1.3 of this report.

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

The services undertaken by Onward Consulting 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 Section 1.3.

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. Onward Consulting has no responsibility or obligation to update this report to account for events or changes occurring after the date that the report was prepared.

2. Audit methodology

This IEA was undertaken in accordance with AS/NZS ISO 19011:2003 – Guidelines for quality and/or environmental management systems auditing and the *Independent Audit Post Approval Requirements* (DPE, 2020).

A desktop review of all relevant documents including management plans, monitoring data and complaints was used to determine the contents of the audit protocol to be used during the site inspection and personnel interviews. Evidence was collected and reviewed as part of the audit, including monitoring records, reports, and correspondence. Relevant evidence to select compliance ratings for the conditions of DA 305-7-2003, DA 177-8-2004 and EPL 529 is presented within Appendix D, Appendix E, and Appendix F respectively.

Documents and data collected during the audit process were reviewed prior to the on-site component of the audit where possible. Additional documents were provided to the audit team during, and following completion of, the on-site component of 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 relevant documentation and/or visual observations made during the site inspection. Where suitable verification was unable to be obtained, this has been identified.

2.1 Audit participants

The personnel listed in Table 2.1 were involved during the audit, including the audit team as endorsed by DPE on 18 September 2023 and 10 October 2023 (Appendix A) and relevant personnel of WCPL.

The audit was led by Elliot Holland, Lead Auditor – Environmental Management Systems (number: 115351) with involvement of a technical specialist for water quality.

Following the initial endorsement of the audit team by DPE on 18 September 2023, WCPL consulted with DPE to confirm which of the previously endorsed technical specialists would be required for the 2023 IEA. DPE confirmed on 21 September 2023 that a reduction in the number of technical specialists for relevant issues would be acceptable, if accompanied by adequate justification. Therefore, the technical specialist for water quality was determined to be required for conduct of the 2023 IEA, based on the following reasoning:

- air quality and noise management – Due to the nature of disturbance for the Mine (i.e. underground mining), air quality and noise management are minor issues for the Mine, in comparison to the 2020 IEA. This is supported by no exceedances of relevant criteria occurring, and no complaints being received, during the audit period;
- rehabilitation – Due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to be reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine). As a result, apart from remediation activities associated with repairing/managing/mitigation subsidence impacts as a result of mining, no rehabilitation has been undertaken during the audit period; and
- water quality – Due to the significant change in water management since the 2020 IEA as a result of WCPL managing water for the Mine and the UWJV (i.e. both underground and open cut mining operations), the CHPP and train loading operations.

Table 2.1 Audit participants

Audit participant	Organisation	Role	Qualification
Elliot Holland	Onward Consulting	Auditor: Lead Auditor and Project Manager	Lead Auditor – Environmental Management Systems (number: 115351) Bachelor of Environmental Science and Management
Lachlan Hammersley	KCB	Auditor: Technical Specialist – Water Quality	Bachelor of Engineering (Environmental) Diploma of Project Management
Nicole Dobbins	WCPL	Auditee: Senior Environmental Advisor – Contract	N/A
Peter Jaeger	WCPL	Auditee: Manager – Environment and Community	N/A

2.2 Audit site inspection

2.2.1 Opening and closing meetings

The opening and closing meetings were held at the WCPL office during the site inspection completed on 30 October 2023.

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

2.2.2 Audit interviews

During the on-site component of the audit, interviews were conducted with the list of auditees included in Table 2.1.

2.2.3 Site inspections

A detailed site inspection of WCPL was undertaken on 30 October 2023. During the inspection, site documentation and the physical aspects of environmental management as well as implementation of plans and programs were reviewed.

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

- up to 32 degrees Celsius;
- winds up to 32 km/hr, from the north-west; and
- no precipitation.

The locations inspected during the audit included:

- Mine Infrastructure Area and workshop area, including oil and chemical storage, refuelling areas, above ground storage tanks, etc.;
- Pit Top, including hydrocarbon management;
- train load-out facility;
- an example of subsidence repair work near the North Wambo Creek Diversion (NWCD);
- CHPP;
- effluent irrigation area; and

- water management areas, including:
 - NWCD;
 - licensed discharge points;
 - mine dams;
 - the tailings facility in the process of being prepared for rehabilitation (to be completed by the UWJV open cut operations);
 - the pumping site on the Hunter River;
 - observation of the integrated water management system with UWJV open cut operations; and
 - groundwater monitoring bores.

2.3 Agency/stakeholder consultation

The audit team attempted consultation via email with the following agency and administrative organisations:

- DPE, including various departments such as:
 - Compliance;
 - Biodiversity and Conservation Division (BCD);
 - Heritage NSW; and
 - Environment Protection Authority (EPA).
- NSW Resources Regulator;
- WaterNSW;
- Singleton Council; and
- Wambo Community Consultative Committee (CCC) Chairperson.

Responses were not received from the DPE – Compliance, WaterNSW, or Singleton Council. Agency and administrative organisation responses to the IEA request for input are provided in Table 2.2.

Table 2.2 Agency and administrative organisation IEA requirements

Auditor to consider	Response and/or relevant section reference
NSW Resources Regulator	
The IEA is required to assess compliance against the relevant environmental management conditions of the mining leases up to 1 July 2022, including implementation of the mining operations plan for the Mine.	3.3.4 – Relevant leases 4.2 – Rehabilitation 4.3.4 – Subsidence remediation
From 2 July 2022, the IEA should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted that the nine mining leases that comprise the Wambo Mine have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.	3.3.4 – Relevant leases Appendix G – Schedule 8A Standard Conditions of Mining Leases
The audit should note observations where rehabilitation procedures, practices and outcomes represent best industry practice.	4.2 – Rehabilitation

Auditor to consider	Response and/or relevant section reference
Heritage NSW	
<p>There are several active Aboriginal Heritage Impact Permits (AHIP) and Aboriginal Cultural Heritage Management Plans that direct the conversation, avoidance, and impacts to Aboriginal cultural heritage.</p> <p>It is recommended that the IEA focus on compliance with these AHIPs and Aboriginal Cultural Heritage Management Plans. It is recommended that the DPE – Compliance Team be contacted to determine if there is any non-compliance with Conditions of Consent for the project.</p>	<p>4.8 – Aboriginal and historic heritage</p> <p>Appendix C – Agency consultation</p>
BCD	
<p><i>Compliance with requirements:</i></p> <p>Whether Condition B2 ‘Subsidence: Performance Measures – Natural and Heritage Features etc.’ was triggered for more than negligible impacts to biodiversity and whether Condition B3 ‘Additional Offsets’ was triggered, either for remedial actions or the provision of any additional offsets.</p>	<p>4.3 – Subsidence</p>
<p><i>Compliance with requirements:</i></p> <p>Whether Condition B73 was triggered, to provide a contribution to the Strategic Study.</p>	<p>Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period</p>
<p><i>Progress to meeting requirements:</i></p> <p>– Whether Condition B106 ‘Progressive Rehabilitation’ is being met.</p>	<p>4.2 – Rehabilitation</p>
<p>The Annual Review for 2021 refers to nest boxes that required replacing due to damage. Would the audit be able to comment on the suitability of nest boxes in the Remnant Woodland Enhancement Areas in relation to their construction and suitability for a range of native species (other than brush-tailed possums).</p>	<p>4.5.2 – Response to items raised by BCD</p>
<p>Is die-off of Coast Banksia (<i>Banksia integrifolia</i>) continuing within Warkworth Sands Woodland in the Sydney basin Bioregion Endangered Ecological Community within Remnant Woodland Enhancement Area A? If so, is Wambo Coal Pty Limited undertaking an investigation to find out what may be behind it? For example, is a species of <i>Phytophthora</i> causing the die-back?</p>	<p>4.5.2 – Response to items raised by BCD</p>
CCC	
<p>I wish to advise that the Wambo CCC has not provided any comments on the proposed Independent Environmental Audit.</p> <p>I confirm that the Wambo CCC meets on a quarterly basis, in accordance with its condition of consent and the Department of Plannings Community Consultative Committee guidelines.</p> <p>Members receive a comprehensive presentation on the project's environmental monitoring and statutory compliance requirements.</p> <p>Any enquiries are dealt with in a prompt and satisfactory manner by the proponent.</p>	<p>N/A</p>
EPA	
<p>The EPA encourages the preparation of audits as useful tools for industry and proponents to meet statutory obligations and to improve their environmental performance. As a regulatory authority, the EPA does not review or comment on such documents, as our role is to administer and regulate statutes for environmental management and protection that we regulate.</p>	<p>N/A</p>

2.4 Approval and document list

2.4.1 Approvals

Licences and approvals assessed for compliance are listed in Table 2.3.

Table 2.3 Approvals audited

Approval document	Relevant section reference
DA 305-7-2003	Section 3.3.1 & Appendix D
DA 177-8-2004	Section 3.3.2 & Appendix E
EPL 529	Section 3.3.3 & Appendix F
ML 1402	Section 3.3.4
ML 1572	Section 3.3.4
ML 1594	Section 3.3.4
ML 1806	Section 3.3.4
ML 1824	Section 3.3.4
Consolidated Coal Lease (CCL) 743	Section 3.3.4
Coal Lease (CL) 365	Section 3.3.4
CL 374	Section 3.3.4
CL 397	Section 3.3.4
Relevant water licensing and approvals	Section 3.3.5
Recommendations from the 2020 IEA	Section 3.1

2.4.2 Management plans

Management plans required by conditions of DA 305-7-2003 and DA 177-8-2004 that were evaluated are listed in Table 2.4.

Table 2.4 Management plans evaluated

Management plan	Version and date	Report section reference
South Bates Extension Underground Mine Extraction Plan for LW 17 to 20, and associated component plans (LW 17 to 20 Extraction Plan)	Rev D, May 2020	Section 3.4.1 Appendix D
– Appendix A: Water Management Plan (WMP);	Rev B, February 2019	
– Appendix B: Land Management Plan (LMP);	Rev C, June 2019	
– Appendix C: Biodiversity Management Plan (BMP);	Rev 16, May 2019	
– Appendix D: Heritage Management Plan (HMP);	Rev 6, February 2019	
– Appendix E: Built Features Management Plan (BFMP);	Rev B, February 2019	
– Appendix F: Public Safety Management Plan (PSMP);	Rev B, February 2019	
– Appendix G: Coal Resource Recovery Plan (CRRP);	Rev B, February 2019	
– Appendix H: Subsidence Monitoring Program (SMP); and	Rev B, February 2019	
– Appendix I: Mining Operations Plan (MOP) 2018 – 2020	Amendment A, March 2019	

Management plan	Version and date	Report section reference
South Bates Extension Underground Mine Extraction Plan for LW 21 to 24, and associated component plans (LW 21 to 24 Extraction Plan)	Rev E, December 2022	Section 3.4.1 Appendix D
– Appendix A: WMP;	Rev. D, April 2021	
– Appendix B: LMP;	Rev A, July 2020	
– Appendix C: BMP;	Rev 1, May 2020	
– Appendix D: HMP;	Rev 1, July 2020	
– Appendix E: BFMP;	Rev A, July 2020	
– Appendix F: PSMP;	Rev A, July 2020	
– Appendix G: CRRP;	Rev A, July 2020	
– Appendix H: SMP; and	Rev A, July 2020	
– Appendix I: Phase 2 – Rehabilitation Management Plan (RMP).	Rev 2, 7 October 2022	
Environmental Management Strategy (EMS)	Version 7, November 2020)	Section 3.4.2 Appendix D
Air Quality & Greenhouse Gas Management Plan (AQGHGMP)	Version 8, November 2020	Section 3.4.3 Appendix D
Noise Management Plan (NMP)	Version 11, November 2020	Section 3.4.4 Appendix D
WMP	Version 2, November 2020	Section 3.4.5 Appendix D
Groundwater Management Plan (GWMP)	Version 4, December 2021	Section 3.4.5 Appendix D
Surface Water Management Plan (SWMP)	Version 2, November 2020	Section 3.4.5 Appendix D
United Wambo and Wambo Site Water Balance	Version 2, August 2020	Section 3.4.5 Appendix D
United Wambo and Wambo Water Monitoring Plan	Version 4, December 2021	Section 3.4.5 Appendix D
Erosion and Sediment Control Plan (ESCP)	Version 4, November 2021	Section 3.4.5 Appendix D
BMP	Version 4, December 2021	Section 3.4.6 Appendix D
HMP	Version 5, July 2018	Section 3.4.7 Appendix D
Wambo Homestead Complex Conservation Management Plan (CMP)	Version 6, May 2019	Section 3.4.8 Appendix D
Traffic Management Plan (TMP)	Rev 1, November 2020	Section 3.4.9 Appendix D

2.5 Definitions

Audit reporting was undertaken with consideration to the requirements of the *Independent Audit Post Approval Requirements* (DPE, 2020).

Compliant

The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.

Non-compliant

The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.

In addition, while not required by *Independent Audit Post Approval Requirements* (DPE, 2020), risk ratings have also been assigned for non-compliances as identified in Table 2.5.

Table 2.5 Risk ratings 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	Light blue	Only 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 requirement has an activation or timing trigger that has not been met during the temporal scope of the audit being undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

Note

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

Corrective action (CA)

Are identified where there is an issue of compliance, and the action needs to be undertaken to close out the compliance issue.

Opportunity for improvement (OFI)

Has generally been identified where there is not an issue of compliance, but improvements could be made to enhance tracking of compliance.

3. Audit findings

3.1 Previous independent audit and status

The recommendations made in the 2020 IEA prepared by GHD, and the status of recommendations as at 30 October 2023 are detailed in Table 3.1.

Table 3.1 Status of 2020 IEA findings/recommendations

Condition	2020 IEA finding/recommendation	2023 IEA finding	Status
DA 305-7-2003			
B103	<p>Finding: 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>) on 6 November 2020, requiring a response by 30 November 2020.</p> <p>The management response was being actively undertaken in consultation with the NSW Resources Regulator at the time of the audit, with most items closed out and only a few items remaining open.</p> <p>CA 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.</p> <p>Timing: 31 March 2021.</p>	<p>All actions recommended to ensure the safe management of explosives on site have been undertaken by WCPL.</p> <p>The UWJV is now responsible for explosives management at the Mine.</p> <p>This CA was addressed and completed by 27 January 2021.</p>	Closed

Condition	2020 IEA finding/recommendation	2023 IEA finding	Status
B105	<p>Finding: 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>CA 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> <p>Timing: During next RMP/MOP review.</p>	<p>Review of the current RMP indicates the CA has been adopted.</p> <p>Therefore, this CA is considered closed.</p>	Closed
B108	<p>Finding: Review of the MOP found that mine closure and care and maintenance programs are not included in accordance with Condition B108(g)&(j) respectively.</p> <p>CA 3: The MOP should be updated to include relevant programs and activities to address care and maintenance and mine closure requirements.</p> <p>Timing: During next MOP/RMP review.</p>	<p>Review of the current RMP indicates the CA has been adopted.</p> <p>Therefore, this CA is considered closed.</p>	Closed
B110	<p>Finding: 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>CA 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.</p> <p>Timing: During next MOP/RMP review.</p>	<p>Review of the current RMP indicates the CA has been adopted.</p> <p>Therefore, this CA is considered closed.</p>	Closed
C4	<p>Finding: Satisfaction of the Planning Secretary was not sighted in relation to the requirements of this condition.</p> <p>CA 5: Provide copies of relevant resident tenancy agreements to the Planning Secretary to confirm satisfaction that the intents of this condition of been met.</p> <p>Timing: 31 March 2021.</p>	<p>Review of relevant documentation indicates this was addressed during submission of the 2020 Annual Review.</p> <p>Therefore, this CA is considered closed.</p>	Closed

Condition	2020 IEA finding/recommendation	2023 IEA finding	Status
B42	<p>Finding: 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 PM_{2.5} (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: 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.</p> <p>Timing: 30 June 2021.</p>	<p>It is understood this recommendation has been addressed via consideration of DPE 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.</p> <p>Therefore, this recommendation is considered closed.</p>	Closed
B66	<p>Finding: Flow directions are not shown on the ESCP.</p> <p>Recommendation 2: 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.</p> <p>Timing: 31 March 2021.</p>	<p>Figure 10 of the ESCP was updated in accordance with this recommendation and resubmitted to DPE on 13 July 2021.</p> <p>Therefore, this recommendation is considered closed.</p>	Closed
B90	<p>Finding: Review of relevant evidence indicates compliance with the requirements of this condition.</p> <p>However, the wording of this condition has been updated as 'to satisfaction of the Heritage Branch' as a result of Modification 16. Therefore, Recommendation 3 has been made.</p> <p>Recommendation 3: 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.</p> <p>Timing: 31 March 2021.</p>	<p>The CMP was submitted to the Heritage Branch on 19 April 2021.</p> <p>Therefore, this recommendation is considered closed.</p>	Closed
DA 177-8-2004			
B26	Refer to discussion at B105 of DA 305-7-2003.	<p>Review of the current RMP indicates the CA has been adopted.</p> <p>Therefore, this CA is considered closed.</p>	Closed
C2	Refer to discussion at C4 of DA 305-7-2003.	<p>Review of relevant documentation indicates this was addressed during submission of the 2020 Annual Review.</p> <p>Therefore, this CA is considered closed.</p>	Closed

Condition	2020 IEA finding/recommendation	2023 IEA finding	Status
EPL 529			
M2.2	<p>Finding: 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.</p> <p>WCPL advised during the audit that they can't install a battery for AQ meters due to air conditioning enclosures drawing so much power.</p> <p>CA 5: When PM₁₀ samplers (Tapered element oscillating microbalance) stop logging data, report the duration and the 24 hour average concentration to see if the downtime would likely of resulted in an exceedance.</p> <p>Timing: As required.</p>	<p>Review of documentation indicates this CA has been implemented where required during the audit period. Therefore, while this CA is an ongoing process for WCPL to implement, it is considered closed in relation to ongoing reporting of implementation.</p>	Closed
M6.2	<p>Finding: Review of relevant evidence indicates compliance with the requirements of this condition. However, the website could be improved to also refer to the 24 hour Community Enquiry Line being available to make complaints.</p> <p>Recommendation 4: Rather than the current text which reads 'Enquiries or complaints can be lodged at – WamboCommunity@peabodyenergy.com', the WCPL website should be revised to give details for the 24 hour Community Enquiry Line being available to make complaints.</p> <p>Timing: 31 March 2021.</p>	<p>The complaints line advert has been updated as required.</p> <p>Therefore, this recommendation is considered closed.</p>	Closed

3.2 Summary of agency notices, orders, penalty notices or prosecutions

3.2.1 Penalty notice issued by EPA

The only notice received during the 2020 IEA period related to a noise exceedance that occurred on 8 September 2020. The relevant details include:

- 27 January 2021: the EPA issued a s193 Notice to Provide Information and/or Records;
- 12 February 2021: WCPL provided a response to the EPA;
- 19 February 2021: the EPA issued a Show Cause letter alleging WCPL may have committed offences under section 64 of the *Protection of the Environment Operations Act 1997* (NSW) by contravening Conditions L5.1 and O1.1 of EPL 529;
- 5 March 2021: WCPL provided a response to the Show Cause letter, noting that while noise was being generated by mining operations at the time the noise exceedances occurred, alarms were triggered that resulted in proactive measures being taken to mitigate noise contributions. Subsequent monitoring confirmed these measures had been successful, with noise levels reduced to below relevant noise limits in EPL 529. In addition, WCPL noted the following:
 - the noise exceedances equated to a 1 dBA exceedance at one privately-owned residence and a 3 dBA exceedance on Wambo-owned vacant land;
 - no noise complaints were received in relation to the exceedances;
 - no environmental harm or potential for environmental harm occurred as a result of the exceedance; and
 - open cut operations, which were the cause of the non-compliance, are no longer undertaken at the Mine.
- 8 April 2021: Penalty notice issued by EPA in relation to the noise exceedance on 8 September 2020.

3.3 Summary of non-compliances

Conduct of the 2023 IEA has identified a total of 13 non-compliances with the relevant approvals, licenses and leases detailed in Section 2.4.1. Most non-compliances were categorised as administrative non-compliances (ANC).

However, a number of these non-compliances were interrelated, including:

- NC01 and NC04: identified due to non-compliance with other conditions of DA 305-7-2003 and DA 177-8-2003 respectively;
- NC02, NC07, and NC11: all related to the same non-compliance;
- NC03 and NC05: both related to the same non-compliance;
- NC08 and NC09: both related to the same non-compliance; and
- NC10 and NC12: both related to the same non-compliance.

Considering this, six individual non-compliances with the relevant approvals, licenses and leases were identified.

Overall compliance with conditions of relevant approvals, licenses and leases was noted to be high, as follows:

- DA 305-7-2003: Compliance with approximately 97% of conditions (i.e. 157 of 161 conditions);
- DA 177-8-2004: Compliance with approximately 97% of conditions (i.e. 73 of 78 conditions);
- EPL 529: Compliance with approximately 98% of conditions (i.e. 84 of 86 conditions);

- Relevant leases:
 - MLs (i.e. ML 1402, ML 1572, ML 1594, ML 1806 and ML 1824):
 - up to 30 June 2022: Compliance with 100% of conditions; and
 - from 1 July 2022: Compliance with 100% of conditions.
 - CCL 743:
 - up to 30 June 2022: Compliance with 100% of conditions; and
 - from 1 July 2022: Compliance with 100% of conditions.
 - CLs (i.e. CL 365, CL 374, and CL 397):
 - up to 30 June 2022: Compliance with 100% of conditions; and
 - from 1 July 2022: Compliance with 100% of conditions.
 - Standard Conditions of Schedule 8A, Part 2 of the Mining Regulation 2016 (NSW): One non-compliance identified as an ANC (Appendix G).
- Relevant water licensing and approvals: Compliance with 100% of conditions.

3.3.1 DA 305-7-2003

The review of compliance with DA 305-7-2003 identified five non-compliances, with two identified as low-risk and three deemed ANCs (Appendix D). A summary of non-compliances is detailed in Table 3.2.

Table 3.2 Non-compliances with conditions of DA 305-7-2003

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC01	A2	The development may only be carried out: (a) in compliance with the conditions of this consent;	Non-compliance with this condition is noted in relation to non-compliances with other conditions of DA 305-7-2003. These include Condition B45, Condition B62, Condition B77, Condition B78 and Condition D9.	Low	N/A

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC02	B45	<p>The Applicant must:</p> <p>...</p> <p>(b) operate an air quality management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;</p> <p>...</p> <p>(d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and</p> <p>(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.</p>	<p>Review of relevant documentation indicates general compliance with the requirements of this condition, with no exceedances of air quality criteria and no complaints. However, an ANC is noted in relation to:</p> <ul style="list-style-type: none"> – 2021: on 23 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) due to technical and environmental factors that resulted in a loss of power or data. – 2022: on 18 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) and EPA Point 53 (AQ05). – 2023 (to date): on 17 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 15 (AQ03) (11 occasions) and EPA Point 16 (AQ04) (six occasions) due to technical and environmental factors that resulted in a loss of power or data. <p>Despite the above, it is noted the data capture during each reporting period was greater than 90%.</p> <p>With consideration to the level of data capture and noting a monitor cannot always operate continuously, whether for periodic maintenance requirements or due to loss of power outside WCPL's control, no CA or OFI is deemed relevant.</p>	ANC	N/A
NC03	B62	<p>The Applicant must ensure that the development complies with the performance measures in Table 8.</p>	<p>Exceedances at Groundwater Quality Monitoring Bore P315 resulted in non-compliance occurring due to exceedance of performance criteria in Table 8 of Condition B62 of DA 305-7-2003, which has been ongoing since July 2021.</p> <p>These exceedances are subject to ongoing monitoring and investigation of the increased salinity observed in Stony Creek, with reports prepared by SLR Consulting and submitted to DPE in:</p> <ul style="list-style-type: none"> – March 2022; – March 2023; and – November 2023. <p>In addition, WCPL met with DPE and the EPA on 23 May 2022, with the next report for Groundwater Quality Monitoring Bore P315 to be provided to DPE in November 2024.</p> <p>Therefore, as investigations are ongoing and being undertaken in consultation with DPE, a CA is not deemed relevant.</p>	Low	N/A

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC04	B77	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.	<p>Review of relevant documentation indicates that the BMP was approved by the DPE on 27 November 2020.</p> <p>Therefore, the Conservation Bond was required to be lodged by 27 May 2021, which was not achieved and is identified as a non-compliance with Condition B77.</p> <p>After 27 May 2021, an extension request for lodgement of the Conservation Bond was made on 23 August 2021. DPE provided a response on 24 September 2021, noting the lodgement of the Conservation Bond was overdue and requested submission by 31 December 2021. On 24 December 2021, DPE approved an extension until 18 February 2022. The Conservation Bond was lodged on 22 February 2022.</p> <p>However, due to the requirements of this condition not being ongoing, a CA is not deemed relevant.</p>	ANC	N/A
NC05	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 via the Department's Major Projects Website 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.	<p>A number of non-compliances were reported during the audit period; however, review of relevant documentation indicates one non-compliance was not reported within seven days of becoming aware of the non-compliance.</p> <p>Notification of the P315 non-compliance to the DPE occurred following management plan trigger processes including escalation, resampling and a preliminary investigation (by SLR Consulting, completed in January 2022) being undertaken prior to the notification to the DPE. The P315 non-compliance should have been notified within seven days of receipt of the SLR Consulting report in January 2022. However, a notification was not provided until 31 March 2022.</p> <p>Therefore an ANC has been identified and CA01 has been to establish and implement a process for reporting non-compliances.</p>	ANC	CA01

3.3.2 DA 177-8-2004

The review of compliance with DA 177-8-2004 identified three non-compliances, with one identified as low-risk and two deemed ANCs (Appendix E). A summary of non-compliances is detailed in Table 3.3.

Table 3.3 Non-compliances with conditions of DA 177-8-2004

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC06	A2	The development may only be carried out: (a) in compliance with the conditions of this consent;	Non-compliance with this condition is noted in relation to non-compliances with other conditions of DA 177-8-2008. These include Condition B3 and Condition B6.	Low	N/A
NC07	B3	The Applicant must: ... (b) operate an air quality management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;	Review of relevant documentation indicates general compliance with the requirements of this condition, with no exceedances of air quality criteria and no complaints. However, an ANC is noted in relation to: <ul style="list-style-type: none"> – 2021: on 23 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) due to technical and environmental factors that resulted in a loss of power or data. – 2022: on 18 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) and EPA Point 53 (AQ05). – 2023 (to date): on 17 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 15 (AQ03) (11 occasions) and EPA Point 16 (AQ04) (six occasions) due to technical and environmental factors that resulted in a loss of power or data. Despite the above, it is noted the data capture during each reporting period was greater than 90%. With consideration to the level of data capture and noting a monitor cannot always operate continuously, whether for periodic maintenance requirements or due to loss of power outside WCPL's control, no CA or OFI is deemed relevant.	ANC	N/A
NC08	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.	A low risk non-compliance has been identified in relation to separate inundation events of the Hales Crossing Sump, with incidents occurring as follows: <ul style="list-style-type: none"> – 22 March 2021; – 8 March 2022; and – 5 July 2022. Review of relevant documentation indicates incident notifications were provided on the same day of each event, with follow-up letter reports provided within seven days, in accordance with the requirements of DA 305-7-2003 and DA 177-8-2004. While this non-compliance did not occur during the 2020 IEA period due to drought conditions during that audit period, it was occurring during the 2017 IEA period. It is considered this non-compliance is likely to re-occur during flooding events on Wollombi Brook. Therefore, CA02 has been identified. Non-compliance with Section 120 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act) (NSW) is due to the strict definitions of water pollution under the POEO Act and POEO (General) Regulation 2022.	Low	CA02

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
			<p>It is otherwise considered that the potential environmental impact associated with the inundation of Hales Crossing Sump is negligible, based on the following considerations:</p> <ul style="list-style-type: none"> – desilting of the Hales Crossing Sump was undertaken within a month prior to any incident occurring (e.g. a minimum of 36 days for the July 2022 flooding event); – any material from the sump would be significantly diluted when mixed with flood waters due to the volume of these waters, such that it is considered an observable difference in water quality pre and post mixing would be unlikely; and – due to typical total suspended solids (TSS) levels and other contaminants present in flood waters, it is considered there is unlikely to be material harm or potential for material harm associated with inundation and subsequent overflow from the Hales Crossing Sump lost to the flooded environment (i.e. per the definition in Section 147 of the POEO Act). 		

3.3.3 EPL 529

The review of compliance with EPL 529 identified five non-compliances, with one identified as low-risk and four deemed ANCs (Appendix F). A summary of non-compliances is detailed in Table 3.4.

Table 3.4 Non-compliances with conditions of EPL 529

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC09	L1.1	Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.	<p>A low risk non-compliance has been identified in relation to separate inundation events of the Hales Crossing Sump, with incidents occurring as follows:</p> <ul style="list-style-type: none"> – 22 March 2021; – 8 March 2022; and – 5 July 2022. <p>Review of relevant documentation indicates incident notifications were provided on the same day of each event, with follow-up letter reports provided within seven days, in accordance with the requirements of DA 305-7-2003 and DA 177-8-2004.</p> <p>While this non-compliance did not occur during the 2020 IEA period due to drought conditions during that audit period, it was occurring during the 2017 IEA period. It is considered this non-compliance is likely to re-occur during flooding events on Wollombi Brook. Therefore, CA02 has been identified.</p> <p>Non-compliance with Section 120 of the POEO Act is due to the strict definitions of water pollution under the POEO Act and POEO (General) Regulation 2022.</p>	Low	CA02

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
			<p>It is otherwise considered the pollution because of inundation of Hales Crossing Sump is negligible, based on the following considerations:</p> <ul style="list-style-type: none"> – desilting of the Hales Crossing Sump was undertaken within a month prior to any incident occurring (e.g. a minimum of 36 days for the July 2022 flooding event); – any material from the sump would be significantly diluted when mixed with flood waters due to the volume of these waters, such that it is considered an observable difference in water quality pre and post mixing would be unlikely; and – due to typical TSS levels and other contaminants present in flood waters, it is considered there is unlikely to be material harm or potential for material harm associated with inundation and subsequent overflow from the Hales Crossing Sump lost to the flooded environment (i.e. per the definition in Section 147 of the POEO Act). 		
NC10	M2.1	<p>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:</p>	<p>Review of relevant documentation indicates general compliance with the requirements of this condition, with no exceedances of STP and water discharge criteria or air quality criteria and no complaints received. However, an ANC is noted in relation to:</p> <p>2021:</p> <ul style="list-style-type: none"> – on eight occasions samples were not collected for discharge from the STP discharge location because the location was dry or there was no discharge; – on 49 occasions water samples were not collected from several monitoring locations as the Mine was either dry, had no flow, or was inaccessible at the time of monitoring; and – on 23 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16. <p>2022:</p> <ul style="list-style-type: none"> – on eight occasions samples were not collected for discharge from the STP discharge locations because the location was dry or there was no discharge; – on 35 occasions water samples were not collected from several monitoring locations as the Mine was either dry, had no flow, or was inaccessible at the time of monitoring; and – on 18 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 and 53. <p>2023 (to date): on 17 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 15 (AQ03) (11 occasions) and EPA Point 16 (AQ04) (six occasions) due to technical and environmental factors that resulted in a loss of power or data.</p> <p>For the air quality aspects, it is noted the data capture during each reporting period was greater than 90%.</p> <p>With consideration to the level of data capture and noting a monitor cannot always operate continuously, whether for periodic maintenance requirements or due to loss of power outside WCPL's control, no CA or OFI is deemed relevant.</p> <p>No CA is deemed relevant for the STP and water sampling aspects, as lack of sampling due to there being nothing to sample has been deemed reasonable.</p>	ANC	N/A

Finding ID	Condition	Requirement	Finding	Risk rating	CA or OFI
NC11	M2.2	Air monitoring requirements.	Refer to ANC in relation to air quality discussed at Condition M2.1	ANC	N/A
NC12	M2.3	Water and/or Land Monitoring Requirements.	Refer to ANC in relation to STP discharge and water monitoring discussed at Condition M2.1.	ANC	N/A

3.3.4 Relevant leases

The review of compliance with relevant leases did not identify any non-compliances with MLs (i.e. ML 1402, ML 1572, ML 1594, ML 1806, and ML 1824), CCL 743, and CLs (i.e. CL 365, CL 374, and CL 397). However, the audit identified one ANC in relation to Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 (NSW) (Table 3.5 and Appendix G).

Table 3.5 Non-compliances with Standard Conditions (Schedule 8A, Part 2) of the Mining Regulation 2016 (NSW)

Finding ID	Clause	Requirement	Finding	Risk rating	CA or OFI
NC13	Clause 19(2)(a)	The holder of the mining lease must give written notice to the Secretary of: (a) the full name and contact details of the nominated person – within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation...	Conduct of the audit was unable to confirm that the requirements of Clause 19(2)(a) had been completed, that is, written notice had been provided to the Secretary of the full name and contact details of the nominated person within 28 days after the date on which the Standard Conditions commenced to apply. However, review of relevant documentation confirms these details have been provided. Therefore, a CA or OFI has been determined to not be required.	ANC	N/A

3.3.5 Compliance with water licensing and approvals

The review of compliance with water licensing and approvals did not identify any non-compliances. The relevant licenses and approvals included:

- **Hunter Regulated River Water Source**, with Water Access Licences (WALs) including WAL 718 (20SL060212), WAL 8599 (20SL061206), WAL 8600 (20SL061206), WAL 43299, and WAL 8604 (20BL061206).
- **Hunter Regulated River Water Source (Shared with United Colliery)**, with WALs including WAL 929 (20SL050661), WAL 1369 (20SL060416), WAL 15459 (20SL204246), WAL 1164, and WAL 902.
- **Hunter Unregulated and Alluvial Water Sources (Lower Wollombi Brook Water Source)**, with WALs including WAL 18437 (20SL033872), and WAL 23897 (20BL167737).
- **North Coast Fractured and Porous Rock Groundwater Sources (Sydney Basin – North Coast Groundwater Source)**, with WALs including: WALs, including WAL 42373, and WAL 41532 (20BL172156);
- **North Coast Fractured and Porous Rock Groundwater Sources (Sydney Basin – North Coast Groundwater Source)**, with groundwater licences including 20BL168997, 20BL168998, 20BL168999, 20BL169000, 20BL170638, 20BL172237, 20BL172238, 20BL172240, 20BL172242, 20BL172244, 20BL172255, 20BL172256, 20BL172257, 20BL172332, 20BL173290, 20BL173291, 20BL173292, 20BL173293, 20BL173946, and 20BL173999.

3.4 Adequacy of any strategies/plans, programs and compliance documents

3.4.1 Extraction Plans

While the LW 17 to 20 Extraction Plan and associated sub-plans were implemented during the audit period, the preparation of these plans in accordance with requirements of DA 305-7-2003 was considered in the 2020 IEA. Therefore, the relevant Extraction Plan considered in relation to adequacy and compliance with conditions of DA 305-7-2003 was the LW 21 to 24 Extraction Plan, with sub-plans including:

- WMP (Rev B, February 2019);
- LMP (Rev C, June 2019);
- BMP (Rev 16, May 2019);
- HMP (Rev 6, February 2019);
- BFMP (Rev B, February 2019);
- PSMP (Rev B, February 2019);
- CRRP (Rev B, February 2019);
- SMP (Rev B, February 2019); and
- MOP 2018 – 2020 (Amendment A, March 2019).

The LW 21 to 24 Extraction Plan and associated sub-plans were prepared in accordance with the consent conditions, with no findings from the audit necessitating revision to this plan as it relates to Condition B7 of DA 305-7-2003.

3.4.2 Environmental Management Strategy

The EMS has been written and implemented in accordance with Condition D1 and D2 of DA 305-7-2003 and Conditions D3 and D4 DA 177-8-2004.

There has been no change to the EMS since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the EMS.

3.4.3 Air Quality & Greenhouse Gas Management Plan

The AQGHGMP has been written and implemented in accordance with Conditions B46 and B48 of DA 305-7-2003.

There has been no change to the approved AQGHGMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the AQGHGMP.

In addition, a revised AQGHGMP (Rev 9, July 2023) is currently with DPE for consideration for approval, which was updated to reflect revised consent conditions of DA 305-7-2003 for Modification 19.

It is noted monitoring is undertaken at the correct locations and in accordance with conditions of DA 305-7-2003, DA 177-8-2004, and EPL 529.

3.4.4 Noise Management Plan

The NMP has been written and implemented in accordance with Conditions B17 and B19 of DA 305-7-2003.

There has been no change to the approved NMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the NMP.

It is noted a revised NMP (Rev 12, July 2023) is currently with DPE for consideration for approval, which was updated to reflect revised consent conditions of DA 305-7-2003 for Modification 19.

3.4.5 Water Management Plan

The WMP has been written and implemented in accordance with Conditions B66 and B68 of DA 305-7-2003.

There has been no change to the approved WMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) identified. However, **OFI02** has been identified in relation to references to superseded documents in the WMP.

The WMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004, and guiding specific areas of management to the respective sub-plans, discussed in Sections 3.4.5.1 to 3.4.5.5.

3.4.5.1 United Wambo and Wambo Site Water Balance

The United Wambo and Wambo Site Water Balance is shared with the UWJV and is deemed adequate in addressing the requirements of DA 305-7-2003. The water balance is revised annually with the results provided Annual Reviews.

3.4.5.2 Erosion and Sediment Control Plan

The ESCP (Version 4, November 2021) addresses the requirements of Condition B66 of DA 305-7-2003.

The ESCP details the necessary controls in-line with guideline documents. In addition, the water management structures on site are sized according to the methods of the guidelines. Site interviews indicate that a review on storage capacity has been recently undertaken, with **OFI03** identified to confirm the type of each water storage (i.e. sediment capture or mine water management).

The ESCP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004. However, **OFI03** has been identified to include further detail in the ESCP covering flood conditions from Wollombi Brook within the context of potential impacts to the Hales Crossing Sump located at the train loading facility adjacent to the watercourse.

3.4.5.3 Surface Water Management Plan

The approved SWMP (Version 2, November 2020) addresses the requirements of Condition B66 of DA 305-7-2003.

During site interviews, it was discussed that the thresholds for rainfall events generating flow needed to be refined. It does not seem practical for inspections to occur following a specific rainfall event such as 100 mm, as required by the SWMP. Therefore, **OFI04** has been identified to refine the thresholds for rainfall events generating stream flow.

Finally, review of Table 2 of the SWMP indicates the performance criteria specifically associated with the 'Aquatic, riparian and groundwater dependent ecosystem' required by Condition B62 of DA 305-7-2003 has not been included. Therefore, **OFI05** has been identified to include performance criteria associated with aquatic, riparian and groundwater dependent ecosystems in the SWMP.

The SWMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004, and also includes an appendix describing the management of the NWCD in adequate detail.

3.4.5.4 Groundwater Management Plan

The approved GWMP (Version 4, December 2021) addresses the requirements of Condition B66 of DA 305-7-2003. It was identified that section references and the current last review/revision to the Mine's hydrogeology model could be better clarified. However, the GWMP has recently been revised (but not yet approved) following completion of the of the LW 24 to 26 Extraction Plan, with review of the revised GWMP indicating the updates have addressed these areas of clarification.

It is noted that groundwater monitoring data is reported annually, however the GWMP also commits to including updates 'bi-monthly on the website'. Conduct of the audit indicates groundwater data is not available on the website outside of the Annual Review. As there is no requirement to share groundwater data other than in annual reporting, **OFI06** has been identified to remove the commitment to include bi-monthly updates of groundwater monitoring data on the WCPL website from the GWMP.

The GWMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004.

3.4.5.5 United Wambo and Wambo Water Monitoring Plan

The United Wambo and Wambo Water Monitoring Plan (Version 4, December 2021) is shared with the UWJV and summarises the surface and groundwater monitoring for the two operations.

While the respective management plans under each consent are the critical documents for compliance, the objective of this joint monitoring program is to provide clarity to the interactions between to the two operations.

It was noted in the site interviews that, at times, there may be a delay in the revision of this document to ensure ongoing consistency with the respective site-specific management plans. As an example, the revised GWMP discussed in Section 3.4.5.4 proposed new groundwater bores that have not been documented within the United Wambo and Wambo Water Monitoring Plan (Version 4, December 2021).

3.4.6 Biodiversity Management Plan

The BMP has been written and implemented in accordance with Conditions B74 and B76 of DA 305-7-2003 and has been updated during the audit period, with the current revision being Version 4, dated December 2021. DPE approval of the revised BMP was provided 24 February 2022, while BCD letter of satisfaction for revised BMP during the audit period was sighted and dated 28 October 2021.

There were no major findings from the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the BMP.

3.4.7 Heritage Management Plan

The HMP, including *Appendix F: Aboriginal Heritage Management Plan for Remnant Woodland Enhancement Program Area A*, has been written and implemented in accordance with Conditions B87 and B88 of DA 305-7-2003.

There has been no change to the approved HMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the HMP.

The HMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004.

3.4.8 Wambo Homestead Complex Conservation Management Plan

The Wambo Homestead Complex CMP has been written and implemented in accordance with Condition B89 of DA 305-7-2003.

There has been no change to the approved Wambo Homestead Complex CMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the Wambo Homestead Complex CMP.

The Wambo Homestead Complex CMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004.

3.4.9 Traffic Management Plan

The TMP has been written and implemented in accordance with Conditions B112 and B114 of DA 305-7-2003.

There has been no change to the approved TMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) necessitating revision to the TMP.

The TMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004.

3.4.10 Rehabilitation Management Plan

The Phase 2 – RMP in place during the audit period (i.e. Rev 2, 7 October 2022) was prepared in consideration of Phase 2 operations at the Mine. The RMP has been written and implemented in accordance with Condition B108 of DA 305-7-2003 and the NSW Resources Regulator's *Form and Way: Rehabilitation Management Plan for Large Mines*. Review of documentation confirmed WCPL consulted with:

- the NSW Resources Regulator and DPE – Crown Lands during the preparation of the Rehabilitation Objectives and Rehabilitation Completion Criteria for the RMP; and
- the NSW Resources Regulator, DPE, DPE – Water, BCD and Singleton Council in 2020 during preparation of the previous iteration of the RMP (Rev 1, November 2020).

Correspondence from DPE, dated 20 June 2022, noted consultation with stakeholders listed in Condition B107(b) was not required for revision of the Phase 2 – RMP (i.e. Rev 2, 7 October 2022). The Phase 2 – RMP (Rev 3, November 2023) was most recently updated to reflect approval of the Rehabilitation Objectives, final landform, and rehabilitation plan. However, this revision is noted to have been approved on 12 November 2023 (i.e. outside the audit period).

It is noted that Condition B107(i) is part of the UWJV open cut operations RMP. The site inspection confirmed the tailings facility is in the process of being prepared for rehabilitation by WCPL, after which rehabilitation would be completed by the UWJV open cut operation.

The RMP is considered adequate in addressing the rehabilitation requirements of DA 305-7-2003, DA 177-8-2004, and the NSW Resources Regulator's *Form and Way: Rehabilitation Management Plan for Large Mines*.

3.5 Complaints and reportable incidents

3.5.1 Complaints

Review of complaints data for the audit period and conduct of interviews indicate no complaints have been received during the audit period.

3.5.2 Reportable incidents

Incidents that occurred during the audit period all related to separate inundation events of the Hales Crossing Sump, with incidents occurring as follows:

- 22 March 2021;
- 8 March 2022; and
- 5 July 2022.

Review of relevant documentation indicates notifications were provided on the same day of each event, with follow-up letter reports provided within seven days, in accordance with the requirements of DA 305-7-2003 and DA 177-8-2004.

Further discussion on these incidents is provided in Section 4.4.2.

4. 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 criteria in DA 305-7-2003 (Appendix D), DA 177-8-2004 (Appendix E) and EPL 529 (Appendix F) and site inspection observations provided in Appendix H.

4.1 General environmental management

The following general observations are made based on evidence from the site interviews supported by onsite inspection:

- the auditors observed the use of dust suppression, with a water truck observed to be in use during the site inspection;
- equipment lay down areas are tidy and free of contamination; and
- oil recycling areas and wash down area were in good condition and tidy.

Other observations during conduct of the audit, including the site inspection and interviews, is provided in Sections 4.2 to 4.12.

4.2 Rehabilitation

Review of relevant documentation and conduct of the site interviews indicates that WCPL is responsible for rehabilitating the remaining surface area and activities related to the Mine's approved activities. However, due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to be reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine).

The RMP (Rev 2, 7 October 2022) notes that rehabilitation activities at the Mine have occurred where possible and have generally been limited to subsidence remediation. Review of the Forward Program indicates proposed rehabilitation works proposed includes:

- continuation of subsidence remediation works, consisting of a combination of targeted subsidence campaigns and reactive subsidence remediation to sites ranging from small potholes to cracks several metres in length. This remediation is discussed in Section 4.3.4;
- continuation of NWCD remediation works, as guided by the NWCD Rehabilitation and Maintenance Plan; and
- continuation of historical exploration works rehabilitation program.

In addition, review of documentation indicates that during the audit period:

- no buildings were renovated or removed;
- rehabilitation trials were undertaken, including:
 - subsidence repair trials; and
 - remediation of approximately 1 km of the NWCD, as guided by the NWCD Rehabilitation and Maintenance Plan, including the application of gypsum to improve soil sodicity and structure beneath newly constructed rock chutes. During the site inspection, active remediation/rehabilitation of the NWCD was observed, with WCPL engaging the Soil Conservation Service to complete these works. Photos of these works taken during the site inspection are provided in Appendix H.
- over 20 boreholes from previous exploration programs have been rehabilitated during the audit period, however WCPL's final sign-off on this rehabilitation has yet to be completed; and
- the RMP was updated during the audit period (i.e. Rev 2, 7 October 2022). In addition, an amendment to the RMP was noted to have been approved on 12 November 2023 (i.e. outside the audit period) in relation to reflecting approval of Rehabilitation Objectives, the final landform, and rehabilitation plan.

4.3 Subsidence

4.3.1 Reporting requirements

The following reporting requirements for subsidence as they relate to extraction plans include:

- Incident Reports – to be prepared as required and submitted (by email) to DPE, NSW Resources Regulator, Subsidence Advisory NSW, and other regulators as specified in management plans;
- Subsidence Management Status Reports – to be updated fortnightly and submitted (by email) if new impacts are identified (or upon request) to DPE and the NSW Resources Regulator;
- Six Month Reports – to be prepared annually for the period 1 January to 30 June and submitted (by email) to DPE and the NSW Resources Regulator; and
- Annual Review – to be updated annually for the period 1 January to 31 December and submitted (by email and/or post) to DPE, the NSW Resources Regulator, Subsidence Advisory NSW, BCD, EPA, DPE – Water, Singleton Council, and CCC members.

Review of relevant documentation, as well as conduct of the site inspection and interviews, indicates compliance with reporting requirements (where relevant).

4.3.2 Subsidence impact performance measures

With consideration to subsidence impact performance measures in Tables 1 and 2 of DA 305-7-2003, the following is noted in relation to LW mining for the Mine during the audit period:

- no LW panels encroached upon the:
 - Wollombi Brook;
 - Warkworth Sands Woodland Community; and/or
 - White Box, Yellow Box, Blakely's Red Gum Woodland/Grassy White Box Woodland Community.
- WCPL did not undermine the NWCD or the Wambo Homestead Complex;
- no impacts were observed to the Wambo Homestead Complex;
- LWs were offset from the base of the Wollemi National Park escarpment, with no impacts to the escarpment observed during the audit period; and
- no impacts to non-Mine built features or threats to public safety.

4.3.3 Subsidence monitoring

Review of relevant documentation indicates subsidence monitoring results during the audit period showed the actual maximum subsidence recorded was similar but less than the predicted values. This was confirmed by:

- *South Bates Extension Underground Mine Subsidence Review Report for the South Bates Extension Underground Mine WYLW19 and WYLW20* prepared by MSEC in 2021; and
- *South Bates Extension Underground Mine Subsidence Review Report for the South Bates Extension Underground Mine WYLW21 and WYLW22* prepared by MSEC in 2022.

4.3.4 Subsidence remediation

Remediation activities undertaken during the audit period included:

- forty-eight subsidence sites rehabilitated in 2021 focusing on areas in the vicinity of LWs 17 to 20, with the Mine's rehabilitation ranging from small potholes to cracks several metres in length. Remediation of typical surface cracks (generally in the order of 25-50 millimetres, but up to approximately 150 millimetres) was undertaken using conventional earthmoving equipment including:
 - infilling of surface cracks with soil or other suitable materials; and
 - locally re-grading and re-compacting the surface.
- areas of surface cracking have been stabilised using erosion protection measures (e.g. vegetation seeding), while drainage works are conducted as necessary;
- remediation included 16 sites in and adjacent to the NWCD consisting of a combination of targeted subsidence campaigns and reactive subsidence remediation;
- bi-annual detailed subsidence monitoring continued to monitor subsidence, vegetation coverage and weeds;
- continued Phase 4 works continued across the Kharlibe property, which had a Subsidence Remediation Plan developed in 2018, with ongoing monitoring and care and maintenance works conducted across rehabilitated sites. This included further remediation works, with both newly treated areas and maintenance works on previously remediated sites occurring; and
- visual inspection of Wollemi Escarpment via drone, with no cliff instabilities identified along the escarpment from these surveys.

It is noted, due to consistent wet ground conditions throughout 2022, a targeted subsidence campaign did not occur due to inability for machinery to access subsidence areas.

During the site inspection, active remediation/rehabilitation of the NWCD was observed, with WCPL engaging the Soil Conservation Service to complete these works. Photos of these works taken during the site inspection are provided in Appendix H.

4.4 Water management

Based on the site inspection and interviews, relevant personnel were generally aware of the requirements of the WMP relevant to their roles. The infrastructure appeared to be constructed, maintained and operated generally in accordance with the WMP (Version 2, November 2020) and associated sub plans. In addition to the WMP, the Mine also functions under internal operational plans and procedures that compliment this requirements of the WMP.

4.4.1 Erosion and sediment control

From the areas observed during the site inspections, erosion and sediment control measures (where required) had been used and maintained. While areas of the Mine do suffer from rill erosion (i.e. due to dispersible soils), these are managed through the internal water management system. There were no observations made during the site inspection that would indicate these issues had the potential to migrate offsite.

4.4.2 Incidents

In relation to flooding events in Wollombi Brook engulfing the Hales Crossing Sump, located at the train loading facility adjacent to the watercourse, it is noted the Mine has developed operational procedures for flood conditions.

It was noted during conduct of the audit that desilting of the Hales Crossing Sump was undertaken within a month prior to any incident occurring (e.g. a minimum of 36 days for the July 2022 flooding event). There is no evidence to indicate the water level reached in the Hales Crossing Sump at the time of inundation, however it is assumed the capacity of the sump was reached (approximately 0.3 megalitres).

Due to typical TSS levels and other contaminants present in flood waters, it is considered there is unlikely to be material harm or potential for material harm associated with inundation and subsequent overflow from the Hales Crossing Sump lost to the flooded environment (i.e. per the definition in Section 147 of the POEO Act).

The site personnel have indicated a review of the area has been undertaken. However, it has been determined that it is not possible to eliminate the requirement for the Hales Crossing Sump, to capture sediment from the conveyor system.

4.4.3 Water supply

The Mine has adequate systems and procedures to ensure water supply was available during the audit period and into the future. Documentation indicates that the Mine is using more water than predicted in the Environmental Impact Statement (2003), with a forecast annual average extraction volume of 106 ML for the Hunter River and the Wollombi Brook. Extraction during the audit period was noted as follows:

- 2020 Annual Review: 992 ML from the Hunter River and 336 ML from the Wollombi Brook;
- 2021 Annual Review: 313 ML from the Hunter River and 24 ML from the Wollombi Brook; and
- 2022 Annual Review: 295 ML from the Hunter River and 0 ML from the Wollombi Brook.

Interviews with relevant personnel indicated review of the operational water balance is undertaken as part of Annual Reviews through external consultants, including review of the water inventory.

WCPL indicates raw water (i.e. best quality water) is used for administration and underground equipment only, whereas mine water is beneficially reused.

4.4.4 Water licensing and approvals

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 WCPL. Licensed take is noted to be reported in Annual Reviews for the Mine.

4.5 Biodiversity

4.5.1 Conservation Agreements / Biodiversity Offset Areas

WCPL has established two Conservation Agreements, including one for Remnant Woodland Enhancement Areas (RWEAs) A-D and one for the Coal Terminal Remnant Woodland Enhancement Program (RWEA E). Both Conservation Agreements were established in April 2017. The Conservation Agreement for RWEAs A-D was updated in 2020 to include an additional area (i.e. RWEA E).

Review of relevant monitoring data indicates Eco Logical Australia undertakes an annual biodiversity monitoring program covering the RWEAs and the Coal Terminal RWEA, with management actions including:

- weed management, including:
 - RWEA A – 13.5 days of weed control work was completed, focusing on prickly pears (*Opuntia spp.*), natal grass (*Melinis repens*), mother-of-millions (*Bryophyllum delagoense*), and African lovegrass (*Eragrostis curvula*);
 - RWEA B, C and E – Three days of weed control work was completed on a large patch of mixed weeds located at the intersection between RWEA B, C and E, with focus on weeds included fireweed (*Senecio madagascariensis*), galenia (*Galenia pubescens*), golden wreath wattle (*Acacia saligna*) and various thistle species; and
 - Coal Terminal RWEA – Six days of weed control work was completed, focusing on African boxthorn (*Lycium ferocissimum*), prickly pears (*Opuntia spp.*), Natal Grass (*Melinis repens*), and common lantana (*Lantana camara*).

- pest management across autumn and winter, and spring; and
- fencing in RWEA A-E, including repairs and removal of flood debris along Wollombi Brook as a result of flooding in 2022.

The *Conservation Agreement Annual Monitoring Report 2022* concluded that while results varied slightly from previous years, the majority of remnant woodland areas remain in good condition, with no major issues were identified that require urgent management intervention. The report identified that exotic species cover remains relatively high in riparian and floodplain areas of RWEA A, and areas of sandy soils within the Coal Terminal RWEA.

Site Audit Reports were completed by the Biodiversity Conservation Trust (BCT) for the Conservation Agreements, and in relation to the Conservation Agreement for RWEA A-E concluded it is '*...being well managed and is currently in good condition. The land managers have been putting in considerable effort in monitoring the CA and implementing a weed control and feral animal control plan. High threat weeds are being effectively managed and revegetation efforts are being pursued in cleared areas (although, currently with poor results from direct seeding).*'

The Site Audit Reports completed by the BCT included several recommendations. Therefore, **OF107** has been identified in relation to these recommendations.

4.5.2 Response to items raised by BCD

4.5.2.1 Nest boxes

Review of relevant documentation indicates the nest boxes were installed in response to recommendations made in the 2015 IEA. It is understood that no specific species were targeted, but nest boxes were installed with the aim of increasing habitat for a range of fauna species.

Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 1 details the various nest box types and the suitability of these nest boxes which were installed for a range of species including microbats, small arboreal mammals, small birds, larger birds and large arboreal mammals.

Eco Logical Australia Pty Ltd provided a response for this audit and indicated:

The lack of fauna species observed (other than Common Brushtail Possum) is likely due to the relatively low number of naturally occurring hollows in the surrounding vegetation.

The nest boxes were sourced from Hollow Log Homes which is regarded as an industry leader in terms of nest box design and manufacturing quality.

4.5.2.2 Die-off of Coast Banksia (*Banksia integrifolia*)

Review of the *Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 1* indicates it was assumed this die-back was related to pre-2019 drought conditions, and regeneration was expected to occur following the higher rainfall in 2020-2022.

It is noted the *2023 Annual Flora and Fauna Monitoring Report* will include further details on the presence/absence of Coast Banksia (*Banksia integrifolia*) within floristic monitoring plots surveyed in Spring 2023. However, this report was not available at the time of the audit. Therefore, **OF107** has been identified to provide an update in the 2023 Annual Review on the progress of actions identified in the Site Audit Reports completed by BCT.

Eco Logical Australia Pty Ltd provided the following response for inclusion in this audit report:

*Banksia integrifolia is thought to be relatively high in resistance to *Phytophthora cinnamomi* die-back (McCredie et al. 1985), and this species is not listed as a species that is susceptible to infection by *P. cinnamomi* in 'Infection of native plants by *P. cinnamomi* - key threatening process listing NSW Scientific Committee - final determination' (OEH 2002).*

*Warkworth Sands Woodland is not listed as a threatened ecological community that is vulnerable to *P. cinnamomi* infestation (OEH 2002), however OEH (2002) also states that in some circumstances, *P. cinnamomi* may contribute*

to plant death where there are other stresses present (e.g. waterlogging, drought, and perhaps wildfire), and the Warkworth Sands Woodlands has been subjected to drought and flooding conditions in recent years.

4.6 Air quality

From the site inspection and interviews, relevant personnel were generally aware of the requirements of the AQGHGMP (Version 8, November 2020) relevant to their role and the monitoring and management requirements are being undertaken in accordance with the plan. The audit found:

- WCPL operate a network of four tapered element oscillating microbalance continuous PM₁₀ samplers and two weather stations which helps them undertake predictive meteorological forecasting and proactive management of dust onsite;
- general dust mitigation was observed on the day of the site inspection included the use of water trucks on trafficked areas;
- no complaints were received during the audit period;
- 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; and
- compliance with relevant air quality assessment criteria in DA 305-7-2003, DA 177-8-2004, and EPL 529.

It is noted ANCs have been identified in relation to occasions PM₁₀ concentration data was not recorded continuously at various monitoring locations. These ANCs are discussed further in Section 3.3, Appendix D and Appendix F.

4.7 Noise management

During the site inspection, WCPL representatives were forthcoming in producing any evidence requested, and showed that WCPL have exhibited best practice noise management in accordance with their NMP (Version 11, November 2020) during the audit period. The audit found:

- no complaints were received during the audit period, which is a significant reduction from the 2020 IEA;
- operators displayed proactive noise management, including:
 - constantly monitoring meteorological conditions and noise levels;
 - understood their roles and the noise management system well and were able to explain what is done when there are elevated noise levels or when a noise alarm is triggered; and
 - record all equipment usage throughout the day and also when equipment is switched off due to a noise alarm or a noise complaint.
- WCPL operates a comprehensive Noise Management System 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; and
- compliance with relevant noise assessment criteria in DA 305-7-2003, DA 177-8-2004, and EPL 529.

4.8 Aboriginal and historic heritage

From the site inspection and interviews, relevant personnel were generally aware of the requirements of the HMP (Version 5, July 2018) and Wambo Homestead Complex CMP (Version 6, May 2019) relevant to their role and the monitoring and management requirements are being undertaken in accordance with the HMP and Wambo Homestead Complex CMP.

In addition to Aboriginal heritage in accordance with the relevant conditions of DA 305-7-2003, WCPL complies with the conditions of relevant AHIPs, including:

- AHIP #2222;
- AHIP #C0001474;
- AHIP #C0002000 and

- AHIP #C0003213.

These AHIPs allow for the disturbance and/or salvage of all known and unknown Aboriginal objects within the extent of the relevant AHIP boundaries, with any Aboriginal objects salvaged under these permits managed in accordance with a Care Agreement. However, it is noted that no salvage has occurred during the audit period.

Review of the Wambo Generic Induction indicates Aboriginal cultural heritage and historic heritage are covered, with reference to requirements including:

- offences under the *National Parks and Wildlife Act 1974* (NSW), including the definition of harm;
- the relevant requirements for Surface Disturbance Permits;
- when supervisors and/or the Environment & Community Department should be contacted;
- discussion of the Wambo Homestead Complex, including:
 - it being subject to a Permanent Conservation Order since 1982;
 - it being listed as of State significance under the *Heritage Act 1977* (NSW);
 - access not being permitted unless authorised by the Environment & Community Department; and
 - any works to the buildings or within the boundary of the listed area require the approval of the Heritage Council of NSW (unless exempted under the *Heritage Act 1977* [NSW]).

4.9 Management of visual and lighting impacts

During the audit period, Phase 1 (i.e. Open Cut) operations occurred between 20 to 30 November 2020, which would have been the main contributor to impacts on visual amenity (e.g. as a result of lighting).

Review of relevant documentation and conduct of site interviews indicates management of visual and lighting impacts has been undertaken satisfactorily, with no complaints received during the audit period and all mobile lighting plants strategically positioned to avoid light being directed towards WCPL's neighbours and other identified potential sensitive receptors.

4.10 Bushfire management

Review of relevant documentation and conduct of interviews indicates WCPL undertakes proactive grass slashing and maintenance around all site infrastructure and boundary fences where practical, with hazard reduction and maintenance of fire trails also undertaken as required.

No fire related incidents were recorded through the audit period and there were no non-compliances identified relating to bushfire management.

4.11 Waste management

Review of relevant documentation and conduct of interviews indicates WCPL undertakes appropriate waste management at the Mine. Effective waste minimisation during the audit period was observed, with the amount of waste generated during 2022 and 2021 significantly lower than 2018 to 2020.

Waste management at WCPL is undertaken by a licensed waste management company under the basic principles of the Total Waste Management System, with sample monthly Total Waste Management System reports for the audit period sighted. In addition, EPA Online Waste Tracking System Transport Certificates for audit period were also sighted.

4.12 Traffic management

Review of relevant documentation and conduct of interviews indicates WCPL undertakes appropriate management of potential impacts of the Mine on traffic, with review of documentation indicating no complaints have been received during the audit period.

5. Corrective actions and opportunities for improvement

5.1 Corrective actions

Table 5.1 summarises the CAs made based on the findings of the audit and observations during the site inspection.

Table 5.1 Corrective actions identified during the audit

Consent / licence / lease	Condition	CA ID	CA requirement
DA 305-7-2003	D9	01	Develop a formal process for reporting non-compliances within seven days of becoming aware, where non-compliance occurs due to consecutive/multiple triggers under TARPs (e.g. multiple exceedances which result in a non-compliance) resulting in exceedance of performance criteria in relevant conditions of consent. <i>Note: should the 2026 IEA determine compliance with the requirements of Condition D9 of DA 305-7-2003, CA01 can be considered closed.</i>
DA 177-8-2004	B6	02	Consult with the EPA to understand their expectations in relation to flooding events of the Hales Crossing Sump and whether this location should be made a licensed discharge point via an EPL variation.
EPL 529	L1.1		

5.2 Opportunities for improvement

Table 5.2 summarises the OFIs made based on the findings of the audit and observations during the site inspection.

Table 5.2 Opportunities for improvement identified during the audit

Consent / licence / lease	Condition	OFI ID	OFI requirement
DA 305-7-2003	B54	01	Consult with the DPE appointed surface water expert to determine if additional analytes should be tested in upstream monitoring sites (e.g. SW3, SW5, and SW40) to support ambient water quality monitoring at the discharge point on Wollombi Brook (e.g. SW15) and understand whether other water quality parameters are present in discharge water. The outcomes of this consultation should be provided to DPE.
DA 177-8-2004	B6		
EPL 529	L1.1		
DA 305-7-2003	B66	02	Review the WMP document to confirm currency of some documents referenced (e.g. strategy), as some documents have been superseded.
		03	Provide additional detail in the ESCP: <ul style="list-style-type: none"> – to confirm the type of each water storage (i.e. sediment capture or mine water management); and – covering flood conditions from Wollombi Brook within the context of potential impacts to the Hales Crossing Sump located at the train loading facility adjacent to the watercourse.
		04	Review and revise elements of the surface water management system, as it relates to the monitoring of flow rates over mined areas, and incorporate into a calibrated hydrology model approach that is reviewed on a six monthly to annual basis for those watercourses where there is a risk of flow diversion/flow loss due to mining.
		05	Update Table 2 of the SWMP to include performance criteria associated with aquatic, riparian and groundwater dependent ecosystems.
		06	Remove the commitment to include bi-monthly updates of groundwater monitoring data on the WCPL website from the GWMP.

Consent / licence / lease	Condition	OFI ID	OFI requirement
N/A	N/A	07	Provide an update in the 2023 Annual Review on the progress of actions identified in the <i>Offset Conservation Site Audit Report for CA461 – Wambo Remnant Woodland Enhancement Areas CA</i> and <i>Offset Conservation Site Audit Report for CA464 – Wambo Coal Terminal RWEPP</i> completed by BCT.

Appendix A

DPE endorsement of the audit team

Our ref: DA305-7-2003-i-PA-74

Peter Jaeger
Manager - Environment & Community
WAMBO COAL PTY LIMITED
18/09/2023

Sent via the Major Projects Portal only

Subject: Wambo Mine - Proposed Audit Team - IEA 2023

Dear Mr Jaeger

I refer to your post approval matter, DA305-7-2003-i-PA-74, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Environmental Audit (IEA) of the Wambo Mine, submitted as required by Schedule 2, Condition D11 of DA305-7-2003-I, as modified and Schedule 2, Condition D11 of DA 177-8-2004 (the consents) to NSW Department of Planning and Environment (NSW Planning) on 7 August 2023.

In accordance with Schedule 2, Condition D11 of the consents and the NSW Planning, *Independent Audit Post Approval Requirements (2020)*, as nominee of the Planning Secretary, I endorse the following independent audit team:

- Mr Elliot Holland – Lead Auditor
- Ms Jane Barnett/Mr Damon Roddis – Air Quality
- Mr Dale Redwood/Mr Rod Linnett – Noise Management
- Ms Susan Shield/Dr Adam Wyatt – Water Quality
- Mr Mark Vile - Rehabilitation

Please ensure this correspondence is appended to the IEA Report.

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

NSW Planning reserves the right to request an alternate auditor or audit team for future audits.

The IEA period shall be from 19 November 2020 to the IEA audit inspection date, which shall coincide with the end of the audit period, and be completed on or around 19 November 2023, unless otherwise agreed by the Secretary.

The IEA report, together with responses to any recommendations (RAR) contained in the IEA report, should be submitted to the NSW Government's Major Project Website within 12 weeks of commencing the audit.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "J Sage".

Jennifer Sage
A/Team Leader Northern
Compliance

As nominee of the Planning Secretary

Our ref: DA305-7-2003-i-PA-78

Peter Jaeger

Manager - Environment & Community

WAMBO COAL PTY LIMITED

10/10/2023

Sent via the Major Projects Portal only

Subject: Wambo Mine - Proposed IEA team - water specialist 2023 IEA

Dear Mr Jaeger

Reference is made to your post approval matter, DA305-7-2003-i-PA-78, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Environmental Audit (IEA) of the Wambo Mine, submitted as required by Schedule 2, Condition D11 of DA305-7-2003-i, as modified, and Schedule 2, Condition D11 of DA177-8-2004, as modified (the consents) to NSW Department of Planning and Environment (NSW Planning) on 27 September 2023.

NSW Planning had previously endorsed an IEA team, as noted in a letter dated 18 September 2023. Wambo Coal Pty Limited now requests the water specialist be substituted, to maintain independence of the audit team.

As such, in accordance with Schedule 2, Condition D11 of the consents and the NSW Planning, *Independent Audit Post Approval Requirements (2020)*, as nominee of the Planning Secretary, I endorse the following additional independent audit team member:

- Mr Lachlan Hammersley – Water specialist

Please ensure this correspondence is appended to the IEA Report.

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

Yours sincerely



Heidi Watters
Team Leader Northern
Compliance

As nominee of the Planning Secretary

Appendix B

Independent Audit Declaration Forms

Declaration of Independence Form

Project Name	Wambo Coal Mine
Consent Number	DA 305-7-2003
Description of Project	Wambo Coal Mine and infrastructure, including CHPP
Project Address	Watt Street, Warkworth, NSW, 2330
Proponent	Wambo Coal Pty Limited
Date	20 November 2023

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

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

Name of Proposed Auditor

Elliot Holland

Signature

Elliot Holland

Qualification

BEnvSc&Mgt

Company

Onward Consulting Pty Ltd

Declaration of Independence Form

Project Name	Wambo Coal Mine
Consent Number	DA 177-8-2004
Description of Project	Wambo Coal Mine Rail and Coal Loading
Project Address	Watt Street, Warkworth, NSW, 2330
Proponent	Wambo Coal Pty Limited
Date	20 November 2023

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

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

Name of Proposed Auditor

Elliot Holland

Signature

Elliot Holland

Qualification

BEnvSc&Mgt

Company

Onward Consulting Pty Ltd

Declaration of Independence Form

Project Name	Wambo Coal Mine
Consent Number	DA 305-7-2003
Description of Project	Wambo Coal Mine and infrastructure, including CHPP
Project Address	Watt Street, Warkworth, NSW, 2330
Proponent	Wambo Coal Pty Limited
Date	20 November 2023

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

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

Name of Proposed Auditor

Lachlan Hammersley

Signature

L. Hammersley

Qualification

BEng(Env)

Company

Klohn Crippen Berger (Australia) Pty Ltd

Declaration of Independence Form

Project Name	Wambo Coal Mine
Consent Number	DA 177-8-2004
Description of Project	Wambo Coal Mine Rail and Coal Loading
Project Address	Watt Street, Warkworth, NSW, 2330
Proponent	Wambo Coal Pty Limited
Date	20 November 2023

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

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

Name of Proposed Auditor

Lachlan Hammersley

Signature

L. Hammersley

Qualification

BEng(Env)

Company

Klohn Crippen Berger (Australia) Pty Ltd

Appendix C

Agency consultation



Your ref: DA 305-7-2003
Our ref: DOC23/865219-1

Elliot Holland
Senior Environmental Project Manager – Exemplar Global Lead Auditor - EMS
Onward Consulting
Suite 2, Level 1, 28 Donald Street
HAMILTON NSW 2303

By email: elliott.holland@onward.net.au

Dear Mr Holland

Wambo Coal Mine – Input to Independent Environmental Audit

I refer to your e-mail dated 28 September 2023 in which Biodiversity and Conservation Division (BCD) was invited to provide input into the forthcoming Independent Environmental Audit of the Wambo Coal Mine.

BCD has reviewed the biodiversity offset and rehabilitation requirements for components of the Wambo Coal Mine that are covered by DA 305-7-2003 and recommends that the audit includes the following components:

Compliance with requirements

- Whether Condition B2 ‘Subsidence: Performance Measures – Natural and Heritage Features etc.’ was triggered for more than negligible impacts to biodiversity and whether Condition B3 ‘Additional Offsets’ was triggered, either for remedial actions or the provision of any additional offsets.
- Whether Condition B73 was triggered, to provide a contribution to the Strategic Study.

Progress to meeting requirements

- Whether Condition B106 ‘Progressive Rehabilitation’ is being met.

Other issues

- The Annual Review for 2021 refers to nest boxes that required replacing due to damage. Would the audit be able to comment on the suitability of nest boxes in the Remnant Woodland Enhancement Areas in relation to their construction and suitability for a range of native species (other than brush-tailed possums).
- Is die-off of Coast Banksia (*Banksia integrifolia*) continuing within Warkworth Sands Woodland in the Sydney basin Bioregion Endangered Ecological Community within Remnant Woodland Enhancement Area A? If so, is Wambo Coal Pty Limited undertaking an investigation to find out what may be behind it? For example, is a species of *Phytophthora* causing the die-back?

Please note comments from BCDs Water, Flooding and Coast Team will follow separately.

If you have any further questions about this issue, please contact Giorginna Xu, Senior Regional Biodiversity Conservation Officer at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Crick', with a stylized flourish at the end.

Steven Crick
Acting Director Hunter Central Coast Branch
Biodiversity and Conservation Division
Environment and Heritage Group

31 October 2023

Elliot Holland

From: Lisa Andrews <lisaandrews.ic@gmail.com>
Sent: Saturday, October 28, 2023 11:49 AM
To: Elliot Holland
Cc: Dobbins, Nicole
Subject: Re: WCPL-001: Wambo Coal Mine 2023 Independent Environmental Audit Stakeholder Consultation - CCC

Hi Elliot, sorry for the delay in reply. I wish to advise that the Wambo CCC has not provided any comments on the proposed Independent Environmental Audit.

I confirm that the Wambo CCC meets on a quarterly basis, in accordance with its condition of consent and the Department of Plannings Community Consultative Committee guidelines. Members receive a comprehensive presentation on the project's environmental monitoring and statutory compliance requirements. Any enquiries are dealt with in a prompt and satisfactory manner by the proponent.

Best regards
Lisa

Lisa Andrews
Independent Chairperson &
Director
Articulate Solutions Pty Ltd
t: 0401 609 693
e: lisaandrews.ic@gmail.com

The information contained in this email and attachments is confidential and may be subject to privilege and is intended for the exclusive use of the addressees. You may not disclose or use the information in the email and attachments without the prior consent of the sender. If you have received this email in error, please notify the sender and delete this email. The unauthorised use of this email may result in liability for breach of confidentiality, privilege or copyright. No warranties are provided that the email is computer virus or other defect free.

On Thu, Sep 28, 2023 at 6:18 AM Elliot Holland <elliott.holland@onward.net.au> wrote:

Hi Lisa,

Wambo Coal Pty Limited (WCPL) has engaged Onward Consulting to undertake an independent environmental audit (IEA) of their Wambo Coal Mine. This audit would be prepared in accordance with the Independent Audit Guideline Post Approval Requirements (DPIE, 2020), and Conditions D11 and D12 of the Development Consent (DA 305-7-2003).

The focus of the IEA will be:

- compliance with the conditions of:
 - DA 305-7-2003 (as modified);
 - DA 177-8-2004, for the rail and coal loading infrastructure adjacent to the Wambo Coal Mine;

- EPL 529; and
- Mining Lease (ML) 1572, ML 1806 and other relevant leases;
- evidence of implementation and effectiveness of the site's environmental management plans as part of the conditions of DA 305-7-2003 and DA 177-8-2004;
- compliance with Schedule 8A of Mining Regulation 2016;
- assessment of environmental risks at the site during a site visit; and
- recommending 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 yourself regarding WCPL's operations at Wambo Coal Mine (as they relate to DA 305-7-2003 and DA 177-8-2004) so that we may adequately address any concerns during the audit. I also invite you to comment on WCPL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments regarding 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 approval/licence.

The site visit for the audit is currently scheduled to be conducted Monday, 30 October 2023. It would be appreciated if you could submit your written comments by close of business Tuesday, 24 October 2023.

All correspondence in relation to the IEA should be directed to Elliot Holland (Senior Environmental Project Manager / Exemplar Global Lead Auditor – EMS) on 0427 863 567 or elliott.holland@onward.net.au.

Regards,

Elliot Holland

Senior Environmental Project Manager / Exemplar Global Lead Auditor – EMS



+61427863567

elliott.holland@onward.net.au

Suite 2, Level 1, 28 Donald Street, Hamilton NSW
2303

www.onward.net.au

Please note my work days are Monday-Thursday. For anything urgent, please contact Mike Gale at mike.gale@onward.net.au. Otherwise, I will respond to your email as soon as possible when I am back in the office.

Where you have received this email outside 8.30am to 5.00pm Monday to Friday, I am sending you this message now because it is a good time for me. Please know, I do not expect you to read, respond or action anything in this message outside your regular hours.

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete it; you should not copy it or use it for any purpose or disclose its contents to any other person.

AREQ0045909

Mr Elliot Holland
Onward Consulting
Suite 2, Level 1
28 Donald Street
Hamilton NSW 2303

By email: elliott.holland@onward.net.au

Dear Mr Holland,

Subject: Wambo Mine – Independent Environmental Audit

Thank you for your email dated 28 September 2023 requesting consultation on the independent environmental audit to be undertaken of the Wambo Mine which is covered by the following mining leases.

- CCL743 (1973)
- CL365 (1973)
- CL374 (1973)
- CL397 (1973)
- ML1402(1992)
- ML1572 (1992)
- ML1594 (1992)
- ML1806 (1992)
- ML1824 (1992)

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

From 2 July 2022, the independent environmental audit should provide an assessment of compliance with the requirements of Schedule 8A Standard conditions of mining leases, Part 2 Standard conditions, as set out in the Mining Regulation 2016. It is noted that the 9 mining leases that comprise the Wambo Mine have been approved by the Regulator to be treated as a single lease for the purposes of Part 2 of Schedule 8A.

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

Yours sincerely

Jenny Ehmsen
Principal Compliance Auditor
3 October 2023

Elliot Holland

From: Corey O'Driscoll <Corey.ODriscoll@environment.nsw.gov.au>
Sent: Wednesday, October 11, 2023 3:35 PM
To: Elliot Holland
Subject: RE: WCPL-001: Wambo Coal Mine 2023 Independent Environmental Audit Stakeholder Consultation - Heritage NSW

Dear Elliot,

Thank you for getting into contact with Heritage NSW regarding the Independent Environmental Audit (IEA) for Wambo Coal Mine. Thank you for the continued opportunity to comment on the project.

In respect to the scope of the IEA for Aboriginal cultural heritage (ACH), Heritage NSW notes that DA 305-7-2003 (as modified), DA 177-8-2004, EPL 529, and Mining Lease (ML) 1572 and ML 1806 currently have several active Aboriginal Heritage Impact Permits (AHIP) and Aboriginal Cultural Heritage Management Plans (ACHMP) that direct the conversation, avoidance, and impacts to ACH. Heritage NSW recommends that the IEA focus on compliance with these AHIPs and ACHMPs. It is recommended that the Department of Planning and Environment's Compliance Team be contacted (info@environment.nsw.gov.au) to determine if there is any non-compliance with Conditions of Consent for the project.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters.

Kind Regards,
Corey.

Corey O'Driscoll

Senior Assessments Officer (Archaeologist)
Heritage NSW, Environment and Heritage Group

Department of Planning and Environment

Level 3, 11 Farrer Place, Queanbeyan NSW 2620

T: 02 62297079 | Corey.ODriscoll@environment.nsw.gov.au



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

Please note my work days are Monday to Wednesday. For anything urgent, please contact Nicole Davis (Nicole.davis@environment.nsw.gov.au). Otherwise, I will respond to your email as soon as possible when I am back in the office.

From: Elliot Holland <elliot.holland@onward.net.au>
Sent: Thursday, 28 September 2023 6:18 AM
To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Cc: Dobbins, Nicole <NDobbins@peabodyenergy.com>
Subject: WCPL-001: Wambo Coal Mine 2023 Independent Environmental Audit Stakeholder Consultation - Heritage NSW
Importance: High

Hi,

Wambo Coal Pty Limited (WCPL) has engaged Onward Consulting to undertake an independent environmental audit (IEA) of their Wambo Coal Mine. This audit would be prepared in accordance with the Independent Audit Guideline Post Approval Requirements (DPIE, 2020), and Conditions D11 and D12 of the Development Consent (DA 305-7-2003).

The focus of the IEA will be:

- compliance with the conditions of:
 - DA 305-7-2003 (as modified);
 - DA 177-8-2004, for the rail and coal loading infrastructure adjacent to the Wambo Coal Mine;
 - EPL 529; and
 - Mining Lease (ML) 1572, ML 1806 and other relevant leases;
- evidence of implementation and effectiveness of the site's environmental management plans as part of the conditions of DA 305-7-2003 and DA 177-8-2004;
- compliance with Schedule 8A of Mining Regulation 2016;
- assessment of environmental risks at the site during a site visit; and
- recommending 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 yourself regarding WCPL's operations at Wambo Coal Mine (as they relate to DA 305-7-2003 and DA 177-8-2004) so that we may adequately address any concerns during the audit. I also invite you to comment on WCPL's performance with other requirements, as you may deem appropriate.

It would be appreciated if you could provide your comments regarding 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 approval/licence.

The site visit for the audit is currently scheduled to be conducted Monday, 30 October 2023. It would be appreciated if you could submit your written comments by close of business Tuesday, 24 October 2023.

All correspondence in relation to the IEA should be directed to Elliot Holland (Senior Environmental Project Manager / Exemplar Global Lead Auditor – EMS) on 0427 863 567 or elliott.holland@onward.net.au.

Regards,

Elliot Holland

Senior Environmental Project Manager / Exemplar Global Lead Auditor – EMS



+61427863567

elliott.holland@onward.net.au

Suite 2, Level 1, 28 Donald Street, Hamilton NSW
2303

www.onward.net.au

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This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL



DOC23/861922-1, EF13/3816

Onward Consulting Pty Ltd

By Email: elliott.holland@onward.net.au

Attention: Mr Elliot Holland

27 October 2023

Dear Mr Holland

WAMBO COAL MINE – INDEPENDENT ENVIRONMENTAL AUDIT

I refer to your email to the Environment Protection Authority (EPA) on 28 September 2023 requesting input to the Independent Environmental Audit of Wambo Coal Mine (Premises), required under Conditions D11 and D12 of Development Consent DA 305-7-2003 (DA).

The EPA regulates activities at the Premises under the *Protection of the Environment Operations Act 1997* and Environment Protection Licence 529; however, the EPA is not the consent authority for the DA under the *Environmental Planning and Assessment Act 1979*.

The EPA encourages the preparation of audits as useful tools for industry and proponents to meet statutory obligations and to improve their environmental performance. As a regulatory authority, the EPA does not review or comment on such documents, as our role is to administer and regulate statutes for environmental management and protection that we regulate.

Please refer to the EPA's public register <http://www.epa.nsw.gov.au/prpoeo/index.htm> where you can view the history of the Licence, including non-compliances reported by the licensee.

If you require any further information regarding this matter, please contact Carlo Eastaway on (02) 8275 1503 or info@epa.nsw.gov.au.

Sincerely

HAMISH RUTHERFORD
A/Unit Head Operations
Environment Protection Authority

Phone 131 555
Phone +61 2 9995 5555
(from outside NSW)

TTY 133 677
ABN 43 692 285 758

Locked Bag 5022
Parramatta
NSW 2124 Australia

4 Parramatta Square
12 Darcy St, Parramatta
NSW 2150 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

Elliot Holland

From: Elliot Holland
Sent: Thursday, September 28, 2023 6:19 AM
To: ann.hagerthy@planning.nsw.gov.au
Cc: Dobbins, Nicole
Subject: WCPL-001: Wambo Coal Mine 2023 Independent Environmental Audit Stakeholder Consultation - DPE Compliance

Importance: High

Hi Ann,

Wambo Coal Pty Limited (WCPL) has engaged Onward Consulting to undertake an independent environmental audit (IEA) of their Wambo Coal Mine. This audit would be prepared in accordance with the Independent Audit Guideline Post Approval Requirements (DPIE, 2020), and Conditions D11 and D12 of the Development Consent (DA 305-7-2003).

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 - DA 177-8-2004, for the rail and coal loading infrastructure adjacent to the Wambo Coal Mine;
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 - Mining Lease (ML) 1572, ML 1806 and other relevant leases;
- evidence of implementation and effectiveness of the site's environmental management plans as part of the conditions of DA 305-7-2003 and DA 177-8-2004;
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- Details of incidents of non-compliance;
- Adequacy of actions taken; and
- Adequacy of the requirements of the approval/licence.

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Regards,

Elliot Holland

Senior Environmental Project Manager / Exemplar Global Lead Auditor – EMS



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Elliot Holland

From: Elliot Holland
Sent: Thursday, September 28, 2023 6:18 AM
To: DPIE Water Enquiries Mailbox
Cc: Dobbins, Nicole
Subject: WCPL-001: Wambo Coal Mine 2023 Independent Environmental Audit Stakeholder Consultation - DPE Water

Importance: High

Hi,

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Elliot Holland

From: Elliot Holland
Sent: Thursday, September 28, 2023 6:19 AM
To: council@singleton.nsw.gov.au
Cc: Dobbins, Nicole
Subject: WCPL-001: Wambo Coal Mine 2023 Independent Environmental Audit Stakeholder Consultation - Singleton Council

Importance: High

Hi,

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Elliot Holland

From: Elliot Holland
Sent: Thursday, September 28, 2023 6:18 AM
To: Customer.Helpdesk@waternsw.com.au
Cc: Dobbins, Nicole
Subject: WCPL-001: Wambo Coal Mine 2023 Independent Environmental Audit Stakeholder Consultation - WaterNSW

Importance: High

Hi,

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Appendix D

DA 305-7-2003

Condition #	Details	Compliance status	Relevant evidence	Commentary
	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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. Relevant documentation identified against each condition of consent. 	Review of relevant evidence indicates compliance with the requirements of this condition.
	TERMS OF CONSENT			
A2	<p>The development may only be carried out:</p> <ul style="list-style-type: none"> 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 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), EA (Mod 16), Modification Report (Mod 18) and Modification Report (Mod 19); and d) generally in accordance with the Development Layout and approved mine plan. <p><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></p>	Non-compliant (Low)	Development Consent (DA 305-7-2003).	Non-compliance with this condition is noted in relation to non-compliances with other conditions of DA 305-7-2003. These include Condition B45, Condition B62, Condition B77, Condition B78 and Condition D9.
A3	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <ul style="list-style-type: none"> 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). 	Not triggered	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Management plans have consultation evidence attached (both submissions and comments registers). Annual review DPE comments provided. 	Other than consultation comments provided on management plans and annual review documents, no DPE directions were noted during the audit period. Consultation has been adequately addressed.
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.	Note	N/A.	N/A.
	STAGED DEVELOPMENT			
A5	<p>Following the determination of Modification 16, the development must be undertaken in the following stages:</p> <ul style="list-style-type: none"> a) Phase 1 (as defined), including open cut mining operations at Wambo open cut mine and underground mining operations at Wambo underground mine; b) Phase 2 (as defined), including underground mining operations at Wambo underground mine; and c) Phase 3 (as defined), including mine closure. 	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. 	Review of relevant documentation indicates compliance with the requirements of this condition, with Phase 1 only occurring between 19 November 2020 to 30 November 2020, and Phase 2 commencing on 1 December 2020. Phase 2 operations are still being undertaken.
A6	Phase 1 commences immediately following the determination of Modification 16.	Not triggered	N/A.	This condition was considered in the 2020 IEA and is not relevant to the current audit period.
	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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Notification to DPE for commencement of Phase 2 on 1 	Review of relevant documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<p>December 2020, dated 13 October 2020.</p> <ul style="list-style-type: none"> – Notification to DPE on 9 March 2022 in relation to temporary suspension of all mining operations due to ongoing safety concerns associated with the flooding of Wollombi Brook at Warkworth and flooding throughout the Hunter. – Notification to DPE on 23 March 2022 in relation to recommencement of all mining operations. 	
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	<ul style="list-style-type: none"> – Notification to DPE for commencement of Phase 2 on 1 December 2020, dated 13 October 2020. 	Review of relevant documentation 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021 and 2022. – Notification to DPE for commencement of Phase 2 on 1 December 2020, dated 13 October 2020. 	Review of relevant documentation indicates compliance with the requirements of this condition, with Phase 1 only occurring between 19 November 2020 to 30 November 2020, and Phase 2 commencing on 1 December 2020. Phase 2 operations are still being undertaken, with no open cut mining occurring after commencement of Phase 2.
A10	<p>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.</p> <p><i>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.</i></p>	Not triggered	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicates this condition was not triggered during the audit period.
A11	<p>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.</p> <p><i>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.</i></p>	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021 and 2022. 	Still within approved period.
	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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation indicates compliance with the requirements of this condition, with production as follows: <ul style="list-style-type: none"> – 2020/2021: 6.97 million tonnes; – 2021/2022: 2.1 million tonnes; and – 2022/2023: 2 million tonnes.
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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021 and 2022. 	During the audit period, with Phase 1 only occurring between 19 November 2020 to 30 November 2020, and Phase 2 commencing on 1 December 2020. Review of relevant documentation 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.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. 	Phase 2 commenced on 1 December 2020, with review of relevant documentation indicates compliance with the requirements of this condition

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Annual Returns for 2020, 2021 and 2022. Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. 	
A15	During Phase 2, overburden and coal reject material may be transferred to the United Wambo open cut coal mine for emplacement.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. 	Phase 2 commenced on 1 December 2020, with review of relevant documentation indicates compliance with the requirements of this condition.
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. <i>Note: Despatch of product coal is separately approved under DA 177-8-2004.</i>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation indicates compliance with the requirements of this condition, with production as follows: <ul style="list-style-type: none"> 2020/2021: 6.97 million tonnes; 2021/2022: 2.1 million tonnes; and 2022/2023: 2 million tonnes.
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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022, including Daily Train Movement Summary provided as Appendix B to Annual Reviews. Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. 	Review of relevant documentation 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. <i>Note: For limitations on blasting operations see condition B24.</i>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. 	Review of relevant documentation indicates compliance with the requirements of this condition.
	Identification of Approved Disturbance Area			
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.	Not triggered	<ul style="list-style-type: none"> N/A. 	This condition was considered in the 2020 IEA and is not relevant to the current audit period.
	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 Community Consultative Committee Guidelines: State Significant Projects (2019) for the life of the development, or other timeframe agreed by the Planning Secretary. <i>Notes:</i> <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> WCPL and United Wambo Joint Venture CCC quarterly meeting minutes for the audit period. 	Review of relevant documentation 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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. WCPL and United Wambo Joint Venture CCC quarterly meeting minutes for the audit period. 	Review of relevant documentation indicates compliance with the requirements of this condition.
	EVIDENCE OF CONSULTATION			

Condition #	Details	Compliance status	Relevant evidence	Commentary
A22	Where conditions of this consent require consultation with an identified party, the Applicant must: 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.	Compliant	<ul style="list-style-type: none"> Management plans have consultation evidence attached (both submissions and comments registers). Tracking sheet dated 11 October 2023 identifying relevant versions and approval dates of all management plans, including current status (e.g. revised and submitted for consultation and/or DPE approval). 	<p>Consultation evidence provided as attachments to the relevant management plans.</p> <p>Primary comments on water related documents have been from DPE, DPE – Water, NSW Environment Protection Authority (EPA) and in some select situations the Biodiversity Conservation Division (BCD) (with respect to flooding).</p> <p>During site interviews, evidence was sighted for regular consultation with neighbouring operations on water management.</p>
STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS				
A23	With the approval of the Planning Secretary, the Applicant may: 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 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).	Compliant	Tracking sheet dated 11 October 2023 identifying relevant versions and approval dates of all management plans, including current status (e.g. revised and submitted for consultation and/or DPE approval).	Review of relevant documentation indicates compliance with the requirements of this condition.
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 completed 30 October 2023.	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
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 completed 30 October 2023.	Review of relevant documentation and conduct of interviews 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.	Not triggered	N/A.	This condition was considered during the 2020 IEA and does not apply to the current audit period.
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 completed 30 October 2023.	Review of relevant documentation and conduct of interviews 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: a) repair, or pay the full costs associated with repairing, any public infrastructure ^a that is damaged by carrying out the development; and 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. <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>	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
DEMOLITION				

Condition #	Details	Compliance status	Relevant evidence	Commentary
A29	All demolition must be carried out in accordance with Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001)	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
STRUCTURAL ADEQUACY				
A30	<p>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:</p> <p>a) the relevant requirements of the BCA; and</p> <p>b) any additional requirements of SA NSW where the building or structure is located on land within a declared Mine Subsidence District.</p> <p><i>Notes:</i></p> <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. 	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
OPERATION OF PLANT AND EQUIPMENT				
A31	<p>All plant and equipment used on site, or to monitor the performance of the development must be:</p> <p>a) maintained in a proper and efficient condition; and</p> <p>b) operated in a proper and efficient manner.</p>	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Wambo General Induction. Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for Toyota Hilux X-TRA Cab Ute, dated 8 November 2022. Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for R210LC-9 Excavator, dated 15 December 2022. Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for Caterpillar Dozer D6R, dated 24 March 2023. Compliance Audit (4871 Electrical Only) regarding MDG 15 guideline for mobile and transportable plant for use on mine surface for Caterpillar Dozer D6R model, dated 14 April 2023. 	Review of relevant data indicates compliance with the requirements of this condition.
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.	Compliant	Relevant management plans.	The management plans for the Project include the policies, guidelines and standards for the suite of documents. These are cross-referenced where necessary within relevant sub-plans to avoid duplication.
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.	Compliant	DPE correspondence approving audit team dated 18 September 2023.	This audit has been completed generally in accordance with the requirements of the <i>Independent Audit Post Approval Requirements (2020)</i> .
PART B – SPECIFIC ENVIRONMENTAL CONDITIONS				

Condition #	Details	Compliance status	Relevant evidence	Commentary																												
	SUBSIDENCE																															
	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><i>Table 1: Subsidence impact performance measures – natural and heritage features etc</i></p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measures</th> </tr> </thead> <tbody> <tr> <td colspan="2"><i>Water</i></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"><i>Land</i></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"><i>Biodiversity</i></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>Threatened Species and Communities</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 colspan="2"><i>Heritage</i></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 Heritage NSW and/or the Minister </td> </tr> </tbody> </table> <p><i>Notes:</i></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	<i>Water</i>		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 	<i>Land</i>		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) 	<i>Biodiversity</i>		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 	Threatened Species and Communities	<ul style="list-style-type: none"> Minor cracking and ponding of the land surface or other subsidence impacts Negligible environmental consequences 	<i>Heritage</i>		Wambo Homestead Complex	<ul style="list-style-type: none"> Negligible impact on heritage values, unless approval has been granted by Heritage NSW and/or the Minister 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Extraction Plan Longwalls 21 to 24 (December 2022, Rev E). Extraction Plan Report for South Bates Extension Longwalls (LW) 17 to 20 (1 January 2020 to 30 June 2020) – Dated November 2020, including: <ul style="list-style-type: none"> Subsidence Review Report for the South Bates Extension Underground Mine WYLW18 and WYLW19, dated 23 November 2020. Extraction Plan Report for South Bates Extension Underground Mine LW 21 to 24 (1 January 2021 to 30 June 2021), dated November 2021, including: <ul style="list-style-type: none"> Wambo – 2020 Annual Groundwater Review (SLR, March 2021); and Subsidence Review Report for the South Bates Extension Underground Mine WYLW20 and WYLW21 (MSEC, 14 October 2021). Extraction Plan Report for South Bates Extension Underground Mine LW 21 to 24 (1 January 2022 to 30 June 2022), dated December 2022. LW 23 face position with aerial photo dated 13 September 2023. LW 23 face position with aerial photo dated 4 October 2023. Wambo Coal Extraction Plan Report for South Bates Extension LW 17 to 20 – 1 January 2020 to 30 June 2020 (November 2020). Wambo Coal Extraction Plan Report for South Bates Extension LW 21 to 24 – 1 January 2021 to 30 June 2021. 	<p>Review of relevant documentation for the audit period indicates that while subsidence impacts performance indicators were triggered (e.g. for groundwater, surface and cliffs), there were no exceedances of the subsidence performance measures.</p> <p>Therefore, review of relevant documentation indicates compliance with the requirements of this condition.</p>
Feature	Performance Measures																															
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B2	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.	Compliant	Refer to documentary evidence at Condition B2.	Review of relevant documentation indicates compliance with the requirements of this condition.																												
	Additional Offsets																															
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</p>	Not triggered	Refer to documentary evidence at Condition B2.	Review of relevant documentation indicates no exceedances of performance measures have occurred that would trigger this condition during the audit period.																												

Condition #	Details	Compliance status	Relevant evidence	Commentary										
	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.													
	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> <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. 	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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation compliance with the requirements of this condition during the audit period.
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 													
B5	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.	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.										
	First Workings													
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><i>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.</i></p>	Compliant	<ul style="list-style-type: none"> Letter to NSW Resources Regulator in relation to first workings for: <ul style="list-style-type: none"> LW 22 to 24, dated 18 June 2021; LW 24, dated 28 February 2022; and LW 25 & 26, dated 1 June 2023. Response from NSW Resources Regulator indicating satisfaction of first workings, subject to undertaking monitoring of first workings, for: <ul style="list-style-type: none"> LW 22 to 24, date 30 June 2021; LW 24, dated 16 April 2022; and LW 25 & 26, dated 4 July 2023. 	Review of relevant documentation indicates compliance with the requirements of this condition.										
	Extraction Plan													
B7	<p>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:</p> <ol style="list-style-type: none"> be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary; include detailed plans of existing and proposed first and second workings and any associated surface development; 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. Extraction Plan Longwalls 21 to 24 (December 2022, Rev E). 	Review of relevant documentation indicates compliance with the requirements of this condition.										

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>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;</p> <p>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:</p> <ol style="list-style-type: none"> i. a trigger action response plan to identify risks and specific follow up actions to avoid exceedances of the performance measures; and 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; <p>e) include the following to the satisfaction of the Resources Regulator (or MEG, as the case may require):</p> <ol style="list-style-type: none"> i. a coal resource recovery plan that demonstrates effective recovery of the available resource; 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. a Built Features 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. a Public Safety Management Plan to ensure public safety in the mining area; and v. appropriate revisions to the Rehabilitation Management Plan required under condition B107; and <p>1. include a:</p> <ol style="list-style-type: none"> i. Water Management Plan, which has been prepared in consultation with EPA, DPE Water and NRAR, which provides for the management of the potential impacts and/or environmental consequences of the proposed second workings on surface water resources, groundwater resources and flooding, and which includes: <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. 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. 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. 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 <p>2. include a program to collect sufficient baseline data for future Extraction Plans.</p>		<ul style="list-style-type: none"> – Appendix A: Water Management Plan (WMP) (April 2021, Rev D). – Appendix B: Land Management Plan (LMP) (July 2020, Rev A). – Appendix C: Biodiversity Management Plan (BMP) (May 2020, Rev 1). – Appendix D: Heritage Management Plan (HMP) (July 2020, Rev 1). – Appendix E: Built Features Management Plan (BFMP) (July 2020, Rev A). – Appendix F: Public Safety Management Plan (PSMP) (July 2020, Rev A). – Appendix G: Coal Resource Recovery Plan (CRRP) (July 2020, Rev A). – Appendix H: Subsidence Monitoring Program (July 2020, Rev A). – Appendix I: Phase 2 – Rehabilitation Management Plan December 2020 – December 2023 (Phase 2 – RMP) (Rev 2, 7 October 2022). 	
B8	The Applicant must not undertake second workings until the applicable Extraction Plan is approved by the Planning Secretary.	Compliant	– Refer to documentary evidence at Condition B7.	Review of relevant documentation and conduct of the site inspection indicates compliance with the requirements of this condition.
B9	The Applicant must implement the Extraction Plan as approved by the Planning Secretary. <i>Notes:</i> • <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</i>	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Site inspection conducted 30 October 2023. 	Review of relevant documentation and conduct of the site inspection indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary																																					
	<i>consent are not required to duplicate these plans or re-address the specific impacts associated with underground coal extraction.</i>		– Site interviews conducted 30 October 2023.																																						
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.	Note	N/A.	N/A.																																					
	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	– Annual Reviews for 2020, 2021, and 2022. – Site interviews completed 30 October 2023.	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.																																					
	NOISE																																								
	Operational Noise Criteria																																								
B12	<p>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^a on privately-owned land.</p> <p>Table 3: Operational noise criteria dB(A) for Phase 1</p> <table border="1"> <thead> <tr> <th>Noise Assessment Location</th> <th>Day <i>L_{Aeq}</i> (15 min)</th> <th>Evening/Night <i>L_{Aeq}</i> (15 min)</th> <th>Night <i>L_{A1}</i> (1 min)</th> </tr> </thead> <tbody> <tr> <td>R016</td> <td rowspan="6">40</td> <td rowspan="6">40</td> <td rowspan="6">50</td> </tr> <tr> <td>R025</td> </tr> <tr> <td>R029</td> </tr> <tr> <td>R033</td> </tr> <tr> <td>R320 (previously 15B)</td> </tr> <tr> <td>R345 (previously 15B)</td> </tr> <tr> <td>R006</td> <td rowspan="4">39</td> <td rowspan="4">39</td> <td rowspan="4">50</td> </tr> <tr> <td>R007</td> </tr> <tr> <td>R048</td> </tr> <tr> <td>R343 (previously 37)</td> </tr> <tr> <td>R030 (previously 38)</td> <td rowspan="4">38</td> <td rowspan="4">38</td> <td rowspan="4">50</td> </tr> <tr> <td>R049</td> </tr> <tr> <td>R075</td> </tr> <tr> <td>R346</td> </tr> <tr> <td>R348</td> <td rowspan="2">37</td> <td rowspan="2">37</td> <td rowspan="2">50</td> </tr> <tr> <td>R163</td> </tr> <tr> <td>R344 (previously 137)</td> <td rowspan="2">35</td> <td rowspan="2">35</td> <td rowspan="2">50</td> </tr> <tr> <td>All other privately-owned residences</td> </tr> </tbody> </table> <p>^a The Noise Assessment Locations referred to in Table 3 are shown in Appendix 4.</p>	Noise Assessment Location	Day <i>L_{Aeq}</i> (15 min)	Evening/Night <i>L_{Aeq}</i> (15 min)	Night <i>L_{A1}</i> (1 min)	R016	40	40	50	R025	R029	R033	R320 (previously 15B)	R345 (previously 15B)	R006	39	39	50	R007	R048	R343 (previously 37)	R030 (previously 38)	38	38	50	R049	R075	R346	R348	37	37	50	R163	R344 (previously 137)	35	35	50	All other privately-owned residences	Compliant	– Annual Reviews for 2020, 2021, and 2022. – Attended noise monitoring reports. – Site interviews completed 30 October 2023.	Phase 1 operations only occurred between 20 to 30 November 2020, after which Phase 2 operations commenced. Review of documentation indicates compliance with the requirements of this condition during Phase 1.
Noise Assessment Location	Day <i>L_{Aeq}</i> (15 min)	Evening/Night <i>L_{Aeq}</i> (15 min)	Night <i>L_{A1}</i> (1 min)																																						
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All other privately-owned residences																																									
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 ^a on privately-owned land.	Compliant	Refer to documentary evidence at Condition B13.	Review of documentation indicates compliance with the requirements of this condition during Phase 2 operations from 1 December 2020.																																					

Condition #	Details	Compliance status	Relevant evidence	Commentary																																								
	<p>Table 4: Operational noise criteria dB(A) for Phase 2 and Phase 3</p> <table border="1"> <thead> <tr> <th>Noise Assessment Area</th> <th>Noise Assessment Location</th> <th>Day L_{Aeq} (15 min)</th> <th>Evening L_{Aeq} (15 min)</th> <th>Night L_{Aeq} (15 min)</th> <th>Night L_{A1} (1 min)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Area 1 - North Bulga</td> <td>R007</td> <td>37</td> <td>37</td> <td>37</td> <td>47</td> </tr> <tr> <td>All other privately-owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> <tr> <td rowspan="2">Area 2 - South Wambo</td> <td>R025</td> <td>39</td> <td>39</td> <td>39</td> <td>49</td> </tr> <tr> <td>All other privately-owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> <tr> <td>Area 3 - Warkworth Village</td> <td>All other privately-owned residences</td> <td>44</td> <td>44</td> <td>43</td> <td>53</td> </tr> <tr> <td>All other areas</td> <td>All privately-owned residences</td> <td>35</td> <td>35</td> <td>35</td> <td>45</td> </tr> </tbody> </table> <p>* The Noise Assessment Areas referred to in Table 4 are shown in Appendix 4.</p>	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	R007	37	37	37	47	All other privately-owned residences	35	35	35	45	Area 2 - South Wambo	R025	39	39	39	49	All other privately-owned residences	35	35	35	45	Area 3 - Warkworth Village	All other privately-owned residences	44	44	43	53	All other areas	All privately-owned residences	35	35	35	45			
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All other areas	All privately-owned residences	35	35	35	45																																							
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 NSW Industrial Noise Policy (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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Attended noise monitoring reports. 	Review of relevant documentation indicates compliance with the requirements of this condition.																																								
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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period, with no agreements in place.																																								
	Noise Operating Conditions																																											
B16	<p>The Applicant must:</p> <ol style="list-style-type: none"> 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; monitor and record all major equipment use and make this data readily available at the request of the Department or the EPA; operate a noise management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent; 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 carry out regular attended noise monitoring (at least once a month, unless otherwise agreed by the Planning Secretary) to determine whether the development is complying with the relevant conditions of this consent. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Noise Management Plan (NMP) (November 2020, Rev 11). Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Attended noise monitoring reports. Complaints records. 	Review of relevant documentation and conduct of the site inspection indicates compliance with the requirements of this condition, with a reduction in noise complaints during the audit period (in comparison to the 2020 IEA period) and no exceedances of relevant criteria.																																								
	Noise Management Plan																																											
B17	<p>The Applicant must prepare a Noise Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:</p> <ol style="list-style-type: none"> be prepared by a suitably qualified and experienced person/s; be prepared in consultation with the EPA; describe the measures to be implemented to ensure: <ol style="list-style-type: none"> compliance with the noise criteria and operating conditions in this consent; best practice management is being employed; and 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); seek to minimise road traffic noise generated by employee commuter vehicles on public roads; describe the noise management system in detail; and include a monitoring program that: <ol style="list-style-type: none"> uses a combination of real-time and supplementary attended monitoring to evaluate the performance of the development; includes a program to calibrate and validate the real-time noise monitoring results with the attended monitoring results over time; 	Not triggered	NMP (November 2020, Rev 11).	<p>The NMP has been written and implemented in accordance with the consent conditions.</p> <p>There has been no change to the approved NMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) identified. The NMP is considered adequate.</p> <p>It is noted a revised NMP (Rev 12, July 2023) is currently with DPE for consideration for approval, which was updated to reflect revised consent conditions of DA 305-7-2003 for Modification 19.</p>																																								

Condition #	Details	Compliance status	Relevant evidence	Commentary																
	<ul style="list-style-type: none"> iii. adequately supports the noise management system; iv. includes a protocol for distinguishing noise emissions between the Wambo Mining Complex and United Wambo open cut coal mine; and 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.	Not triggered	NMP (November 2020, Rev 11).	There has been no change to the NMP since the 2020 IEA and the NMP for Phase 2 approved during, and considered in, the 2020 IEA period; therefore, this audit has focused on implementation of the plan only, which is covered by Condition B19.																
B19	The Applicant must implement the Noise Management Plan as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Noise Management Plan (NMP) (November 2020, Rev 11). – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. – Attended noise monitoring reports. – Complaints records. 	Review of relevant documentation and conduct of the site inspection indicates compliance with the requirements of this condition, with a reduction in noise complaints during the audit period (in comparison to the 2020 IEA period) and no exceedances of relevant criteria.																
BLASTING																				
B20	Conditions B22 to B40 have application only during Phase 1.	Note	N/A.	N/A.																
B21	No blasting associated with open cut operations is allowed on the site during Phase 2.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021 and 2022. – Site interviews completed 30 October 2023. – Complaints records. 	Review of documentation and conduct of interviews indicates compliance with the requirements of this condition.																
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></td> <td>120</td> <td>10</td> <td>0%</td> </tr> <tr> <td>Residence on privately-owned land</td> <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> </tbody> </table>	Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance		120	10	0%	Residence on privately-owned land	115	5	5% of the total number of blasts over a calendar year	Wambo Homestead	120	5	0%	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
Location	Airblast overpressure (dB(Lin Peak))	Ground vibration (mm/s)	Allowable exceedance																	
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B23	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.	Not triggered	– Site interviews completed 30 October 2023.	Review of relevant documentation indicates this condition has not been triggered during the audit period, with no agreements in place.																				
	Blasting Hours																							
B24	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.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).																				
	Blasting Frequency																							
B25	The Applicant may carry out a maximum of: <ul style="list-style-type: none"> a) 3 single blast events^a a day; and b) 15 single blast events^a a week, averaged over a calendar year. 	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).																				
B26	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><i>a Within 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.</i></p>	Note	N/A.	N/A.																				
	Property Investigations																							
B27	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: <ul style="list-style-type: none"> a) commission a suitably qualified, experienced and independent person, whose appointment is acceptable to both parties to investigate the claim; and b) give the landowner a copy of the property investigation report. 	Not triggered	– Site interviews completed 30 October 2023.	Review of relevant documentation indicates this condition has not been triggered during the audit period.																				

Condition #	Details	Compliance status	Relevant evidence	Commentary
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	Site interviews completed 30 October 2023.	Review of relevant documentation 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	Site interviews completed 30 October 2023.	Review of relevant documentation indicates this condition has not been triggered during the audit period.
Blast Operating Conditions				
B30	The Applicant must: a) take all reasonable steps to: i. ensure the safety of people and livestock from blasting impacts of the development; ii. protect public and private infrastructure and property in the vicinity of the site from blasting damage associated with the development; and iii. minimise the dust and fume emissions of any blasting; 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) 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) 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) use all reasonable efforts to co-ordinate the timing of blasting at the site with nearby mines to minimise cumulative blasting impacts; and f) carry out regular blast monitoring to determine whether the development is complying with the relevant conditions of this consent.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. – Complaints records. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Road Occupancy Licence No 1475544, duration 1 October 2020 to 30 November 2020. – Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. – Complaints records. 	Review of documentation 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: 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) 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.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. – Complaints records. 	Review of documentation indicates compliance with the requirements of this condition.
Wambo Homestead				
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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. – Complaints records.	
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 Heritage NSW.	Not triggered	N/A.	The appointment of the relevant structural engineer was made on 30 November 2005 and is outside the audit period being considered.
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 Heritage NSW.	Compliant	– Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. – Complaints records.	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
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 Heritage NSW of any action required to repair the damage.	Compliant	– Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. – Complaints records.	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
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 Heritage NSW. 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 Heritage NSW.	Compliant	– Annual Reviews for 2020, 2021, and 2022. – Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). – 2020 Annual Blast Summary. – Complaints records.	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
	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: <ol style="list-style-type: none"> be prepared by a suitably qualified and experienced person/s; be prepared in consultation with the EPA; describe the measures that will be implemented to ensure compliance with the blasting criteria and conditions of this consent; include a Blast Fume Management Strategy for: <ol style="list-style-type: none"> minimising blast fume emissions; rating and recording blast fume events; and reporting significant blast fume events to the Department; 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: <ol style="list-style-type: none"> minimising the duration of closures, both on a per event basis and weekly basis; avoiding peak traffic periods as far as reasonable; and co-ordinating closures with nearby mines to minimise the cumulative effect of road closures; identify any agreed alternative ground vibration limits for public or private infrastructure in the vicinity of the site (if relevant); include a strategy to manage potential blast interactions with nearby mines; include a strategy to monitor, mitigate and manage the effects of blasting on heritage items, particularly the Wambo Homestead; and 	Not triggered	– 2020 IEA	There has been no change to the BMP since the 2020 IEA; therefore, this audit has focused on implementation of the plan only, which is covered by Condition B40. In addition, blasting was only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).

Condition #	Details	Compliance status	Relevant evidence	Commentary																
	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.	Not triggered	N/A.	This condition was considered in the 2020 IEA and is not applicable to the current audit period, with the Blast Management Plan ceasing to be relevant on commencement of Phase 2 on 1 December 2020.																
B40	The Applicant must implement the Blast Management Plan as approved by the Planning Secretary.	Compliant	Annual Reviews for 2020, 2021, and 2022.	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020). The Blast Management Plan ceased to be relevant on commencement of Phase 2 on 1 December 2020.																
AIR QUALITY AND GREENHOUSE GAS																				
Odour																				
B41	The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. Complaints records. 	Review of documentation indicates compliance with the requirements of this condition.																
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>^a Total impact (i.e. incremental increase in concentrations due to the development plus background concentrations due to all other sources).</p> <p>^b Incremental impact (i.e. incremental increase in concentrations due to the development on its own).</p> <p>^c Excludes extraordinary events such as bushfires, prescribed burning, dust storms, fire incidents or any other activity agreed by the Planning Secretary.</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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. Air Quality and Greenhouse Gas Management Plan (AQGHGMP) (November 2020). Air quality monitoring records for the audit period. 	Review of documentation indicates compliance with the requirements of this condition.
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	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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.																
Mine-owned Land																				
B44	<p>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:</p> <p>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;</p> <p>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;</p> <p>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</p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. Air quality monitoring records for the audit period. Additional terms of residential tenancy agreement – Awareness of mining. 	<ul style="list-style-type: none"> Review of documentation indicates compliance with the requirements of this condition. 																

Condition #	Details	Compliance status	Relevant evidence	Commentary
	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	<p>The Applicant must:</p> <p>a) take all reasonable steps to:</p> <ol style="list-style-type: none"> 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 (including methane flares); and iii. minimise the extent of potential dust generating surfaces exposed on the site at any given point in time; <p>b) operate an air quality management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;</p> <p>c) minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events (see Note c to Table 6 above);</p> <p>d) carry out regular air quality monitoring to determine whether the development is complying with the relevant conditions of this consent; and</p> <p>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.</p>	Non-compliant (Administrative)	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Annual Returns for 2020, 2021 and 2022. – Air quality monitoring records for the audit period. 	<p>Review of relevant documentation indicates general compliance with the requirements of this condition, with no exceedances of air quality criteria and no complaints. However, an ANC is noted in relation to:</p> <ul style="list-style-type: none"> – 2021: on 23 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) due to technical and environmental factors that resulted in a loss of power or data. – 2022: on 18 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) and EPA Point 53 (AQ05). – 2023 (to date): on 17 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 15 (AQ03) (11 occasions) and EPA Point 16 (AQ04) (six occasions) due to technical and environmental factors that resulted in a loss of power or data. <p>Despite the above, it is noted the data capture during each reporting period was greater than 90%.</p> <p>With consideration to the level of data capture and noting a monitor cannot always operate continuously, whether for periodic maintenance requirements or due to loss of power outside WCPL's control, no CA or OFI is deemed relevant.</p>
	Air Quality Management Plan			
B46	<p>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:</p> <p>a) be prepared by a suitably qualified and experienced person/s;</p> <p>b) be prepared in consultation with the EPA;</p> <p>c) describe the measures to be implemented to ensure:</p> <ol style="list-style-type: none"> i. compliance with the air quality criteria and operating conditions in this consent; ii. best practice management is being employed (including in respect of minimisation of greenhouse gas emissions from the site and energy efficiency); and iii. the air quality impacts of the development are minimised during adverse meteorological conditions and extraordinary events; <p>d) describe the air quality management system in detail; and</p> <p>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:</p> <ol style="list-style-type: none"> 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. adequately supports the air quality management system; and 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. 	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Annual Returns for 2020, 2021 and 2022. – Air quality monitoring records for the audit period. – Complaints records. 	<p>The AQGHGMP has been written and implemented in accordance with the consent conditions.</p> <p>There has been no change to the approved AQGHGMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) identified. The AQGHGMP considered adequate.</p> <p>In addition, a revised AQGHGMP (Rev 9, July 2023) is currently with DPE for consideration for approval, which was updated to reflect revised consent conditions of DA 305-7-2003 for Modification 19.</p>
B47	The Applicant must not commence Phase 2 until the Air Quality Management Plan is approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – AQGHGMP (November 2020). – Evidence of DPE satisfaction/approval with Phase 2 Air Quality Management Plan dated 20 November 2020. 	There has been no change to the AQGHGMP since the 2020 IEA and the AQGHGMP for Phase 2 approved during, and considered in, the 2020 IEA period; therefore, this audit has focused on implementation of the plan only, which is covered by Condition B48.
B48	The Applicant must implement the Air Quality Management Plan as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – AQGHGMP (November 2020). – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. 	Documentary review, site inspection and interviews for the audit verify compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – Air quality monitoring records for the audit period. – Complaints records. 	
	Greenhouse Gas			
B49	For the life of the development, the Applicant must: <ul style="list-style-type: none"> a) monitor the greenhouse gas emissions generated by the development; b) investigate ways to reduce greenhouse gas emissions generated by the development; and c) report on greenhouse gas monitoring and abatement measures in the Annual Review, to the satisfaction of the Planning Secretary. 	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – AQGHGMP (November 2020). – Complaints records. 	Review of documentation indicates compliance with the requirements of this condition, with Table 13 – Comparison of EIS Predictions and Monitoring Data – Greenhouse Gas of the 2022 Annual Review indicating a reduction in Greenhouse Gas Emissions during the audit period in comparison to the 2020 IEA period.
	METEOROLOGICAL MONITORING			
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: <ul style="list-style-type: none"> a) complies with the requirements in the Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007); b) is capable of continuous real-time measurement of wind speed, wind direction sigma theta and temperature; and 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. 	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – AQGHGMP (November 2020). – Site inspection completed 30 October 2023. – Meteorological monitoring data for the audit period. 	Review of documentation and conduct of the site inspection indicates compliance with the requirements of this condition.
	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	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Incident reports, as relevant. – Site interviews completed 30 October 2023. – Erosion and Sediment Control Plan (ESCP) (November 2021, Rev 4). – United Wambo Open Cut and Wambo Water Monitoring Program (WMP) (December 2021, Rev 4). – Water Management Plan (WMP) (November 2020, Rev 2). – Surface Water Management Plan (SWMP) (November 2020, Rev 2). – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. 	<p>The ESCP details the necessary controls in-line with guideline documents. The water management structures on site are sized according to the methods of the guidelines. Site have indicated through the interviews that a review on storage capacity has been recently undertaken.</p> <p>From the areas observed during the site inspection, erosion and sediment control measures, where required, had been used and maintained.</p> <p>Areas of the Mine do suffer from rill erosion due to dispersible soils, however these are managed within the internal water management system and there were no observations made that these issues had the potential to migrate offsite.</p>
	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	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. – United Wambo Open Cut and Wambo Underground Site Water Balance (SWB) (August 2020, Rev 2). – WMP (November 2020, Rev 2). 	<p>Documentation indicates that the Mine is using more water than it was otherwise approved/predicted as part of previous impact assessments.</p> <p>On discussion with site staff, reviews of the operational water balance is undertaken annually through external consultants as part of the annual review. As part of these works the water inventory is reviewed.</p> <p>The site indicates that raw water (best quality water) is used for admin and underground equipment only whereas mine water is beneficial reused.</p> <p>The water licence market includes users looking to sell allocations.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary									
			<ul style="list-style-type: none"> – SWMP (November 2020, Rev 2). – Groundwater Management Plan (GWMP) (December 2021, Rev 4). – Water Access Licences (WALs) 	The site has adequate systems and procedures to ensure water supply was available during the audit period and into the future.									
B53	<p>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.</p> <p><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></p>	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. 	Water use is reported within the Annual Review sufficiently. It was noted that previous review comments from DPEW have indicated the need to improve the recording of potential incidental take of surface water. Site has a number of flow monitoring stations that allow the monitoring for this.									
	Pollution of Waters												
B54	<p>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.</p>	Compliant	<ul style="list-style-type: none"> – Incident reports, as relevant. – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. – Excel spreadsheet detailing monitoring results. 	<p>Incident reports were reviewed as part of the audit for pH and turbidity issues in 2021 and 2022.</p> <p>Other than the reported incidents, the Mine water quality monitoring data captured in accordance with the SWMP and WMProg is reported on in Annual Reviews. Monitoring and any necessary investigations are completed using external contractors.</p> <p>Surface water quality management is against pH, EC and TSS only with the management plan identify the development of triggers in accordance with ANZECC (2000) and the relevant water quality objectives for the catchment.</p> <p>Continuing water quality exceedance at SW08 remain under investigation in consultation with DPE.</p> <p>An opportunity for improvement (OFI) (i.e. OFI01) has been identified.</p> <p>OFI01: Consult with the DPE appointed surface water expert to determine if additional analytes should be tested in upstream monitoring sites (e.g. SW3, SW5, and SW40) to support ambient water quality monitoring at the discharge point on Wollombi Brook (e.g. SW15) and understand whether other water quality parameters are present in discharge water. The outcomes of this consultation should be provided to DPE.</p>									
	Discharge Limits												
B55	<p>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:</p> <p>a) not discharge more than 250 ML/day in total from the licensed discharge point/s at the development; and</p> <p>b) ensure that the discharges from licensed discharge point/s comply with the limits in Table 7.</p> <p>Table 7: Discharge limits</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><i>Note: This condition does not authorise the pollution of waters by any other pollutants.</i></p>	Pollutant	Units of measure	100 percentile concentration limit	pH	pH	6.5 to 9.5	Total suspended solids	mg/litre	120	Compliant	<ul style="list-style-type: none"> – Incident reports, as relevant. – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. – WMP (November 2020, Rev 2). – SWMP (November 2020, Rev 2). – WMProg (December 2021, Rev 4). – EPL529 R5.2 - Turbidity reports. – Excel spreadsheet detailing monitoring results. 	<p>It was noted during the audit period that there were no discharges during 2020.</p> <p>There were isolated discharges in 2021 at times up to the volumetric limit. An incident was noted in the EPA Annual Return for TSS concentrations between 24 and 25 March 2021 following issues with monitoring equipment.</p> <p>During the 2022 year, turbidity reporting data indicated a challenging period with sustained turbidity and regular discharges. In discussion with the Mine, the water inventory for the Mine was limited and therefore attenuation/detention of runoff was not possible and hence turbidity was elevated.</p> <p>Three exceedances at EPL Point 4 were noted on 16 March 2022 (for TSS), 30 March 2022 (for TSS) and 8 September 2022 (for pH).</p> <p>The site is currently augmenting their water storage capacity which will be available in 2024. Additional storage will allow for an improved capacity to manage suspended sediment loads.</p> <p>Following the 2 September 2022 incident associated with the pH monitoring of discharges, the Mine has improved their monitoring equipment to mitigate future similar issues from occurring again.</p> <p>With the exception of the incidents reported, the Mine was compliant with its EPL requirements at Point 4.</p>
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	<p>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 DPE Water, and to the satisfaction of the Planning Secretary.</p>	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. 	<p>No reported requests for compensatory water supply.</p> <p>Discussions with site staff indicated no complaints have been received for a loss of water.</p>									

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Site interviews completed 30 October 2023. 	
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	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of site interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of site interviews indicate this condition has not been triggered during the audit period.
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. <i>Note: The Water Management Plan (see condition B66) is required to include trigger levels for investigating potentially adverse impacts on water supplies.</i>	Not triggered	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of site interviews indicate this condition has not been triggered during the audit period.
	Water Management			
B60	The Applicant may receive water from, and transfer water to, neighbouring mines including HVO, MTW and United Wambo open cut coal mine.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. WMP (November 2020, Rev 2). SWMP (November 2020, Rev 2). 	Discussion with site staff reviewed the typical workflow for how these activities are undertaken. Evidence sighted of regular meetings to discuss water transfers. Online flow metering to confirm total water volumes transferred are recorded and shared within an inter-operational water management working group. The process is determined to be sufficient.
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.		N/A.	
	Water Management Performance Measures			
B62	The Applicant must ensure that the development complies with the performance measures in Table 8.	Non-compliant (Low)	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. WMP (November 2020, Rev 2). SWMP (November 2020, Rev 2). ESCP (November 2021, Rev 4). WMPProg (December 2021, Rev 4). Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. 	<p>Review of water management plan suite of documents and annual review documentation supports that the operations function in accordance with the performance criteria.</p> <p>The site interviews ran through a series of questions on details within the management plans which were addressed by the site team.</p> <p>General pit top area was inspected as part of audit and indicated water management activities are being undertaken in accordance with the performance measures.</p> <p>Dams were last review in detail for function and sizing in 2018, as documented within the management plans.</p> <p>Prescribed dams reporting is provided on the website annually.</p> <p>Clean water diversion is being actively managed by multiple external contractors in order to maintain or meet the performance criteria.</p> <p>Non-compliance</p> <p>Exceedances at Groundwater Quality Monitoring Bore P315 resulted in non-compliance occurring due to exceedance of performance criteria in Table 8 of Condition B62 of DA 305-7-2003, which has been ongoing since July 2021.</p> <p>These exceedances are subject to ongoing monitoring and investigation of the increased salinity observed in Stony Creek, with reports prepared by SLR Consulting and submitted to DPE in:</p> <ul style="list-style-type: none"> March 2022; March 2023; and November 2023.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> 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 – 26.	Compliant	– Extraction Plan Longwalls 21 to 24 (December 2022, Rev E).	Review of documentation and conduct of the site inspection indicates compliance with the requirements of this condition.
	Water Management Plan			
B66	<p>The Applicant must prepare a Water Management Plan for the Wambo Mining Complex to the satisfaction of the Planning Secretary. This plan must:</p> <ul style="list-style-type: none"> 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 DPE 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: <ul style="list-style-type: none"> 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; iii. Erosion and Sediment Control Plan that: <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; iv. Surface Water Management Plan that includes: <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: 	Compliant	<ul style="list-style-type: none"> – WMProg (December 2021, Rev 4). – SWB (August 2020, Rev 2). – WMP (November 2020, Rev 2). – SWMP (November 2020, Rev 2). – Groundwater Management Plan (GWMP) (December 2021, Rev 4). – ESCP (November 2021, Rev 4). 	<p>2020 IEA Recommendation: <i>R02: 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> <p>2023 IEA Findings: <u>Status of 2020 IEA Recommendation:</u> Completed</p> <p><u>2023 IEA Findings</u> <u>Overarching Water Management Plan</u> The WMP has been written and implemented in accordance with Conditions B66 and B68 of DA 305-7-2003. There has been no change to the approved WMP since the 2020 IEA, with no major findings from the audit (i.e. documentary review, site inspection and interviews) identified. The WMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004, and guiding specific areas of management to the respective sub-plans. However, OIF02 has been identified for reference to superseded aspects in the WMP.</p> <p><u>United-Wambo-and-Wambo-Site-Water-Balance</u> The United Wambo and Wambo Site Water Balance is shared with the United Joint Venture and is deemed adequate in addressing the requirements of DA 305-7-2003. The water balance is revised annually with the results provided Annual Reviews.</p> <p><u>Erosion and Sediment Control Plan</u> The ESCP (Version 4, November 2021) addresses the requirements of Condition B66 of DA 305-7-2003. The ESCP details the necessary controls in-line with guideline documents. In addition, the water management structures on site are sized according to the methods of the guidelines. Site interviews indicate that a review on storage capacity has been recently undertaken, with OIF03 identified. The ESCP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004. However, OIF03 has been identified in relation to including further detail in the ESCP covering flood conditions from Wollombi Brook within the context of potential impacts to the sump located at the train loading facility adjacent to the watercourse.</p> <p><u>Surface water management plan</u></p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> o stream and riparian vegetation health; o channel stability (geomorphology); and o 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"> o any approved creek diversions or restoration works associated with the development; o water run-off diversions and catch drains; o water storages and sediment dams; o emplacement areas and tailings storages; and o 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"> o downstream surface water flows and quality (including Wollombi Brook, North Wambo, South Wambo, and Stony Creeks); o channel stability; o stream and riparian vegetation health; o water supply for other water users; and o post-mining water pollution from rehabilitated areas of the site; – a program to monitor: <ul style="list-style-type: none"> o compliance with the relevant performance measures listed in Table 8 and the performance criteria established above; o controlled and uncontrolled discharges and seepage/leachate from the site; o impacts on water supply for other water users; o surface water inflows, outflows and storage volumes to inform the Site Water Balance; and o 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; <p>v. 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"> o regional and local aquifers (alluvial and hardrock); o groundwater supply for other water users such as privately-owned licensed groundwater bores; and o groundwater dependent ecosystems; – a program to monitor and evaluate: <ul style="list-style-type: none"> o 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; o water loss/seepage from water storages into the groundwater system (particularly from South Wambo Dam and Montrose East Dam); o groundwater inflows, outflows and storage volumes to inform the Site Water Balance; o any hydraulic connectivity between the alluvial and hardrock aquifers; o impacts on groundwater dependent ecosystems; o impacts on groundwater supply for other water users; o the effectiveness of the groundwater management systems; and – reporting procedures for the results of the monitoring program; 			<p>The approved SWMP (Version 2, November 2020) addresses the requirements of Condition B66 of DA 305-7-2003.</p> <p>During site interviews, it was discussed that the thresholds for rainfall events generating flow needed to be refined. It does not seem practical for inspections to occur following a specific rainfall event such as 100 mm, as required by the SWMP. Therefore, OFI04 has been identified.</p> <p>Finally, review of Table 2 of the SWMP indicates the performance criteria specifically associated with the 'Aquatic, riparian and groundwater dependent ecosystem' required by Condition B62 of DA 305-7-2003 has not been included. Therefore, OFI05 has been identified.</p> <p>The SWMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004, and also includes an appendix covering the management of the North Wambo Creek Diversion (NWCD) in adequate detail.</p> <p><u>Groundwater Management Plan</u></p> <p>The approved GWMP (Version 4, December 2021) addresses the requirements of Condition B66 of DA 305-7-2003. It was noted a few areas of clarification were identified (i.e. regarding section references and the current last review/revision to the Mine's hydrogeology model). However, the GWMP has recently been revised (but not yet approved) following revision of the LW 21 to 24 Extraction Plan, with review of the revised GWMP indicating the updates have addressed these areas of clarification.</p> <p>It is noted that groundwater monitoring data is reported annually, however the GWMP also commits to including updates 'bi-monthly on the website'. Conduct of the audit indicates groundwater data is not available on the website outside of the Annual Review. As there is no requirement to share groundwater data other than in annual reporting, OFI06 has been identified.</p> <p>The GWMP is considered adequate in addressing the management requirements of DA 305-7-2003 and DA 177-8-2004.</p> <p><u>United-Wambo-and-Wambo-Water-Monitoring-Program-Revision-4</u></p> <p>The United Wambo and Wambo Water Monitoring Plan (Version 4, December 2021) is shared with the UWJV and summarises the surface and groundwater monitoring for the two operations.</p> <p>While the respective management plans under each consent are the critical documents for compliance, this joint monitoring program has the objective of providing clarity to the interactions between to the two operations.</p> <p>It was noted in the site interviews that, at times, there may be a delay in the revision of this document to be consistent with the respective site-specific management plans. As an example, the revised GWMP discussed above proposed new groundwater bores that have not been documented within the United Wambo and Wambo Water Monitoring Plan (Version 4, December 2021).</p> <p>OFI02: Review the WMP document to confirm currency of some documents referenced (e.g. strategy), as some documents have been superseded.</p> <p>OFI03: Provide additional detail in the ESCP:</p> <ul style="list-style-type: none"> – to confirm the type of each water storage (i.e. sediment capture or mine water management); and – covering flood conditions from Wollombi Brook within the context of potential impacts to the Hales Crossing Sump located at the train loading facility adjacent to the watercourse. <p>OFI04: Review and revise elements of the surface water management system, as it relates to the monitoring of flow rates over mined areas, and incorporate into a calibrated hydrology model approach that is reviewed on a six monthly to annual basis for those watercourses where there is a risk of flow diversion/flow loss due to mining.</p> <p>OFI05: Update Table 2 of the SWMP to include performance criteria associated with aquatic, riparian and groundwater dependent ecosystems.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary																		
	<ul style="list-style-type: none"> – 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. 			OFI06: Remove the commitment to include bi-monthly updates of groundwater monitoring data on the WCPL website from the GWMP.																		
B67	The Applicant must not commence Phase 2 until the Water Management Plan is approved by the Planning Secretary.	Not triggered	– Considered in the 2020 IEA and outside the current audit period.	N/A – Considered in the 2020 IEA and outside the current audit period.																		
B68	The Applicant must implement the Water Management Plan as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. 	From the site inspections and discussion with site staff, the operations are generally being undertaken in accordance with the current approved water management plan. In addition to the WMP, the Mine also functions under internal operational plans and procedures that compliment this requirements of the plan.																		
BIODIVERSITY																						
Biodiversity Offset Strategy																						
B69	<p>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> <p>Table 9: Biodiversity Offset Strategy</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> <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. 	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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Wambo Weed Treatment Plan 2023 (Eco Logical, 9 March 2023). – Wambo Weed Treatment Plan – Calendar for 2023. – Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 1 (Eco Logical, 9 March 2023). – Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 2 (Eco Logical, 23 March 2023). – Offset Conservation Site Audit Report for CA461 – Wambo Remnant Woodland Enhancement Areas CA (BCT, 25 May 2021). – Offset Conservation Site Audit Report for CA461 – Wambo Remnant Woodland Enhancement Areas CA (BCT, 22 June 2023). – Offset Conservation Site Audit Report for CA464 – Wambo Coal Terminal RWEF (BCT, 22 June 2023). – Offset Conservation Site Audit Report for CA464 – Wambo Coal Terminal RWEF (BCT, 25 May 2021). 	Review of documentation indicates compliance with the requirements of this condition.
Area	Size																					
Remnant Woodland Enhancement Area A	424 ha																					
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Remnant Woodland Enhancement Area for the Wambo Coal Terminal	As shown in Appendix 6																					
B70	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 completed 30 October 2023.	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.																		
Long Term Security																						

Condition #	Details	Compliance status	Relevant evidence	Commentary
B71	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.	Compliant	Site interviews completed 30 October 2023.	Review of relevant documentation and conduct of interviews indicates no change to Conservation Agreements has occurred since the 2020 IEA, with registration on title confirmation received 15 September 2020.
	Offset Conservation			
B72	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: <ul style="list-style-type: none"> a) environmental management, environmental monitoring or other monitoring required under this consent or under an approved management plan or monitoring program; 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. 	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Wambo Weed Treatment Plan 2023 (Eco Logical, 9 March 2023). – Wambo Weed Treatment Plan – Calendar for 2023. – Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 1 (Eco Logical, 9 March 2023). – Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 2 (Eco Logical, 23 March 2023). – Offset Conservation Site Audit Report for CA461 – Wambo Remnant Woodland Enhancement Areas CA (BCT, 25 May 2021). – Offset Conservation Site Audit Report for CA461 – Wambo Remnant Woodland Enhancement Areas CA (BCT, 22 June 2023). – Offset Conservation Site Audit Report for CA464 – Wambo Coal Terminal RWEPP (BCT, 22 June 2023). – Offset Conservation Site Audit Report for CA464 – Wambo Coal Terminal RWEPP (BCT, 25 May 2021). 	Review of documentation indicates compliance with the requirements of this condition.
	Strategic Study Contribution			
B73	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 completed 30 October 2023.	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
	Biodiversity Management Plan			
B74	The Applicant must prepare a Biodiversity Management Plan to the satisfaction of the Planning Secretary. This plan must: <ul style="list-style-type: none"> a) be prepared by a suitably qualified and experienced person/s; b) be prepared in consultation with BCD; 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) 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) describe the measures to be implemented within approved disturbance areas on the site to: <ul style="list-style-type: none"> i. minimise the amount of clearing and employ temporary vegetation strategies (see condition B106); ii. minimise impacts on fauna, including undertaking pre-clearance surveys; 	Compliant	<ul style="list-style-type: none"> – Biodiversity Management Plan (BMP) (December 2021, Rev 4). – DPE approval of BMP (December 2021, Rev 4) dated 24 February 2022. – DPE approval of BMP (November 2020, Rev 2) dated 27 November 2020. – Biodiversity and Conservation Division (BCD) letter of satisfaction for revised BMP during the audit period (i.e. dated 28 October 2021) and 23 June 2023). 	<p>Review of documentation indicates compliance with the requirements of this condition.</p> <p>It is noted while BCD satisfaction with the BMP for the Wambo Coal Mine – South Bates Extension Underground Mine – Extraction Plan LW 24 to 26 was sighted, this Extraction Plan has not been approved by DPE and operations have not yet commenced in LW 24 to 26, with approval for these longwalls only granted on 25 January 2023 (i.e. Modification 19).</p> <p>The first LW (i.e. LW 24) is not planned to commence until December 2023, which is outside the audit period. Therefore, the BMP for LW 24 to 26 has not been considered during this audit.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> 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) describe the measures to be implemented on the site to: <ul style="list-style-type: none"> 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 xiii. manage bushfire hazards; g) describe the measures to manage the offset areas listed in Table 9 in accordance with any Conservation Agreement/s, including measures to: <ul style="list-style-type: none"> 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) include a seasonally-based program to monitor and report on: <ul style="list-style-type: none"> 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) 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) include details of who would be responsible for monitoring, reviewing, and implementing the plan. 		<ul style="list-style-type: none"> – Wambo Coal Mine – South Bates Extension Underground Mine – Extraction Plan LW 24 to 26 – BMP. – BCD letter of satisfaction for BMP for the Wambo Coal Mine – South Bates Extension Underground Mine – Extraction Plan LW 24 to 26 – BMP dated 23 June 2023. 	
B75	The Applicant must not commence Phase 2 until the Biodiversity Management Plan is approved by the Planning Secretary.	Not triggered	– 2020 IEA.	This considered was in, the 2020 IEA period and is not applicable to the current audit period.
B76	The Applicant must implement the Biodiversity Management Plan as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – BMP (December 2021, Rev 4). – Site interviews completed 30 October 2023. – Site inspection completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Wambo Weed Treatment Plan 2023 (Eco Logical, 9 March 2023). – Wambo Weed Treatment Plan – Calendar for 2023. 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 1 (Eco Logical, 9 March 2023). – Wambo Coal Mine Annual Flora and Fauna Monitoring Report 2022 – Volume 2 (Eco Logical, 23 March 2023). – Offset Conservation Site Audit Report for CA461 – Wambo Remnant Woodland Enhancement Areas CA (BCT, 25 May 2021). – Offset Conservation Site Audit Report for CA461 – Wambo Remnant Woodland Enhancement Areas CA (BCT, 22 June 2023). – Offset Conservation Site Audit Report for CA464 – Wambo Coal Terminal RWEF (BCT, 22 June 2023). – Offset Conservation Site Audit Report for CA464 – Wambo Coal Terminal RWEF (BCT, 25 May 2021). 	
	Conservation Bond			
B77	<p>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:</p> <p>a) calculating the remaining cost of implementing and managing the Biodiversity Offset Strategy at third party rates; and</p> <p>b) employing a suitably qualified, independent and experienced person to verify the calculated costs.</p>	Non-compliant (Administrative)	<ul style="list-style-type: none"> – DPE approval of BMP (November 2020, Rev 2) dated 27 November 2020. – Conservation Bond Calculation – Wambo Coal Mine (Eco Logical, 16 September 2021). – Requests for an extension for the lodgement of the Conservation Bond for Wambo's offsets: <ul style="list-style-type: none"> – 31 August 2021, extended until 31 December 2021; and – 22 December 2021 requesting extension under 18 February 2022. 	<p>Review of relevant documentation indicates that the BMP was approved by the DPE on 27 November 2020.</p> <p>Therefore, the Conservation Bond was required to be lodged by 27 May 2021, which is identified as a non-compliance with Condition B77.</p> <p>After this date, an extension request for lodgement of the Conservation Bond was made on 23 August 2021. DPE provided a response on 24 September 2021, noting the lodgement of the Conservation Bond was overdue and requested submission by 31 December 2021. On 24 December 2021, DPE approved an extension until 18 February 2022. The Conservation Bond was lodged on 22 February 2022.</p> <p>However, due to the requirements of this condition not being ongoing, a CA is not deemed relevant.</p>
B78	The calculation of the Conservation Bond must be submitted to the Department for approval at least 2 months prior to lodgement of the bond.	Compliant	<ul style="list-style-type: none"> – Requests for an extension for the lodgement of the Conservation Bond for Wambo's offsets: <ul style="list-style-type: none"> – 31 August 2021, requesting extension until 31 December 2021. DPE correspondence on 23 December 2021 indicates no extension was given and the bond was overdue; and – 22 December 2021 requesting extension under 18 February 2022. 	Review of relevant documentation verifies compliance with the requirements of this condition.
B79	<p>The Conservation Bond must be reviewed and, if required, an updated bond must be lodged with the Department within 3 months following:</p> <p>a) any update or revision to the Biodiversity Management Plan;</p>	Compliant	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. 	Review of relevant documentation indicates a review and updated bond was lodged with DPE on 22 August 2023. However, it was not related to any aspects detailed in Condition B79.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> 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) in response to a request by the Planning Secretary. 		<ul style="list-style-type: none"> - Site inspection completed 30 October 2023. - Email to DPE for revised offsets bond – dated 23 August 2023. - Email from DPE confirming acceptance of revised offsets bond – dated 6 October 2023. 	
B80	If the Biodiversity Offset Strategy is completed generally in accordance with the performance and completion criteria in the Biodiversity Management Plan, to the satisfaction of the Planning Secretary, or if alternate funding arrangements are provided, the Planning Secretary will release the Conservation Bond.	Note	NA.	N/A.
B81	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.	Note	NA.	N/A.
	Threatened Species Surveys			
B82A	<p>Prior to commencement of longwall mining in the modified Longwalls 24 to 26, the Applicant must:</p> <ul style="list-style-type: none"> a) conduct targeted surveys in the modified underground mining area of the Modification Report (Mod 19) for the Tiger Orchid (<i>Cymbidium canaliculatum</i>) Population in the Hunter Catchment and Slaty Red Gum (<i>Eucalyptus glaucina</i>) within areas of suitable habitat in accordance with the Surveying Threatened Plants and Their Habitats: NSW Survey Guide for the Biodiversity Assessment Method (DPIE, 2020); and b) prepare a report in consultation with the BCD, to the satisfaction of the Secretary, detailing: <ul style="list-style-type: none"> i. the results of the surveys; ii. an estimate of the count of individuals and their location(s) in accordance with the Biodiversity Assessment Method 2020. 	Compliant	<ul style="list-style-type: none"> - Site interviews completed 30 October 2023. - Longwalls 24-26 Targeted Threatened Flora Survey Report (Eco Logical, 2023). - Submission of Longwalls 24-26 Targeted Threatened Flora Survey Report dated 25 October 2023. 	Review of documentation indicates compliance with the requirements of this condition, it is noted that Longwall 24 is not due to commence until December 2023.
	HERITAGE			
	Heritage Operating Conditions			
	<p>Notes:</p> <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. 	Note	NA.	N/A.
B82	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	<ul style="list-style-type: none"> - Site interviews completed 30 October 2023. - Site inspection completed 30 October 2023. - Annual Reviews for 2020, 2021, and 2022. 	Review of documentation indicates compliance with the requirements of this condition.
B83	The Applicant must ensure that Aboriginal objects salvaged from the site are housed in a keeping place established for the purpose.	Not triggered	<ul style="list-style-type: none"> - Site interviews completed 30 October 2023. - Site inspection completed 30 October 2023. - Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
B84	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	<ul style="list-style-type: none"> - Site interviews completed 30 October 2023. - Site inspection completed 30 October 2023. - Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
B85	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	<ul style="list-style-type: none"> - Wambo General Induction. 	Review of relevant evidence indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
B86	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	<ul style="list-style-type: none"> – Correspondence to Wanaruah Local Aboriginal Land Council (LALC) regarding South Bates Extension Underground Mine Longwalls 24-26 Modification, dated 14 March 2022. – Evidence of postage of Draft Aboriginal Cultural Heritage Assessment (ACHA for Registered Aboriginal Party (RAP) review/comment for the South Bates Extension Underground Mine Longwalls 24-26 Modification, dated 7 April 2022. – Evidence of email and letter regarding postage and web-link of Draft ACHA for RAPs to review/comment for the South Bates Extension Underground Mine Longwalls 24-26 Modification, dated 7 April 2022. – RAP register dated November 2021. 	Review of documentation indicates compliance with the requirements of this condition, with consultation undertaken for modifications 18 and 19 of DA 305-7-2003, however no salvage was undertaken during the audit period.
Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area A				
B87	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: <ul style="list-style-type: none"> a) prepared by a suitably qualified and experienced person/s; b) developed in consultation with BCD and the Registered Aboriginal Parties; and c) approved by the Planning Secretary. 	Compliant	<ul style="list-style-type: none"> – HMP (July 2018, Rev 5): <ul style="list-style-type: none"> – Appendix F: Aboriginal Heritage Management Plan for Remnant Woodland Enhancement Program Area A (AHMP RWEPA Area A) (July 2018, Rev 5). 	Review of documentation indicates compliance with the requirements of this condition.
B88	The Applicant must implement the Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area A approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. 	Review of documentation indicates compliance with the requirements of this condition.
Wambo Homestead				
B89	The Applicant must prepare a conservation management plan for the Wambo Homestead Complex in accordance with Heritage NSW guidelines, to the satisfaction of Heritage NSW. This plan must: <ul style="list-style-type: none"> a) describe the measures to be implemented to conserve, manage and interpret the cultural significance of the Wambo Homestead Complex; b) contain a timetable for implementing conservation measures; and c) detail ongoing maintenance and inspection programs. 	Compliant	Wambo Homestead Complex Conservation Management Plan (WHC CMP) (May 2019, Rev 6).	Review of documentation indicates compliance with the requirements of this condition.
B90	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	<ul style="list-style-type: none"> – 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 – WHC CMP. – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant evidence indicates compliance with the requirements of this condition. However, invites have not been accepted to date.

Condition #	Details	Compliance status	Relevant evidence	Commentary
B91	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 Heritage NSW 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 Heritage NSW, and a copy is to be submitted to the Department and the Council.	Compliant	<ul style="list-style-type: none"> Wambo Homestead Archival Photographic Records for 2020, 2021 and 2022, including evidence of submission of Heritage NSW, and copies submitted to DPE and Council on 25 January 2021 (2020 Archives), 13 January 2022 (2021 Archives), and 28 March 2023 (2022 Archives). 	Review of documentation indicates compliance with the requirements of this condition.
	Road Rehabilitation			
B92	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 Heritage NSW for construction of the road.	Not triggered	N/A.	Will be completed at cessation of mining.
	Movable Heritage Items			
B93	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.	Not triggered	N/A.	N/A – Considered in the 2020 IEA and outside the current audit period.
	VISUAL			
	Visual Amenity and Lighting			
B94	The Applicant must: <ul style="list-style-type: none"> 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); 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) implement measures to mitigate visual impacts including: <ul style="list-style-type: none"> 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. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Complaints records. 	Phase 1 (i.e. Open Cut) operations only occurred between 20 to 30 November 2020, which would have been the main contributor to impacts on visual amenity (e.g. as a result of lighting). Review of documentation otherwise verifies compliance with the requirements of this condition.
	Visual Mitigation			
B95	The Applicant must investigate and where feasible implement the following measures at locations assessed in the EIS as having a high potential visual impact: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Complaints records. Rehabilitation Management Plan (RMP) (Rev 2, 7 October 2022). Extraction Plan Longwalls 21 to 24 (December 2022, Rev E): <ul style="list-style-type: none"> Appendix I: Phase 2 – RMP (Rev 2, 7 October 2022). 	Phase 1 (i.e. Open Cut) operations only occurred between 20 to 30 November 2020, which would have been the main contributor to impacts on visual amenity (e.g. as a result of lighting). Review of documentation otherwise verifies compliance with the requirements of this condition.
B96	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: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Phase 1 operations only occurred between 20 to 30 November 2020 and was not triggered during the audit period.

Condition #	Details	Compliance status	Relevant evidence	Commentary
B97	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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Phase 1 operations only occurred between 20 to 30 November 2020 and was not triggered during the audit period.
B98	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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site interviews completed 30 October 2023. 	Phase 1 operations only occurred between 20 to 30 November 2020 and was not triggered during the audit period.
WASTE				
B99	The Applicant must: <ul style="list-style-type: none"> a) take all reasonable steps to minimise the waste (including coal rejects and tailings) generated by the development; b) dispose of all waste at appropriately licensed waste facilities; c) manage on-site sewage treatment and disposal in accordance with the requirements of Council; and d) monitor and report on the effectiveness of the waste minimisation and management measures in the Annual Review referred to in condition D10. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021, and 2022. EPA Online Waste Tracking System Transport Certificates for audit period. Sample monthly Total Waste Management Reports for audit period, including Waste Tracking Spreadsheet. Site inspection completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition.
B100	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	<ul style="list-style-type: none"> EPL 529. Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021, and 2022. Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 The organic outputs¹ derived from mixed waste exemption 2014. EPA Consultation during the conduct of the 2023 IEA. 	Review of relevant evidence indicates compliance with the requirements of this condition.
HAZARDS MANAGEMENT				
Spontaneous Combustion				
B101	The Applicant must: <ul style="list-style-type: none"> a) take the necessary measures to prevent, as far as is practical, spontaneous combustion on the site; and b) manage any spontaneous combustion on the site to the satisfaction of the Resources Regulator. 	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. 	Review of documentation indicates compliance with the requirements of this condition.
Dangerous Goods				
B102	The Applicant must ensure that the storage, handling, and transport of: <ul style="list-style-type: none"> 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. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Site inspection completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary																								
			<ul style="list-style-type: none"> Site interviews completed 30 October 2023. 																									
	BUSHFIRE MANAGEMENT																											
B103	<p>The Applicant must:</p> <p>a) ensure that the development:</p> <ol style="list-style-type: none"> provides for asset protection in accordance with the relevant requirements in the Planning for Bushfire Protection (RFS, 2006) guideline; and ensure that there is suitable equipment to respond to any fires on the site; and <p>b) assist the RFS and emergency services to the extent practicable if there is a fire in the vicinity of the site.</p>	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. 	Review of relevant evidence indicates compliance with the requirements of this condition.																								
	REHABILITATION																											
	Rehabilitation Objectives																											
B104	<p>The Applicant must rehabilitate the site in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. 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> <p><i>Table 10: Rehabilitation objectives</i></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 B69 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> <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; or damage is fully restored, repaired or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i> </td> </tr> <tr> <td>Cliffs, minor cliffs, rock face features and steep slopes</td> <td> <ul style="list-style-type: none"> No additional risk to public safety compared to prior to mining </td> </tr> <tr> <td>Community</td> <td> <ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects associated with mine closure </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 a minimum of 270 hectares of Open Woodland Revegetation to satisfy condition B69 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; 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or damage is fully restored, repaired or compensated for under the <i>Coal Mine Subsidence Compensation Act 2017</i> 	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 	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. Phase 2 – RMP (Rev 2, 7 October 2022). 	<p>Review of relevant documentation and conduct of the site interviews indicates that WCPL is responsible for rehabilitating the remaining surface area and activities related to the Mine's approved activities. However, due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine).</p> <p>As a result, conduct of the audit has determined no rehabilitation has been undertaken during the audit period. This notwithstanding, remediation activities have been undertaken in relation to repairing/managing/mitigation subsidence impacts as a result of mining.</p> <p>In addition, review of documentation indicates that during the audit period:</p> <ul style="list-style-type: none"> no buildings were renovated or removed; rehabilitation trials were undertaken, including: <ul style="list-style-type: none"> subsidence repair trials; and remediation of approximately 1 km of the NWCD, as guided by the NWCD Rehabilitation and Maintenance Plan, including the application of gypsum to improve soil sodicity and structure beneath newly constructed rock chutes. During the site inspection, active remediation/rehabilitation of the NWCD was observed, with WCPL engaging the Soil Conservation Service to complete these works. the RMP was updated during the audit period (i.e. Rev 2, 7 October 2022). In addition, an amendment to the RMP was noted to have been approved on 12 November 2023 (i.e. outside the audit period) in relation to reflecting approval of Rehabilitation Objectives, the final landform, and rehabilitation plan.
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 																											
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B105	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.	Note	N/A.	N/A.																								
	Progressive Rehabilitation																											

Condition #	Details	Compliance status	Relevant evidence	Commentary
B106	<p>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.</p> <p><i>a Nothing in this condition prevents further disturbance at some later stage of the development of areas that have been rehabilitated.</i></p>	Not triggered	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. 	<p>Review of relevant documentation and conduct of the site interviews indicates that WCPL is responsible for rehabilitating the remaining surface area and activities related to the Mine's approved activities. However, due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to be reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine).</p> <p>As a result, conduct of the audit has determined no progressive rehabilitation has been undertaken during the audit period.</p>
	Rehabilitation Management Plan			
B107	<p>The Applicant must prepare a Rehabilitation Management Plan for all land disturbed by the development in accordance with the conditions imposed on the mining lease(s) associated with the development under the Mining Act 1992. This plan must:</p> <ol style="list-style-type: none"> be prepared by a suitably qualified and experienced person/s; be prepared in consultation with the Department, DPE Water, BCD and Council; be prepared in accordance with any relevant MEG Guideline; 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; 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; include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, and for triggering remedial action (if necessary); 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; include a detailed tailings management strategy that includes: <ol style="list-style-type: none"> a strategy for treating and/or emplacing all tailings material generated by the Wambo CHPP; and timing for rehabilitation of all tailings storage facilities, in order that final landform and land use objectives can be achieved in a timely manner; include procedures for the use of interim stabilisation and temporary vegetation strategies, where reasonable to minimise the area exposed for dust generation; 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); to the maximum extent practicable build on and integrate with the other management plans required under this consent; and include detailed scheduling for progressive rehabilitation to be initiated, undertaken and/or completed over the next three years. 	Compliant	<ul style="list-style-type: none"> RMP (Rev 2, 7 October 2022). Letter to DPE dated 2 June 2022 detailing consultation undertaken for the RMP, also included as Attachments 2 and 3 to the RMP. Letter from DPE dated 20 June 2022 noting consultation with stakeholders listed in Condition B107(b) is not required for the 2022 revision to the RMP. 	<p>Review of relevant documentation verifies compliance with the requirements of this condition. It is noted that Condition B107(i) is part of the Joint Venture open cut operations RMP.</p> <p>The site inspection confirmed the tailings facility is in the process of being prepared for rehabilitation by WCPL, after which rehabilitation would be completed by the UWJV open cut operation.</p>
B108	Deleted.	N/A	N/A.	N/A.
B109	Deleted.	N/A	N/A.	N/A.
	TRANSPORT			
	Monitoring of Coal Transport			
B110	<p>The Applicant must:</p> <ol style="list-style-type: none"> keep accurate records of the amount of coal transported from the site (on a daily basis); and include these records in the Annual Review. 	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022, Train running reports provided in Appendix B. 	Review of documentation indicates compliance with the requirements of this condition.
	Parking			
B111	The Applicant must provide sufficient parking on-site for all mine-related traffic to the satisfaction of the Planning Secretary.	Not triggered	<ul style="list-style-type: none"> N/A. 	N/A – Considered in the 2020 IEA and outside the current audit period.
	Traffic Management Plan			
B112	<p>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:</p> <ol style="list-style-type: none"> be prepared by a suitably qualified and experienced person/s; 	Compliant	<ul style="list-style-type: none"> TMP (November, 2020), including evidence of consultation in Appendix A. 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary				
	<ul style="list-style-type: none"> b) be prepared in consultation with TfNSW and Council; c) include details of all transport routes, traffic types and access roads to be used for development-related traffic; 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) include a Drivers' Code of Conduct that includes procedures to ensure that drivers: <ul style="list-style-type: none"> i. adhere to travelling speeds; ii. adhere to the designated transport routes, where applicable; and iii. implement safe driving practices. 							
B113	The Applicant must not commence Phase 2 until the Traffic Management Plan is approved by the Planning Secretary.	Compliant	– Letter of approval from DPE dated 16 November 2020	Review of documentation indicates compliance with the requirements of this condition.				
B114	The Applicant must implement the Traffic Management Plan as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Complaints data. 	Review of documentation indicates compliance with the requirements of this condition.				
PART C – ADDITIONAL PROCEDURES								
ACQUISITION UPON REQUEST								
C1	Deleted. Table 11: Deleted	N/A	N/A.	N/A.				
ADDITIONAL MITIGATION UPON REQUEST								
C2	<p>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.</p> <p>Table 12: Land subject to additional mitigation upon request</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Mitigation Basis</th> <th style="text-align: center;">Land</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Noise</td> <td style="text-align: center;">R025</td> </tr> </tbody> </table> <p><i>* The locations of the land referred to in Table 12 is shown in Appendix 4.</i></p>	Mitigation Basis	Land	Noise	R025	Not triggered	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
Mitigation Basis	Land							
Noise	R025							
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	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.				
NOTIFICATION OF LANDOWNERS/TENANTS								
C4	<p>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:</p> <ul style="list-style-type: none"> 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. 	Compliant	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Additional terms of residential tenancy agreement – Awareness of mining. – Annual Reviews for 2020, 2021, and 2022. 	Review of documentation indicates compliance with the requirements of this condition.				
NOTIFICATION OF EXCEEDANCES								

Condition #	Details	Compliance status	Relevant evidence	Commentary
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.	Not triggered	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Monitoring data. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Monitoring data. 	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
INDEPENDENT REVIEW				
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.	Not triggered	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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.	Not triggered	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
C9	<p>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:</p> <ul style="list-style-type: none"> a) commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Planning Secretary, to: <ul style="list-style-type: none"> 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; b) give the Planning Secretary and landowner a copy of the independent review; and c) comply with any written requests made by the Planning Secretary to implement any findings of the review. 	Not triggered	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING				
ENVIRONMENTAL MANAGEMENT				
Environmental Management Strategy				
D1	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ul style="list-style-type: none"> a) provide the strategic framework for environmental management of the development; b) identify the statutory approvals that apply to the development; c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; d) set out the procedures to be implemented to: <ul style="list-style-type: none"> 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) include: <ul style="list-style-type: none"> 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. 	Compliant	Environmental Management Strategy (EMS) (November 2020, Rev 7).	There has been no change to the WMS since the 2020 IEA; therefore, this audit has focused on implementation of the plan only, which is covered by Condition D3.

Condition #	Details	Compliance status	Relevant evidence	Commentary
D2	The Applicant must not commence Phase 2 until the Environmental Management Strategy is approved by the Planning Secretary.	Not triggered	– EMS (November 2020, Rev 7).	There has been no change to the EMS since the 2020 IEA and the EMS for Phase 2 approved during, and considered in, the 2020 IEA period; therefore, this audit has focused on implementation of the plan only, which is covered by Condition B48.
D3	The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition.
Adaptive Management				
D4	<p>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> <ul style="list-style-type: none"> a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; 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) implement reasonable remediation measures as directed by the Planning Secretary. 	Not triggered	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. – Site interviews completed 30 October 2023. 	No adaptive management was undertaken in terms of operational requirements over the audit period.
Management Plan Requirements				
D5	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:</p> <ul style="list-style-type: none"> a) summary of relevant background or baseline data; b) details of: <ul style="list-style-type: none"> 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) any relevant commitments or recommendations identified in the documents listed in condition A2(c); d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; e) a program to monitor and report on the: <ul style="list-style-type: none"> i. impacts and environmental performance of the development; and ii. effectiveness of the management measures set out pursuant to paragraph (d); 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) a program to investigate and implement ways to improve the environmental performance of the development over time; h) a protocol for managing and reporting any: <ul style="list-style-type: none"> 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. <p><i>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>	Compliant	<ul style="list-style-type: none"> – WMPprog (December 2021, Rev 4). – SWB (August 2020, Rev 2). – WMP (November 2020, Rev 2). – SWMP (November 2020, Rev 2). – GWMP (December 2021, Rev 4). – ESCP (November 2021, Rev 4). – AQGHGMP (November 2020). – EMS (November 2020, Rev 7). – WHC CMP (May 2019, Rev 6). – RMP (7 October 2022, Rev 2). – Pollution Incident Response Management Plan (PIRMP) (August 2022, Rev 7). – NMP (November 2020, Rev 11). – HMP (July 2018, Rev 5): <ul style="list-style-type: none"> – Appendix F: Aboriginal Heritage Management Plan for Remnant Woodland Enhancement Program Area A (AHMP RWEPA Area A) (July 2018, Rev 5). – BMP (December 2021, Rev 4). – Extraction Plan Longwalls 21 to 24 (December 2022, Rev E): <ul style="list-style-type: none"> – Appendix A: WMP (April 2021, Rev D); – Appendix B: LMP (July 2020, Rev A); 	<p>On review of the suite of management plan documents, they were determined to be compliant with the requirements of this condition. Where management plans have not included coverage of these requirements it was determined that they were not relevant (e.g. United Wambo and Wambo Site Water Balance).</p> <p>The management plan documents prepared under the extraction plans generally do not include these requirements as they have specifically been prepared to cover detail of the mining activities.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – Appendix C: BMP (May 2020, Rev 1); – Appendix D: HMP (July 2020, Rev 1); – Appendix E: BFMP (July 2020, Rev A); – Appendix F: PSMP (July 2020, Rev A); – Appendix G: CRRP (July 2020, Rev A); – Appendix H: Subsidence Monitoring Program (July 2020, Rev A); and – Appendix I: Phase 2 – RMP (Rev 2, 7 October 2022). 	
	REVISION OF STRATEGIES, PLANS AND PROGRAMS			
D6	<p>Within three months of:</p> <ul style="list-style-type: none"> a) the submission of an incident report under condition D8; b) the submission of an Annual Review under condition D10; c) the submission of an Independent Environmental Audit under condition D11; or d) the approval of any modification (excluding Modification 16) of the conditions of this consent, <p>the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.</p>	Compliant	<ul style="list-style-type: none"> – Management plans have consultation evidence attached (both submissions and comments registers). – Tracking sheet dated 11 October 2023 identifying relevant versions and approval dates of all management plans, including current status (e.g. revised and submitted for consultation and/or DPE approval). 	Review of documentation indicates compliance with the requirements of this condition.
D7	<p>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.</p> <p><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></p>	Compliant	<ul style="list-style-type: none"> – Management plans have consultation evidence attached (both submissions and comments registers). – Tracking sheet dated 11 October 2023 identifying relevant versions and approval dates of all management plans, including current status (e.g. revised and submitted for consultation and/or DPE approval). 	Review of documentation indicates compliance with the requirements of this condition.
	REPORTING AND AUDITING			
	Incident Notification			
D8	<p>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 via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident.</p>	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021, and 2022. – Site interviews completed 30 October 2023. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 22 March 2021 (same day as incident); and – follow-up letter report dated 29 March 2021. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 8 March 2022 (same day as incident); and 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> - follow-up letter report dated 15 March 2022. - Hales Crossing Sump Inundation: <ul style="list-style-type: none"> - notification on 5 July 2022 (same day as incident); and - follow-up letter report dated 12 July 2022. 	
D9	<p>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 via the Department's Major Projects Website 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.</p> <p><i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i></p>	Non-compliant (Administrative)	<ul style="list-style-type: none"> - Annual Reviews for 2020, 2021, and 2022. - Annual Returns for 2020, 2021, and 2022. - Discharge concentration limits above criteria in Condition B55 of DA 305-7-2003 and EPL 529: <ul style="list-style-type: none"> - occurring on 10/11, 11/12, 12/13, and 15/16 March 2023, with non-compliance email notifications to DPE and EPA dated 18 March 2022; - occurring on 24-25 March 2021 (becoming aware on 1 April 2022), and reported to DPE and EPA on 7 April 2022; - occurring on 30 March 2022 (becoming aware on 1 April 2022), with non-compliance email notifications to DPE and EPA dated 7 April 2022; and - occurring on 8 September 2022, with non-compliance notifications to DPE and EPA dated 15 September 2022. - Notification of Greater than Negligible Change in Groundwater Quality Monitoring Bore P315 exceeding performance criteria in Table 8 of Condition B62 of DA 305-7-2003 occurring in in June, August, October and December of 2021. - Exceedance of the surface water quality triggers due to water quality results exceeding the impact criteria in Condition B55 of DA 305-7-2003, occurring for consecutive events between April to November 2021, with a notification provided on 31 March 2022. - Site interviews completed 30 October 2023. 	<p>A number of non-compliances were reported during the audit period; however, review of relevant documentation indicates one non-compliance was not reported within seven days of becoming aware of the non-compliance.</p> <p>Notification of the P315 non-compliance to the DPE occurred following management plan trigger processes including escalation, resampling and a preliminary investigation (by SLR Consulting, completed in January 2022) being undertaken prior to the notification to the DPE. The P315 non-compliance should have been notified within seven days of receipt of the SLR Consulting report in January 2022. However, a notification was not provided until 31 March 2022.</p> <p>Therefore an ANC has been identified and CA01 has been to establish and implement a process for reporting non-compliances related to TARP exceedances.</p> <p>CA01: <i>Develop a formal process for reporting non-compliances within seven days of becoming aware, where non-compliance occurs due to consecutive/multiple triggers under TARPs (e.g. multiple exceedances which result in a non-compliance) resulting in exceedance of performance criteria in relevant conditions of consent.</i></p> <p><i>Note: should the 2026 IEA determine compliance with the requirements of Condition D9 of DA 305-7-2003, CA01 can be considered closed.</i></p>
	Annual Review			
D10	<p>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>	Compliant	<ul style="list-style-type: none"> - Annual Reviews for 2020, 2021, and 2022. - Emails verifying by the end of March 2021, 2022, and 2023, with all submitted on 31 March. 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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) 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) evaluate and report on: <ul style="list-style-type: none"> 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) identify any trends in the monitoring data over the life of the development; f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development. 		<ul style="list-style-type: none"> - DPE acceptance of Annual Reviews for 2020 (i.e. 3 November 2021), 2021 (i.e. 30 May 2022) and 2022 (not provided at the time of the audit). 	
	Independent Environmental Audit			
D11	<p>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> <ul style="list-style-type: none"> 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. 	Compliant	<ul style="list-style-type: none"> - 2020 IEA (GHD, November 2021). - DPE letter approving audit team dated 18 September 2023 and 10 October 2023. - This audit report. 	Review of documentation indicates compliance with the requirements of this condition.
D12	<p>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 timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	Compliant	<ul style="list-style-type: none"> - Submission to DPE of initial 2020 IEA December 2021, and revised submission dated 29 July 2021. 	Review of documentation indicates compliance with the requirements of this condition.
	Monitoring and Environmental Audits			
D13	<p>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.</p> <p>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.</p>	Compliant	<ul style="list-style-type: none"> - Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. - Annual Returns for 2020, 2021, and 2022. - Monthly monitoring reports. - Excel spreadsheet detailing monitoring results. 	Monitoring data and results were reviewed as part of the audit and determined to be compliant with the condition of consent.
D14	<p>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.</p>	Compliant	<ul style="list-style-type: none"> - NMP (November 2020, Rev 11). 	Review of relevant documentation indicates representative noise monitoring locations as agreed with the EPA in Sept/Oct 2019.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	ACCESS TO INFORMATION			
D15	<p>Within three months of the determination of Modification 16, until the completion of all rehabilitation required under this consent, the Applicant must:</p> <p>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:</p> <ul style="list-style-type: none"> 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 <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	Compliant	– WCPL website.	Review of the documentation available on the WCPL website (found: https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Underground-Mine) indicates compliance with the requirements of this condition.

Appendix E

DA 177-8-2004

Condition #	Details	Compliance status	Relevant evidence	Commentary
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 operation of the development, and any rehabilitation required under this consent.	Compliant	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. 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: <ol style="list-style-type: none"> in compliance with the conditions of this consent; in accordance with all written directions of the Planning Secretary; generally in accordance with the SEE, SEE (Mod 1), EA (Mod 2) and EA (Mod 3); and generally in accordance with the Development Layout. 	Non-compliant (Low)	<ul style="list-style-type: none"> Development Consent (DA 177-8-2004). 	Non-compliance with this condition is noted in relation to non-compliances with other conditions of DA 177-8-2008. These include Condition B3 and Condition B6.
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: <ol style="list-style-type: none"> 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 the implementation of any actions or measures contained in any such document referred to in paragraph (a). 	Not triggered	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Management plans have consultation evidence attached (both submissions and comments registers). Annual review DPE comments provided. 	Other than consultation comments provided on management plans and annual review documents, no DPE directions were noted during the audit period. Consultation has been adequately addressed.
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.	Note	N/A.	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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Notification to DPE for commencement of Phase 2 on 1 December 2020, dated 13 October 2020. Notification to DPE on 9 March 2022 in relation to temporary suspension of all mining operations due to ongoing safety concerns associated with the flooding of Wollombi Brook at Warkworth and flooding throughout the Hunter. Notification to DPE on 23 March 2022 in relation to recommencement of all mining operations. 	Review of relevant documentation indicates compliance with the requirements of this condition.
A6	The Department must be notified in writing immediately following both the commencement and completion of any periods of suspension of coal transportation.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Notification to DPE for commencement of Phase 2 on 1 December 2020, dated 13 October 2020. 	Review of relevant documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – Notification to DPE on 9 March 2022 in relation to temporary suspension of all mining operations due to ongoing safety concerns associated with the flooding of Wollombi Brook at Warkworth and flooding throughout the Hunter. – Notification to DPE on 23 March 2022 in relation to recommencement of all mining operations. 	
	LIMITS OF CONSENT			
	Coal Transportation			
	Coal transportation may be carried out until 31 August 2042. <i>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.</i>	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Annual Returns for 2020, 2021 and 2022. 	Still within approved period.
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 2020, 2021, and 2022.	Review of relevant documentation indicates compliance with the requirements of this condition, with production as follows: <ul style="list-style-type: none"> – 2020/2021: 6.97 million tonnes; – 2021/2022: 2.1 million tonnes; and – 2022/2023: 2 million tonnes.
A9	A maximum of eight laden trains may leave the site in any 24 hour period.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022, including Daly Train Movement Summary provided as Appendix B to Annual Reviews. – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. 	Review of relevant documentation 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022, including Daly Train Movement Summary provided as Appendix B to Annual Reviews. – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. 	Review of relevant documentation indicates compliance with the requirements of this condition.
	Hours of Operation			
A11	The Applicant may undertake approved coal transportation 24 hours a day, 7 days a week.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021 and 2022. 	Review of relevant documentation 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022, including Daly Train Movement Summary provided as Appendix B to Annual Reviews. – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. 	Review of relevant documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	EVIDENCE OF CONSULTATION			
A13	Where conditions of this consent require consultation with an identified party, the Applicant must: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	Compliant	– Evidence of consultation, where not included as attachments/appendices to relevant management plans.	Consultation evidence provided as attachments to the relevant management plans, including evidence was sighted for regular consultation with neighbouring operations on water management and potential exceedances of criteria (e.g. noise and air quality).
	STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS			
A14	With the approval of the Planning Secretary, the Applicant may: <ul style="list-style-type: none"> 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). 	Compliant	– Tracking sheet dated 11 October 2023 identifying relevant versions and approval dates of all management plans, including current status (e.g. revised and submitted for consultation and/or DPE approval).	Review of relevant documentation indicates compliance with the requirements of this condition.
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 completed 30 October 2023.	Review of relevant documentation and conduct of interviews 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.	Not triggered	N/A.	This condition was considered during the 2020 IEA and does not apply to the current audit period.
	PUBLIC INFRASTRUCTURE			
	Protection of Public Infrastructure			
A17	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: <ul style="list-style-type: none"> a) repair, or pay the full costs associated with repairing, any public infrastructure^a that is damaged by carrying out the development; and 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. ^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.	Not triggered	– Annual Reviews for 2020, 2021, and 2022. – Site interviews completed 30 October 2023.	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.
	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	– Annual Reviews for 2020, 2021, and 2022. – Site interviews completed 30 October 2023.	Review of relevant documentation and conduct of interviews 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: <ul style="list-style-type: none"> 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. 	Not triggered	– Annual Reviews for 2020, 2021, and 2022. – Site interviews completed 30 October 2023.	Review of relevant documentation and conduct of interviews indicates this condition has not been triggered during the audit period.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>Notes:</p> <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	<p>All plant and equipment used on site, or to monitor the performance of the development must be:</p> <p>a) maintained in a proper and efficient condition; and</p> <p>b) operated in a proper and efficient manner.</p>	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Wambo General Induction. – Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for Toyota Hilux X-TRA Cab Ute, dated 8 November 2022. – Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for R210LC-9 Excavator, dated 15 December 2022. – Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for Caterpillar Dozer D6R, dated 24 March 2023. – Compliance Audit (4871 Electrical Only) regarding MDG 15 guideline for mobile and transportable plant for use on mine surface for Caterpillar Dozer D6R model, dated 14 April 2023. 	Review of relevant data indicates compliance with the requirements of this condition.
	COMPLIANCE			
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	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.	Compliant	Relevant management plans.	The management plans for the Project include the policies, guidelines and standards for the suite of documents. These are cross-referenced where necessary within relevant sub-plans to avoid duplication.
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.	Compliant	DPE correspondence approving audit team dated 18 September 2023.	This audit has been completed generally in accordance with the requirements of the <i>Independent Audit Post Approval Requirements (2020)</i> .
	PART B – SPECIFIC ENVIRONMENTAL CONDITIONS			
	NOISE			
	Noise Operating Conditions			
B1	<p>The Applicant must:</p> <p>a) take all reasonable steps to minimise all noise associated with the development, including during noise enhancing meteorological conditions;</p> <p>b) operate a noise management system commensurate with the risk of impact to ensure compliance with the relevant conditions of this consent;</p>	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Noise Management Plan (NMP) (November 2020, Rev 11). – Site inspection completed 30 October 2023. 	Review of relevant documentation and conduct of the site inspection indicates compliance with the requirements of this condition, with a reduction in noise complaints during the audit period (in comparison to the 2020 IEA period) and no exceedances of relevant criteria.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> 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; 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. 		<ul style="list-style-type: none"> - Site interviews completed 30 October 2023. - Attended noise monitoring reports. - Complaints records. 	
	AIR QUALITY AND GREENHOUSE GAS			
	Odour			
B2	The Applicant must ensure that no offensive odours, as defined under the POEO Act, are emitted from the site.	Compliant	<ul style="list-style-type: none"> - Annual Reviews for 2020, 2021, and 2022. - Annual Returns for 2020, 2021 and 2022. - Complaints records. 	Review of documentation indicates compliance with the requirements of this condition.
	Air Quality Operating Conditions			
B3	<p>The Applicant must:</p> <ul style="list-style-type: none"> a) take all reasonable steps to: <ul style="list-style-type: none"> 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. 	Non-compliant (Administrative)	<ul style="list-style-type: none"> - Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. - Annual Returns for 2020, 2021 and 2022. - Air quality monitoring records for the audit period. 	<p>Review of relevant documentation indicates general compliance with the requirements of this condition, with no exceedances of air quality criteria and no complaints. However, an ANC is noted in relation to:</p> <ul style="list-style-type: none"> - 2021: on 23 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) due to technical and environmental factors that resulted in a loss of power or data. - 2022: on 18 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 (AQ04) and EPA Point 53 (AQ05). - 2023 (to date): on 17 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 15 (AQ03) (11 occasions) and EPA Point 16 (AQ04) (six occasions) due to technical and environmental factors that resulted in a loss of power or data. <p>Despite the above, it is noted the data capture during each reporting period was greater than 90%.</p> <p>With consideration to the level of data capture and noting a monitor cannot always operate continuously, whether for periodic maintenance requirements or due to loss of power outside WCPL's control, no CA or OFI is deemed relevant.</p>
	WATER			
	Soil Erosion			
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	<ul style="list-style-type: none"> - Site inspection completed 30 October 2023. - Incident reports, as relevant. - Site interviews completed 30 October 2023. - Erosion and Sediment Control Plan (ESCP) (November 2021, Rev 4). - United Wambo Open Cut and Wambo Water Monitoring Program (WMPprog) (December 2021, Rev 4). - Water Management Plan (WMP) (November 2020, Rev 2). - Surface Water Management Plan (SWMP) (November 2020, Rev 2). - Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. 	Comments on this condition are the same as provided for DA 305-7-2003 (as modified).

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Annual Returns for 2020, 2021, and 2022. 	
	Water Supply			
B5	<p>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.</p> <p><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></p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. United Wambo Open Cut and Wambo Underground SWB (August 2020, Rev 2). WMP (November 2020, Rev 2). SWMP (November 2020, Rev 2). GWMP (December 2021, Rev 4). WALs 	Comments on this condition are the same as provided for DA 305-7-2003 (as modified).
	Pollution of Waters			
B6	<p>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.</p>	Non-compliant (Low)	<ul style="list-style-type: none"> Incident reports, as relevant. Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. Excel spreadsheet detailing monitoring results. 	<p>A low risk non-compliance has been identified in relation to separate inundation events of the Hales Crossing Sump, with incidents occurring as follows:</p> <ul style="list-style-type: none"> 22 March 2021; 8 March 2022; and 5 July 2022. <p>Review of relevant documentation indicates incident notifications were provided on the same day of each event, with follow-up letter reports provided within seven days, in accordance with the requirements of DA 305-7-2003 and DA 177-8-2004.</p> <p>While this non-compliance did not occur during the 2020 IEA period due to drought conditions during that audit period, it was occurring during the 2017 IEA period. It is considered this non-compliance is likely to re-occur during flooding events on Wollombi Brook. Therefore, CA02 has been identified.</p> <p>Non-compliance with Section 120 of the POEO Act is due to the strict definitions of water pollution under the POEO Act and POEO (General) Regulation 2022.</p> <p>It is otherwise considered the pollution because of inundation of Hales Crossing Sump is negligible, based on the following considerations:</p> <ul style="list-style-type: none"> desilting of the Hales Crossing Sump was undertaken within a month prior to any incident occurring (e.g. a minimum of 36 days for the July 2022 flooding event); any material from the sump would be significantly diluted when mixed with flood waters due to the volume of these waters, such that it is considered an observable difference in water quality pre and post mixing would be unlikely; and due to typical TSS levels and other contaminants present in flood waters, it is considered there is unlikely to be material harm or potential for material harm associated with inundation and subsequent overflow from the Hales Crossing Sump lost to the flooded environment (i.e. per the definition in Section 147 of the POEO Act). <p>CA02: Consult with the EPA to understand their expectations in relation to flooding events of the Hales Crossing Sump and whether this location should be made a licensed discharge point via an EPL variation.</p> <p>Incident reports were reviewed as part of the audit for pH and turbidity issues in 2021 and 2022.</p> <p>Other than the reported incidents, the Mine water quality monitoring data captured generally in accordance with the SWMP and WMPProg is reported on in Annual Reviews. Monitoring and any necessary investigations are completed using external contractors.</p> <p>Surface water quality management is against pH, EC and TSS only with the management plan identify the development of triggers in accordance with ANZECC (2000) and the relevant water quality objectives for the catchment.</p> <p>Continuing water quality exceedance at SW08 remain under investigation in consultation with DPE.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary										
				An opportunity for improvement (OFI) (i.e. OFI01) has been identified for this condition (refer to Condition B54 of DA 305-7-2003).										
	Water Management													
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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. WMP (November 2020, Rev 2). SWMP (November 2020, Rev 2). 	Comments on this condition are the same as provided for DA 305-7-2003 (as modified).										
B8	The Applicant may integrate the site water management system with water management for Wambo mine and United Wambo open cut coal mine.	Note	N/A.	Note – N/A.										
	Water Management Performance Measures													
B9	<p>The Applicant must ensure that the development complies with the performance measures in Table 1.</p> <p>Table 1: Water management performance measures</p> <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 (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> </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 (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> 	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 	Compliant	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. WMP (November 2020, Rev 2). SWMP (November 2020, Rev 2). ESCP (November 2021, Rev 4). WMPProg (December 2021, Rev 4). Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021, and 2022. 	No noted changes to works associated with this development from previous audit. Comments on this condition are the same as provided for DA 305-7-2003 (as modified).
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 													
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	HERITAGE													
	Heritage Operating Conditions													
B10	<p>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.</p> <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 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. 	Compliant	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. 	Review of documentation indicates compliance with the requirements of this condition.										
B11	<p>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.</p> <p><i>Note: For more information on the sites and objects, see Figure 12 of the SEE.</i></p>	Compliant	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. Heritage Management Plan (HMP) (Version 5, July 2018). 	Review of documentation indicates compliance with the requirements of this condition.										
B12	The Applicant must ensure that Aboriginal objects salvaged from the site are housed in a keeping place established for the purpose.	Not triggered	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.										

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. 	
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. HMP (Version 5, July 2018). 	Review of documentation indicates compliance with the requirements of this condition.
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> Wambo General Induction. 	Review of relevant evidence indicates compliance with the requirements of this condition.
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	<ul style="list-style-type: none"> Correspondence to Wanaruah Local Aboriginal Land Council (LALC) regarding South Bates Extension Underground Mine Longwalls 24-26 Modification, dated 14 March 2022. Evidence of postage of Draft Aboriginal Cultural Heritage Assessment (ACHA for Registered Aboriginal Party (RAP) review/comment for the South Bates Extension Underground Mine Longwalls 24-26 Modification, dated 7 April 2022. Evidence of email and letter regarding postage and web-link of Draft ACHA for RAPs to review/comment for the South Bates Extension Underground Mine Longwalls 24-26 Modification, dated 7 April 2022. RAP register dated November 2021. 	Review of documentation indicates compliance with the requirements of this condition, with consultation undertaken for modifications 18 and 19 of DA 305-7-2003, however no salvage was undertaken during the audit period.
	VISUAL			
	Visual Amenity and Lighting			
B17	The Applicant must: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Complaints records. 	Phase 1 (i.e. Open Cut) operations only occurred between 20 to 30 November 2020, which would have been the main contributor to impacts on visual amenity (e.g. as a result of lighting). Review of documentation otherwise verifies compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Complaints records. 	Phase 1 (i.e. Open Cut) operations only occurred between 20 to 30 November 2020, which would have been the main contributor to impacts on visual amenity (e.g. as a result of lighting). Review of documentation otherwise verifies compliance with the requirements of this condition.
	Visual Mitigation		–	
B19	The Applicant must investigate and where feasible implement the following measures at locations within Warkworth Village: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Complaints records. – Rehabilitation Management Plan (RMP) (7 October 2022, Rev 2). – Extraction Plan Longwalls 21 to 24 (December 2022, Rev E): <ul style="list-style-type: none"> – Appendix I: Phase 2 – RMP (Rev 2, 7 October 2022). 	Phase 1 (i.e. Open Cut) operations only occurred between 20 to 30 November 2020, which would have been the main contributor to impacts on visual amenity (e.g. as a result of lighting). Review of documentation otherwise verifies compliance with the requirements of this condition.
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: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Site interviews completed 30 October 2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
	WASTE			
B23	The Applicant must: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021, and 2022. – EPA Online Waste Tracking System Transport Certificates for audit period. – Sample monthly Total Waste Management Reports for audit period, including Waste Tracking Spreadsheet. – Site inspection completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition.
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	<ul style="list-style-type: none"> – EPL 529. – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021, and 2022. – Resource Recovery Exemption under Part 9, Clauses 91 and 92 	Review of relevant evidence indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary																
			of the Protection of the Environment Operations (Waste) Regulation 2014 The organic outputs ¹ derived from mixed waste exemption 2014. – EPA Consultation during the conduct of the 2023 IEA.																	
	BUSHFIRE MANAGEMENT																			
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 completed 30 October 2023. – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022.	Review of relevant evidence indicates compliance with the requirements of this condition.																
	REHABILITATION																			
	Rehabilitation Objectives																			
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. <i>Table 2: Rehabilitation objectives</i> <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> <table border="1"> <thead> <tr> <th>Feature</th> <th>Objective</th> </tr> </thead> <tbody> <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>Community</td> <td> <ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects associated with mine closure </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) 	Feature	Objective	Rehabilitation materials	<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 	Surface infrastructure of the development	<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 	Community	<ul style="list-style-type: none"> Ensure public safety Minimise adverse socio-economic effects associated with mine closure 	Compliant	– Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – RMP (Rev 2, 7 October 2022).	Review of relevant documentation and conduct of the site interviews indicates that WCPL is responsible for rehabilitating the remaining surface area and activities related to the Mine's approved activities. However, due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to be reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine). As a result, conduct of the audit has determined no rehabilitation has been undertaken during the audit period. This notwithstanding, remediation activities have been undertaken in relation to repairing/managing/mitigation subsidence impacts as a result of mining. In addition, review of documentation indicates that during the audit period: – no buildings were renovated or removed; – rehabilitation trials were undertaken, including: – subsidence repair trials; and – remediation of approximately 1 km of the NWCD, as guided by the North Wambo Creek Diversion (NWCD) Rehabilitation and Maintenance Plan, including the application of gypsum to improve soil sodicity and structure beneath newly constructed rock chutes. During the site inspection, active remediation/rehabilitation of the NWCD was observed, with WCPL engaging the Soil Conservation Service to complete these works. – the RMP was updated during the audit period (i.e. Rev 2, 7 October 2022). In addition, an amendment to the RMP was noted to have been approved on 12 November 2023 (i.e. outside the audit period) in relation to reflecting approval of Rehabilitation Objectives, the final landform, and rehabilitation plan.
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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.	Note	N/A.	N/A.																
	Progressive Rehabilitation																			
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. ^a Nothing in this condition prevents further disturbance at some later stage of the development of areas that have been rehabilitated.	Not triggered	– Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022.	Review of relevant documentation and conduct of the site interviews indicates that WCPL is responsible for rehabilitating the remaining surface area and activities related to the Mine's approved activities. However, due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to be reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine). As a result, conduct of the audit has determined no progressive rehabilitation has been undertaken during the audit period.																

Condition #	Details	Compliance status	Relevant evidence	Commentary
	TRANSPORT			
	Monitoring of Coal Transport			
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 2020, 2021 and 2022, Train running reports provided in Appendix B.	Review of documentation indicates compliance with the requirements of this condition
	Road Safety			
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	– TMP (November, 2020), including evidence of consultation in Appendix A.	Review of documentation indicates compliance with the requirements of this condition.
B31	The Applicant must implement all reasonable and feasible measures to avoid dirt from the site being tracked onto the Golden Highway	Compliant	– TMP (November, 2020), including evidence of consultation in Appendix A.	Review of documentation indicates compliance with the requirements of this condition.
	Parking			
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.	Not triggered	N/A.	N/A – Considered in the 2020 IEA and outside the current audit period.
	ELECTRICITY TRANSMISSION LINE			
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	– Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. – Site interviews conducted 30 October 2023.	Review of relevant data indicates this condition has not been triggered during the audit period.
	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 3, the Applicant must acquire the land in accordance with the procedures in conditions C3 to C10, inclusive. Table 3: Land subject to acquisition upon request R019 ^a The location of the land referred to in Table 3 is shown on the figure in Appendix 3.	Not triggered	– Site interviews completed 30 October 2023. – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023.	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
	NOTIFICATION OF LANDOWNERS/TENANTS			
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: 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.	Not triggered	– Site interviews completed 30 October 2023. – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023.	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
	NOTIFICATION OF LANDOWNERS/TENANTS			
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	Not triggered	– Site interviews completed 30 October 2023. – Annual Reviews for 2020/2021, 2020/2022, and 2022/2023.	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>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;</p> <p>b) the reasonable costs associated with:</p> <p>i. relocating within the Singleton local government area, or to any other local government area determined by the Planning Secretary; and</p> <p>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</p> <p>c) reasonable compensation for any disturbance caused by the land acquisition process.</p>			
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
C5	<p>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:</p> <p>a) consider submissions from both parties;</p> <p>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;</p> <p>c) prepare a detailed report setting out the reasons for any determination; and</p> <p>d) provide a copy of the report to both parties.</p>	Not triggered	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Annual Reviews for 2020/2021, 2020/2022, and 2022/2023. 	Review of relevant documentation and conduct of interviews indicate this condition has not been triggered during the audit period.
	PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING			
	ENVIRONMENTAL MANAGEMENT			
	Environmental Monitoring Program			
D1	<p>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:</p> <p>a) describe the measures to be implemented to comply with the relevant performance measures and operating conditions of this consent;</p> <p>b) include a monitoring program to evaluate the performance of the development against the relevant performance measures in this consent; and</p>	Compliant	<ul style="list-style-type: none"> WMPProg (December 2021, Rev 4). WMP (November 2020, Version 2). SWMP (November 2020, Version 2). 	Review of relevant data indicates compliance with the requirements of this condition are addressed by individual management plans.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	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.		<ul style="list-style-type: none"> - GWMP (December 2021, Version 4). - WHC CMP (May 2019, Version 6). - RMP (Rev 2, 7 October 2022). - NMP (November 2020, Rev 11). - AQGHGMP (November 2020). 	
D2	The Applicant must implement the Environmental Monitoring Program as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> - Annual Reviews for 2020, 2021, and 2022. - Site inspection completed 30 October 2023. - Site interviews completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition.
Environmental Management Strategy				
D3	<p>The Applicant must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:</p> <ul style="list-style-type: none"> a) provide the strategic framework for environmental management of the development; b) identify the statutory approvals that apply to the development; c) set out the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; d) set out the procedures to be implemented to: <ul style="list-style-type: none"> 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) include: <ul style="list-style-type: none"> 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. 	Compliant	Environmental Management Strategy (EMS) (November 2020, Rev 7).	There has been no change to the WMS since the 2020 IEA; therefore, this audit has focused on implementation of the plan only, which is covered by Condition D3.
D4	The Applicant must implement the Environmental Management Strategy as approved by the Planning Secretary.	Compliant	<ul style="list-style-type: none"> - Annual Reviews for 2020, 2021, and 2022. - Site inspection completed 30 October 2023. - Site interviews completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition.
Adaptive Management				
D5	<p>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> <ul style="list-style-type: none"> a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; 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) implement reasonable remediation measures as directed by the Planning Secretary. 	Not triggered	<ul style="list-style-type: none"> - Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. - Annual Returns for 2020, 2021, and 2022. - Site interviews completed 30 October 2023. 	Comments on this condition are the same as provided for DA 305-7-2003 (as modified).
REVISION OF STRATEGIES, PLANS AND PROGRAMS				
D6	<p>Within three months of:</p> <ul style="list-style-type: none"> a) the submission of an incident report under condition D8; 	Compliant	<ul style="list-style-type: none"> - Management plans have consultation evidence attached 	Review of documentation indicates compliance with the requirements of this condition.

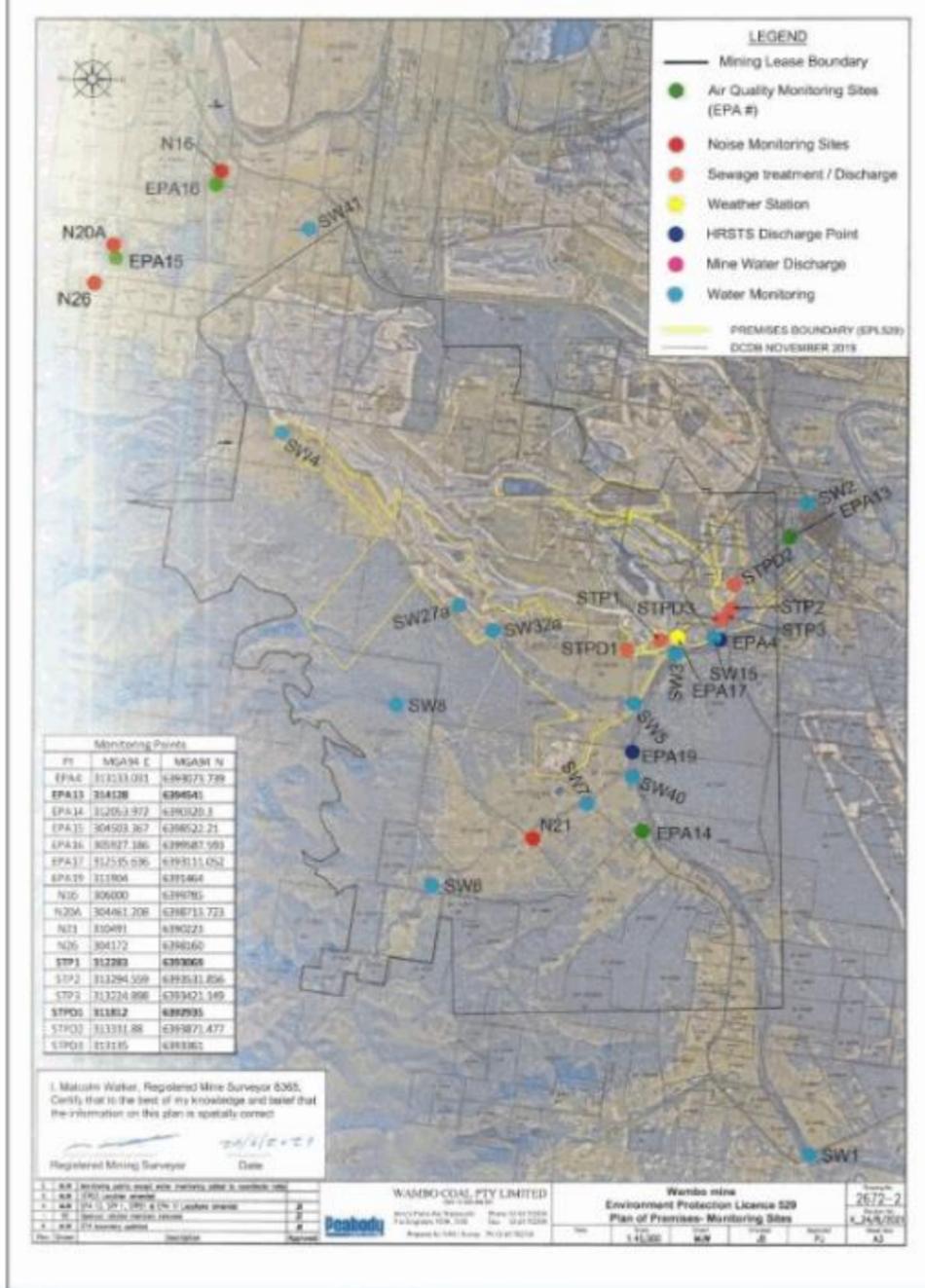
Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>b) the submission of an Annual Review under condition D1010;</p> <p>c) the submission of an Independent Environmental Audit under condition D11; or</p> <p>d) the approval of any modification of the conditions of this consent, the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.</p>		<p>(both submissions and comments registers).</p> <ul style="list-style-type: none"> – Tracking sheet dated 11 October 2023 identifying relevant versions and approval dates of all management plans, including current status (e.g. revised and submitted for consultation and/or DPE approval). 	
D7	<p>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.</p> <p><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></p>	Compliant	<ul style="list-style-type: none"> – Management plans have consultation evidence attached (both submissions and comments registers). – Tracking sheet dated 11 October 2023 identifying relevant versions and approval dates of all management plans, including current status (e.g. revised and submitted for consultation and/or DPE approval). 	Review of documentation indicates compliance with the requirements of this condition.
	REPORTING AND AUDITING			
	Incident Notification			
D8	<p>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.</p>	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021, and 2022. – Site interviews completed 30 October 2023. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 22 March 2021 (same day as incident); and – follow-up letter report dated 29 March 2021. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 8 March 2022 (same day as incident); and – follow-up letter report dated 15 March 2022. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 5 July 2022 (same day as incident); and – follow-up letter report dated 12 July 2022. 	Review of documentation indicates compliance with the requirements of this condition.
	Non-Compliance Notification			
D9	<p>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.</p> <p><i>Note: A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i></p>	Not triggered	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. – Site interviews completed 30 October 2023. – Non-compliance notifications, as relevant. 	No non-compliances associated with this consent occurred during the audit period.
	Annual Review			

Condition #	Details	Compliance status	Relevant evidence	Commentary
D10	<p>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> <ul style="list-style-type: none"> 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) 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: <ul style="list-style-type: none"> 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) 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) evaluate and report on: <ul style="list-style-type: none"> 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) identify any trends in the monitoring data over the life of the development; f) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and g) describe what measures will be implemented over the next calendar year to improve the environmental performance of the development. 	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Emails verifying by the end of March 2021, 2022, and 2023, with all submitted on 31 March. – DPE acceptance of Annual Reviews for 2020 (i.e. 3 November 2021), 2021 (i.e. 30 May 2022) and 2022 (not provided at the time of the audit). 	Review of documentation indicates compliance with the requirements of this condition.
Independent Environmental Audit				
D11	<p>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> <ul style="list-style-type: none"> 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. 	Compliant	<ul style="list-style-type: none"> – 2020 IEA (GHD, November 2021). – DPE letter approving audit team dated 18 September 2023 and 10 October 2023. – This audit report. 	Review of documentation indicates compliance with the requirements of this condition.
D12	<p>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 timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	Compliant	<ul style="list-style-type: none"> – Submission to DPE of initial 2020 IEA December 2021, and revised submission dated 29 July 2021. 	Review of documentation indicates compliance with the requirements of this condition.
Monitoring and Environmental Audits				
D13	<p>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</p>	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. – Annual Returns for 2020, 2021, and 2022. 	Comments on this condition are the same as provided for DA 305-7-2003 (as modified).

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<p>conditions in respect of incident notification, reporting and response, non-compliance notification, compliance report and independent audit.</p> <p>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.</p>		<ul style="list-style-type: none"> - Monthly monitoring reports. - Excel spreadsheet detailing monitoring results. 	
	ACCESS TO INFORMATION			
D14	<p>Within three months of the determination of Modification 3, until the completion of all rehabilitation required under this consent, the Applicant must:</p> <p>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:</p> <ul style="list-style-type: none"> 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 <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	Compliant	WCPL website.	<p>Review of the documentation available on the WCPL website (found: https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Underground-Mine) indicates compliance with the requirements of this condition.</p>

Appendix F EPL 529

Condition #	Details	Compliance status	Relevant evidence	Commentary												
1	Administrative Conditions															
A1	What the licence authorises and regulates															
A1.1	<p>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.</p> <p>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>> 5000000 T annual handing capacity</td> </tr> <tr> <td>Crushing, grinding or separating</td> <td>Crushing, grinding or separating</td> <td>> 2000000 T annual processing capacity</td> </tr> <tr> <td>Mining for coal</td> <td>Mining for coal</td> <td>> 5000000 T annual production capacity</td> </tr> </tbody> </table> <p>Note: In relation to this licence, the licensee must comply with:</p> <ol style="list-style-type: none"> the activity scale limits imposed by this licence; the activity scale limits which apply for the reporting period specified in this licence; and the activity scale limits imposed by other legal instruments, such as approvals currently in force under the Environmental Planning and Assessment Act 1979. 	Scheduled Activity	Fee Based Activity	Scale	Coal works	Coal works	> 5000000 T annual handing capacity	Crushing, grinding or separating	Crushing, grinding or separating	> 2000000 T annual processing capacity	Mining for coal	Mining for coal	> 5000000 T annual production capacity	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021 and 2022, including Daly Train Movement Summary provided as Appendix B to Annual Reviews. Annual Returns for 2020, 2021 and 2022. 	<p>Review of relevant documentation indicates compliance with the requirements of this condition, with production as follows:</p> <ul style="list-style-type: none"> 2020/2021: 6.97 million tonnes; 2021/2022: 2.1 million tonnes; and 2022/2023: 2 million tonnes.
Scheduled Activity	Fee Based Activity	Scale														
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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>PREMISES BOUNDARY MAP SHOWN AT CONDITION A2.2. (EPA REFERENCE: DOC21/818486).</td> </tr> </tbody> </table>	Premises Details	WAMBO COAL PTY LTD	JERRYS PLAINS ROAD	WARKWORTH	NSW 2330	PREMISES BOUNDARY MAP SHOWN AT CONDITION A2.2. (EPA REFERENCE: DOC21/818486).	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. SIX Maps/SEED Portal. 	<p>Review of aerial photography with cadastral overlay indicates activities are within the area described.</p>						
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A2.2	<p>The premises location is shown on the map below</p>	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. SIX Maps/SEED Portal. 	<p>Review of aerial photography with cadastral overlay indicates activities are within the area described.</p>												

Condition #	Details	Compliance status	Relevant evidence	Commentary																																																						
	 <table border="1" data-bbox="356 966 593 1281"> <thead> <tr> <th>PT</th> <th>NGA94 E</th> <th>NGA94 N</th> </tr> </thead> <tbody> <tr> <td>EPA6</td> <td>112133.011</td> <td>639073.789</td> </tr> <tr> <td>EPA13</td> <td>112138</td> <td>6390541</td> </tr> <tr> <td>EPA14</td> <td>112053.972</td> <td>6390320.3</td> </tr> <tr> <td>EPA15</td> <td>304503.367</td> <td>639022.21</td> </tr> <tr> <td>EPA16</td> <td>305027.186</td> <td>639087.593</td> </tr> <tr> <td>EPA17</td> <td>112535.636</td> <td>639111.052</td> </tr> <tr> <td>EPA19</td> <td>112004</td> <td>6391464</td> </tr> <tr> <td>N20</td> <td>306000</td> <td>6390761</td> </tr> <tr> <td>N20A</td> <td>304061.206</td> <td>639073.723</td> </tr> <tr> <td>N21</td> <td>304091</td> <td>6390223</td> </tr> <tr> <td>N26</td> <td>304172</td> <td>6390160</td> </tr> <tr> <td>STP1</td> <td>112283</td> <td>6390068</td> </tr> <tr> <td>STP2</td> <td>112294.509</td> <td>639031.806</td> </tr> <tr> <td>STP3</td> <td>112214.996</td> <td>6390421.349</td> </tr> <tr> <td>STPD3</td> <td>112812</td> <td>6390935</td> </tr> <tr> <td>STPD1</td> <td>113331.88</td> <td>6390871.477</td> </tr> <tr> <td>STPD2</td> <td>113135</td> <td>6390302</td> </tr> </tbody> </table> <p data-bbox="356 1302 652 1365">I, Malcolm Walker, Registered Mine Surveyor 6305, Certify that to the best of my knowledge and belief that the information on this plan is spatially correct.</p> <p data-bbox="356 1365 652 1407">Registered Mining Surveyor Date</p> <p data-bbox="712 1407 1276 1533">WAMBO COAL PTY LIMITED Wambo mine Environment Protection Licence 529 Plan of Premises - Monitoring Sites 2672-2 1 JAN 2024</p>	PT	NGA94 E	NGA94 N	EPA6	112133.011	639073.789	EPA13	112138	6390541	EPA14	112053.972	6390320.3	EPA15	304503.367	639022.21	EPA16	305027.186	639087.593	EPA17	112535.636	639111.052	EPA19	112004	6391464	N20	306000	6390761	N20A	304061.206	639073.723	N21	304091	6390223	N26	304172	6390160	STP1	112283	6390068	STP2	112294.509	639031.806	STP3	112214.996	6390421.349	STPD3	112812	6390935	STPD1	113331.88	6390871.477	STPD2	113135	6390302			
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A3	Other Activities																																																									
A3.1	<p>This licence applies to all other activities carried on at the premises, including:</p> <table border="1" data-bbox="326 1638 831 1785"> <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	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. 	Review of relevant documentation indicates compliance with the requirements of this condition.																																																			
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A4	Information supplied to the EPA																																																									

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A4.1	<p>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	N/A.	N/A.																								
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>14</td> <td>Ambient air quality - PM10 TEOM</td> <td></td> <td>'EPA14' (AQ02) at 312053, 6390320 (Easting Northing)</td> </tr> <tr> <td>15</td> <td>Ambient air quality- PM10 TEOM</td> <td></td> <td>'EPA15' (AQ03) at 304503, 6398522 (Easting, Northing)</td> </tr> <tr> <td>16</td> <td>Ambient air quality - PM10 TEOM</td> <td></td> <td>'EPA16' (AQ04) at 305927, 6399587 (Easting, Northing)</td> </tr> <tr> <td>53</td> <td>Ambient air quality -PM10 TEOM</td> <td></td> <td>'EPA13' (AQ01) at 314128, 6394541 (Easting Northing)</td> </tr> </tbody> </table>	<i>Air</i>				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	14	Ambient air quality - PM10 TEOM		'EPA14' (AQ02) at 312053, 6390320 (Easting Northing)	15	Ambient air quality- PM10 TEOM		'EPA15' (AQ03) at 304503, 6398522 (Easting, Northing)	16	Ambient air quality - PM10 TEOM		'EPA16' (AQ04) at 305927, 6399587 (Easting, Northing)	53	Ambient air quality -PM10 TEOM		'EPA13' (AQ01) at 314128, 6394541 (Easting Northing)	Compliant	<ul style="list-style-type: none"> - AQGHGMP (November 2020). - EMS (November 2020, Rev 7). - Excel spreadsheet detailing monitoring results. - Annual Reviews for 2020, 2021 and 2022. - Annual Returns for 2020, 2021 and 2022. 	Review of relevant documentation indicates compliance with the requirements of this condition.
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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> <table border="1"> <thead> <tr> <th colspan="4"><i>Water and land</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>4</td> <td>Discharge to waters, water quality & volumetric monitoring</td> <td>Discharge to waters, water quality & volumetric monitoring</td> <td>'EPA4' HRSTS Outlet from Eagles Nest Dam at 313133, 6393073 (Easting Northing)</td> </tr> </tbody> </table>	<i>Water and land</i>				EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description	4	Discharge to waters, water quality & volumetric monitoring	Discharge to waters, water quality & volumetric monitoring	'EPA4' HRSTS Outlet from Eagles Nest Dam at 313133, 6393073 (Easting Northing)	Compliant	<ul style="list-style-type: none"> - SWMP (November 2020, Rev 2). - WMP (November 2020, Rev 2). - United Wambo Open Cut and Wambo Water Monitoring Program (WMPProg) (December 2021, Rev 4). - Excel spreadsheet detailing monitoring results. - Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. - Annual Returns for 2020, 2021 and 2022. - Excel spreadsheet detailing monitoring results. 	Monitoring data provided as part of the audit and supports a compliance status.												
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Condition #	Details			Compliance status	Relevant evidence	Commentary																		
	19	Discharge to waters, water quality & volumetric monitoring	Discharge to waters, water quality & volumetric monitoring	'EPA19' HRSTS Discharge from South Wambo Dam at 311904, 6391464 (Easting and Northing)																				
	24	Ambient water quality monitoring		'SW1' at 314429, 6385707 (Easting, Northing)																				
	25	Ambient water quality monitoring		'SW2' at co-ordinates 314376, 6385037 (Easting, Northing)																				
	26	Ambient water quality monitoring		'SW3' at 312509, 6392866 (Easting, Northing)																				
	27	Ambient water quality monitoring		'SW4' at 306887, 6396024 (Easting, Northing)																				
	28	Ambient water quality monitoring		'SW5' at 311927, 6392157 (Easting, Northing)																				
	29	Ambient water quality monitoring		'SW6' at 309056, 6389550 (Easting, Northing)																				
	30	Ambient water quality monitoring		'SW7' at 311263, 6390718 (Easting, Northing)																				
	31	Ambient water quality monitoring		'SW8' at 308536, 6392133 (Easting, Northing)																				
	33	Ambient water quality monitoring		'SW15' at 313055, 6393097 (Easting, Northing)																				
	34	Ambient water quality monitoring		'SW27a' at 309431, 6393558 (Easting, Northing)																				
	36	Ambient water quality monitoring		'SW32a' at 309905, 6393191 (Easting, Northing)																				
	39	Ambient water quality monitoring		'SW39' at 307194, 6398519 (Easting, Northing)																				
	40	Ambient water quality monitoring		'SW40' at 311910, 6391093 (Easting, Northing)																				
	41	Ambient water quality monitoring		'SW41' at 307257, 6398952 (Easting, Northing)																				
	42		Discharge to utilisation area	'STPD2' at 313331, 6393871 (Easting, Northing)																				
	43	Effluent quality monitoring, Discharge to utilisation area	Effluent quality monitoring, Discharge to utilisation area	'STPD3' at 313135, 6393361 (Easting, Northing)																				
	52	Effluent quality monitoring		'STPD2' at 313331, 6393871 (Easting, Northing)																				
	55		Discharge to utilisation area	'STPD1' at 311812, 6392935 (Easting, Northing)																				
	56	Effluent quality monitoring		'STP1' at 312283, 6393069 (Easting, Northing)																				
P1.3	<p>The following points referred to in the table below are identified in this licence for the purposes of weather and/or noise monitoring and/or setting limits for the emission of noise from the premises.</p> <p style="text-align: center;">Noise/Weather</p> <table border="1"> <thead> <tr> <th>EPA identification no.</th> <th>Type of monitoring point</th> <th>Location description</th> </tr> </thead> <tbody> <tr> <td>17</td> <td>Meteorological Station – to determine meteorological conditions for noise monitoring</td> <td>'EPA17' at 312535, 6393111 (Easting, Northing)</td> </tr> <tr> <td>20</td> <td>Noise monitoring</td> <td>'N16' for NMG1 at 306000, 6399785 (Easting, Northing)</td> </tr> <tr> <td>21</td> <td>Noise monitoring</td> <td>'N20A' for NMG2 at 304461, 6398713 (Easting, Northing)</td> </tr> <tr> <td>22</td> <td>Noise monitoring</td> <td>'N21' for NMG3 at 310491, 6390223 (Easting, Northing)</td> </tr> <tr> <td>23</td> <td>Noise monitoring</td> <td>'N26' for NMG4 at 304172, 6398160 (Easting, Northing)</td> </tr> </tbody> </table>			EPA identification no.	Type of monitoring point	Location description	17	Meteorological Station – to determine meteorological conditions for noise monitoring	'EPA17' at 312535, 6393111 (Easting, Northing)	20	Noise monitoring	'N16' for NMG1 at 306000, 6399785 (Easting, Northing)	21	Noise monitoring	'N20A' for NMG2 at 304461, 6398713 (Easting, Northing)	22	Noise monitoring	'N21' for NMG3 at 310491, 6390223 (Easting, Northing)	23	Noise monitoring	'N26' for NMG4 at 304172, 6398160 (Easting, Northing)	Compliant	<ul style="list-style-type: none"> Noise Management Plan (NMP) (November 2020, Rev 11). EMS (November 2020, Rev 7). 	Review of relevant documentation indicates compliance with the requirements of this condition.
EPA identification no.	Type of monitoring point	Location description																						
17	Meteorological Station – to determine meteorological conditions for noise monitoring	'EPA17' at 312535, 6393111 (Easting, Northing)																						
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	<p>Note: For the purposes of conditions P1.1, P1.2 and P1.3, monitoring point location map is available at condition A2.2. (EPA reference: DOC21/818486).</p> <p>For the purposes of noise conditions at P1.3, 'NMG' refers to 'Noise Monitoring Groups' which are defined in the document titled 'Wambo Coal Mine Noise Monitoring Groups- Noise Modelling Evaluation' dated 16 August 2019. (EPA reference: DOC19/704212).</p>			Note	N/A.	N/A.																		
3	Limit Conditions																							
L1	Pollutions of waters																							

Condition #	Details	Compliance status	Relevant evidence	Commentary
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	<ul style="list-style-type: none"> - Excel spreadsheet detailing monitoring results. - Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. - Annual Returns for 2020, 2021 and 2022. - Hales Crossing Sump Inundation: <ul style="list-style-type: none"> - notification on 22 March 2021 (same day as incident); and - follow-up letter report dated 29 March 2021. - Hales Crossing Sump Inundation: <ul style="list-style-type: none"> - notification on 8 March 2022 (same day as incident); and - follow-up letter report dated 15 March 2022. - Hales Crossing Sump Inundation: <ul style="list-style-type: none"> - notification on 5 July 2022 (same day as incident); and - follow-up letter report dated 12 July 2022. 	<p>2020 IEA Recommendation: R08: The release from the sediment dam is currently under investigation by the regulator.</p> <p>2023 IEA Findings: <i>Status of 2020 IEA Recommendation:</i> No further update on previous releases from dams was provided during the current audit.</p> <p><i>2023 IEA Findings</i> A low risk non-compliance has been identified in relation to separate inundation events of the Hales Crossing Sump, with incidents occurring as follows:</p> <ul style="list-style-type: none"> - 22 March 2021; - 8 March 2022; and - 5 July 2022. <p>Review of relevant documentation indicates incident notifications were provided on the same day of each event, with follow-up letter reports provided within seven days, in accordance with the requirements of DA 305-7-2003 and DA 177-8-2004.</p> <p>While this non-compliance did not occur during the 2020 IEA period due to drought conditions during that audit period, it was occurring during the 2017 IEA period. It is considered this non-compliance is likely to re-occur during flooding events on Wollombi Brook. Therefore, CA02 has been identified.</p> <p>Non-compliance with Section 120 of the POEO Act is due to the strict definitions of water pollution under the POEO Act and POEO (General) Regulation 2022.</p> <p>It is otherwise considered the pollution because of inundation of Hales Crossing Sump is negligible, based on the following considerations:</p> <ul style="list-style-type: none"> - desilting of the Hales Crossing Sump was undertaken within a month prior to any incident occurring (e.g. a minimum of 36 days for the July 2022 flooding event); - any material from the sump would be significantly diluted when mixed with flood waters due to the volume of these waters, such that it is considered an observable difference in water quality pre and post mixing would be unlikely; and - due to typical TSS levels and other contaminants present in flood waters, it is considered there is unlikely to be material harm or potential for material harm associated with inundation and subsequent overflow from the Hales Crossing Sump lost to the flooded environment (i.e. per the definition in Section 147 of the POEO Act). <p>CA02: Consult with the EPA to understand their expectations in relation to flooding events of the Hales Crossing Sump and whether this location should be made a licensed discharge point via an EPL variation.</p> <p>As per the comments provided under the similar condition associated with the development consent:</p> <ul style="list-style-type: none"> - Incident reports were reviewed as part of the audit for pH and turbidity issues in 2021 and 2022. - Other than the reported incidents, the Mine water quality monitoring data captured in accordance with the SWMP and WMPProg is reported on in Annual Reviews. Monitoring and any necessary investigations are completed using external contractors. - Surface water quality management is against pH, EC and TSS only with the management plan identify the development of triggers in accordance with ANZECC (2000) and the relevant water quality objectives for the catchment. - Continuing water quality exceedance at SW08 remain under investigation in consultation with DPE.

Condition #	Details	Compliance status	Relevant evidence	Commentary																		
				An opportunity for improvement (OFI) (i.e. OFI01) has been identified for this condition and is provided at Condition B54 of DA 305-7-2003.																		
L2	Concentration limits																					
L2.1	For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.	Note	N/A.	N/A.																		
L2.2	Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.	Note	N/A.	N/A.																		
L2.3	To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table below.	Note	N/A.	N/A.																		
L2.4	Water and/or Land Concentration Limits. POINT 4,19 <table border="1" data-bbox="379 625 1299 865"> <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 9.5</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 9.5	Total suspended solids	milligrams per litre				120	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021 and 2022. Excel spreadsheet detailing monitoring results. Sample laboratory reports. 	As per the comments provided under the similar condition associated with the development consent: <ul style="list-style-type: none"> There were no discharges during 2020 There were isolated discharges in 2021 at times up to the volumetric limit. An incident was noted in the EPA Annual Return for TSS concentrations between 24 and 25 March 2021 following issues with monitoring equipment. During the 2022 year, turbidity reporting data indicated a challenging period with sustained turbidity and regular discharges. In discussion with the Mine, the water inventory for the Mine was limited and therefore attenuation/detention of runoff was not possible and hence turbidity was elevated. Three exceedances at EPL Point 4 were noted on 16 March 2022 (for TSS), 30 March 2022 (for TSS) and 8 September 2022 (for pH). The site is currently augmenting their water storage capacity which will be available in 2024. Additional storage will allow for an improved capacity to manage suspended sediment loads. Following the 2 September incident with the pH monitoring of discharges, the Mine has improved their monitoring equipment to mitigate future similar issues from occurring again. With the exception of the incidents reported, the Mine was compliant with its EPL requirements at Point 4
Pollutant	Units of Measure	50 percentile concentration limit	90 percentile concentration limit	3DGM concentration limit	100 percentile concentration limit																	
pH	pH				6.5 to 9.5																	
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. <table border="1" data-bbox="332 1444 1210 1528"> <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	Compliant	<ul style="list-style-type: none"> Annual Returns for 2020, 2021 and 2022. EPL529 Turbidity Reporting 2020, 2021, 2022. Excel spreadsheet detailing monitoring results. 	All discharges from the Mine during the audit period complied with the volumetric limits of the EPL. No incidents were noted due to exceedances of volumetric limits.												
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.	Compliant	<ul style="list-style-type: none"> Annual Returns for 2020, 2021 and 2022. EPL529 Turbidity Reporting 2020, 2021, 2022. Excel spreadsheet detailing monitoring results. 	All discharges from the Mine during the audit period complied with the volumetric limits of the EPL. No incidents were noted due to exceedances of volumetric limits.																		
L4	Waste																					
	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. 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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021, and 2022. 	Review of documentation indicates compliance with the requirements of this condition.																		

Condition #	Details	Compliance status	Relevant evidence	Commentary																									
	<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.</p> <p>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 2016</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 Recovered plasterboard exemption 2014</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 2016</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 Recovered aggregate exemption 2014</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 2016	NA	Gypsum plaster board	To be used as soil ameliorant in mine rehabilitation	-	The Licensee must comply with the Recovered plasterboard exemption 2014	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 2016	NA	Recovered aggregate	To be used on the mine for road making, building, landscape and construction	-	The Licensee must comply with the Recovered aggregate exemption 2014		<ul style="list-style-type: none"> EPA Online Waste Tracking System Transport Certificates for audit period. Sample monthly Total Waste Management Reports for audit period, including Waste Tracking Spreadsheet. Site inspection completed 30 October 2023. 	
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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	Refer to documentary evidence at Condition L4.1.	Review of documentation indicates compliance with the requirements of this condition.																									
L4.3	The Licensee is authorised to receive mine water from United Wambo Mine and Hunter Valley Operations Mine to be stored and used on the premises for activities authorised by the Licence.	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition L4.1. SWMP (November 2020, Rev 2). Site interviews completed 30 October 2023. 	Review of documentation and conduct of interviews indicates compliance with the requirements of this condition, with this condition triggered in relation to United Wambo Mine, but not Hunter Valley Operations Mine.																									
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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. Attended noise monitoring reports. 	Review of relevant documentation indicates compliance with the requirements of this condition.																									

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L5.2	<p>For the purpose of Condition L5.1:</p> <p>a) day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;</p> <p>b) evening is defined as the period from 6pm to 10pm; and</p> <p>c) night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.</p>	Note	N/A.	N/A.																																																																																										
L5.3	<p>The noise limits set out in condition L5.1 apply under all meteorological conditions except for the following:</p> <p>a) wind speeds greater than 3 metres/second at 10 metres above the ground level;</p> <p>b) stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or</p> <p>c) stability category G temperature inversion conditions.</p>	Note	N/A.	N/A.																																																																																										
L5.4	<p>For the purposes of condition L5.5:</p> <p>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</p> <p>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).</p>	Note	N/A.	N/A.																																																																																										
	<p><i>Note: For the purposes of condition L5.1:</i></p> <ul style="list-style-type: none"> Noise receiver locations and associated noise limits are defined in Appendix 4 of development consent DA 305-7-2003 dated 29 August 2019 at EPA reference: DOC19/1117963. 	Note	N/A.	N/A.																																																																																										

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<ul style="list-style-type: none"> Noise monitoring groups (NMG) are defined in the document titled 'Wambo Coal Mine Noise Monitoring Groups Noise Modelling Evaluation' dated 16 August 2019 at EPA reference DOC19/704212. 			
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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. Wambo Coal Operation Monthly Blast Summary Report 1st – 30th Nov 2020 (Ecotech, 7 December 2020). 2020 Annual Blast Summary. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
L6.2	The airblast overpressure level from blasting operations in or on the premises must not exceed: <ul style="list-style-type: none"> 115 dB (Lin Peak) for more than 5% of the total number of blasts during each reporting period; at either monitoring point 10, 12 or 54 in Condition P1.3. 	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition L6.1. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
L6.3	The airblast overpressure level from blasting operations in or on the premises must not exceed: <ul style="list-style-type: none"> 120 dB (Lin Peak) at any time; at either monitoring point 10, 12 or 54 in Condition P1.3 	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition L6.1. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
L6.4	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: <ul style="list-style-type: none"> 5 mm/second for more than 5% of the total number of blasts during each reporting period; at either monitoring point 10, 12 or 54 in Condition P1.3. 	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition L6.1. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
L6.5	The ground vibration peak particle velocity from blasting operations carried out in or on the premises must not exceed: <ul style="list-style-type: none"> 10 mm/second at any time; at either monitoring point 10, 12 or 54 in Condition P1.3. 	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition L6.1. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
L6.6	Offensive blast fume must not be emitted from the premises. <i>Definition:</i> <i>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:</i> <ol style="list-style-type: none"> are harmful to (or likely to be harmful to) a person that is outside the premises from which it is emitted, or 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. 	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition L6.1. 	Review of documentation indicates compliance with the requirements of this condition, with blasting only undertaken within the audit period during November 2020 (i.e. prior to the commencement of Phase 2 on 1 December 2020).
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: <ol style="list-style-type: none"> the processing, handling, movement and storage of materials and substances used to carry out the activity; and the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. 	Compliant	<ul style="list-style-type: none"> Waste Management Plan (Rev 7.0, July 2023) Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021, and 2022. EPA Online Waste Tracking System Transport Certificates for audit period. Sample monthly Total Waste Management Reports for audit period, including Waste Tracking Spreadsheet. 	Review of documentation and conduct of the Mine inspection indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. 	
O2	Maintenance of plant and equipment			
O2.1	<p>All plant and equipment installed at the premises or used in connection with the licensed activity:</p> <p>a) must be maintained in a proper and efficient condition; and</p> <p>b) must be operated in a proper and efficient manner.</p>	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Wambo General Induction. – Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for Toyota Hilux X-TRA Cab Ute, dated 8 November 2022. – Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for R210LC-9 Excavator, dated 15 December 2022. – Introduction of Plant to Site (WA-ENG-FRM-1850.1: Introduction of Surface Mobile Plant) for Caterpillar Dozer D6R, dated 24 March 2023. – Compliance Audit (4871 Electrical Only) regarding MDG 15 guideline for mobile and transportable plant for use on mine surface for Caterpillar Dozer D6R model, dated 14 April 2023. 	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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022. – Annual Returns for 2020, 2021 and 2022. – Site inspection completed 30 October 2023. – Sewage treatment system monitoring. – Quarterly inspection records samples. – Annual Sewage Treatment System Report for 2020, 2021 and 2022. – All Septic Servies STP Certification Reports. 	Review of relevant data indicates 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022. – Annual Returns for 2020, 2021 and 2022. – Site inspection completed 30 October 2023. – Sewage treatment system monitoring. 	Review of relevant data indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – Quarterly inspection records samples. – Annual Sewage Treatment System Report for 2020, 2021 and 2022. – All Septic Servies STP Certification Reports. 	
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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022. – Annual Returns for 2020, 2021 and 2022. – Site inspection completed 30 October 2023. – Sewage treatment system monitoring. – Quarterly inspection records samples. – Annual Sewage Treatment System Report for 2020, 2021 and 2022. – All Septic Servies STP Certification Reports. 	Review of relevant data indicates 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022. – Annual Returns for 2020, 2021 and 2022. – Site inspection completed 30 October 2023. – Sewage treatment system monitoring. – Quarterly inspection records samples. – Annual Sewage Treatment System Report for 2020, 2021 and 2022. – All Septic Servies STP Certification Reports. 	Review of relevant data indicates compliance with the requirements of this condition.
O2.6	The licensee must prepare a sewage treatment system maintenance program. The program must include: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021 and 2022. – Annual Returns for 2020, 2021 and 2022. – Site inspection completed 30 October 2023. – Sewage treatment system monitoring. – Quarterly inspection records samples. – Annual Sewage Treatment System Report for 2020, 2021 and 2022. – All Septic Servies STP Certification Reports. 	Review of relevant data indicates compliance with the requirements of this condition.
O3	Dust			
O3.1	The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Annual Returns for 2020, 2021 and 2022. AQGHGMP (November 2020). Air quality monitoring records for the audit period. Complaints records. Site inspection completed 30 October 2023. 	
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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. AQGHGMP (November 2020). Air quality monitoring records for the audit period. Complaints records. Site inspection completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition.
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	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. AQGHGMP (November 2020). Air quality monitoring records for the audit period. Complaints records. Site inspection completed 30 October 2023. 	Review of documentation indicates 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.	Compliant	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. Site inspection completed 30 October 2023. Annual Sewage Treatment System Report for 2020, 2021 and 2022. 	Conduct of the site inspection and interviews indicates compliance with the requirements of this condition.
O4.2	Spray from effluent application must not drift beyond the boundary of the effluent discharge utilisation area.	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition O4.2. 	Conduct of the site inspection and interviews indicates compliance with the requirements of this condition.
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. 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.	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition O4.2. 	Conduct of the site inspection and interviews indicates compliance with the requirements of this condition.
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.	Compliant	<ul style="list-style-type: none"> Refer to documentary evidence at Condition O4.2. 	Conduct of the site inspection and interviews indicates compliance with the requirements of this condition.
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</i>			

Condition #	Details	Compliance status	Relevant evidence	Commentary
	<i>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	Other operating conditions			
	Spill containment			
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	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Site inspection completed 30 October 2023. 	Areas of hydrocarbon storage was sighted during the inspection and included adequate spill containment systems.
	Mine Water Transfer			
O6.2	The Licensee is authorised to transfer saline mine water to United Wambo Mine and Hunter Valley Operations Mine.	Compliant	<ul style="list-style-type: none"> – Site interviews completed 30 October 2023. – Site inspection completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021 and 2022. 	Following discussion with site staff, the transfer of mine water between operations is managed through a working group that meets regularly. If transfers occur, then these are documented and monitored using flow meters on either end of the transfer with information documented and filed.
5	Monitoring and recording Conditions			
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.	Note	N/A	N/A.
M1.2	All records required to be kept by this licence must be: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> – Excel spreadsheet detailing monitoring results. – Sample laboratory certificates and chain of custody documentation. 	Monitoring data for the audit period provided through electronic spreadsheet and was in a logical and legible form that can be reproduced.
M1.3	The following records must be kept in respect of any samples required to be collected for the purposes of this licence: <ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> – Excel spreadsheet detailing monitoring results. – Sample laboratory certificates and chain of custody documentation. 	Monitoring is undertaken through a contractor who provides information under this condition to site. A sample set of laboratory certificates and chain of custody documentation was provided as part of the audit and supports a compliant status.
M2	Requirement to monitor concentration of pollutants discharged			

Condition #	Details	Compliance status	Relevant evidence	Commentary								
M2.1	<p>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:</p>	Non-compliant (Administrative)	<ul style="list-style-type: none"> – Excel spreadsheet detailing monitoring results. – Sample laboratory certificates and chain of custody documentation. – Annual Reviews for 2020, 2021 and 2022. – Annual Returns for 2020, 2021 and 2022. – Site interviews completed 30 October 2023. 	<p>Review of relevant documentation indicates general compliance with the requirements of this condition, with no exceedances of STP and water discharge criteria or air quality criteria and no complaints received. However, an ANC is noted in relation to:</p> <p>2021:</p> <ul style="list-style-type: none"> – on eight occasions samples were not collected for discharge from the Sewage Treatment Plant (STP) discharge location because the location was dry or there was no discharge; – on 49 occasions water samples were not collected from several monitoring locations as the Mine was either dry, had no flow, or was inaccessible at the time of monitoring; and – on 23 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16. <p>2022:</p> <ul style="list-style-type: none"> – on eight occasions samples were not collected for discharge from the STP discharge locations because the location was dry or there was no discharge. – on 35 occasions water samples were not collected from several monitoring locations as the Mine was either dry, had no flow, or was inaccessible at the time of monitoring; and – on 18 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 16 and 53. <p>2023 (to date): on 17 occasions PM₁₀ concentration data was not recorded continuously at EPA Point 15 (AQ03) (11 occasions) and EPA Point 16 (AQ04) (six occasions) due to technical and environmental factors that resulted in a loss of power or data.</p> <p>For the air quality aspects, it is noted the data capture during each reporting period was greater than 90%.</p> <p>With consideration to the level of data capture and noting a monitor cannot always operate continuously, whether for periodic maintenance requirements or due to loss of power outside WCPL's control, no CA or OFI is deemed relevant.</p> <p>No CA is deemed relevant for the STP and water sampling aspects, as lack of sampling due to there being nothing to sample has been deemed reasonable.</p>								
M2.2	<p>Air monitoring requirements.</p> <p>POINT 14,15,16,53</p> <table border="1"> <thead> <tr> <th>Pollutant</th> <th>Units of measure</th> <th>Frequency</th> <th>Sampling Method</th> </tr> </thead> <tbody> <tr> <td>PM10</td> <td>micrograms per cubic metre</td> <td>Continuous</td> <td>AM-22</td> </tr> </tbody> </table>	Pollutant	Units of measure	Frequency	Sampling Method	PM10	micrograms per cubic metre	Continuous	AM-22	Non-compliant (Administrative)	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021 and 2022. – Air quality monitoring records for the audit period. – Complaints records. – AQGHGMP (November 2020). 	Refer to ANC in relation to air quality discussed at Condition M2.1.
Pollutant	Units of measure	Frequency	Sampling Method									
PM10	micrograms per cubic metre	Continuous	AM-22									
M2.3	Water and/or Land Monitoring Requirements.	Non-compliant (Administrative)	<ul style="list-style-type: none"> – SWMP (November 2020, Rev 2). – WMP (November 2020, Rev 2). – WMPprog (December 2021, Rev 4). – Excel spreadsheet detailing monitoring results. – Sample laboratory certificates and chain of custody documentation. 	Refer to ANC in relation to STP discharge and water monitoring discussed at Condition M2.1.								

Condition #	Details	Compliance status	Relevant evidence	Commentary																																																
	<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 instrumentation</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 instrumentation</td> </tr> </tbody> </table> <p>POINT 24,25,26,27,28,29,30,31,33,34,36,39,40,41</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>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> <p>POINT 43,52,56</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>	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 instrumentation	Total suspended solids	milligrams per litre	Daily during any discharge	Grab sample	Turbidity	nephelometric turbidity units	Continuous during discharge	In line instrumentation	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	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		<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021 and 2022. Site inspection completed 30 October 2023. EPL529 R5.6 – Annual water quality monitoring reports. 	
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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	<ul style="list-style-type: none"> AQGHGMP (November 2020). Site inspection completed 30 October 2023. Air quality monitoring records for the audit period. 	Review of documentation indicates compliance with the requirements of this condition.																																																
M3.2	Subject to any express provision to the contrary in this licence, monitoring for the concentration of a pollutant discharged to waters or applied to a utilisation area must be done in accordance with the Approved Methods Publication unless another method has been approved by the EPA in writing before any tests are conducted.	Compliant	<ul style="list-style-type: none"> SWMP (November 2020, Rev 2). WMP (November 2020, Rev 2). WMPprog (December 2021, Rev 4). Sample laboratory certificates and chain of custody documentation. 	Monitoring undertaken as per <i>Australian Standard 5667:1998 and Approved Methods for Sampling and Analysis of Water Pollutants in NSW</i> in 2004. It should be noted that the 2004 version has been updated in 2022.																																																
	<i>Note: The Protection of the Environment Operations (Clean Air) Regulation 2021 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'.</i>	Note	N/A.	N/A.																																																
M4	Weather monitoring																																																			
M4.1	At the point(s) identified below, the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1 of the table below, using the corresponding sampling method, units of measure, averaging period and sampling frequency, specified opposite in the Columns 2, 3, 4 and 5 respectively.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. AQGHGMP (November 2020). Site inspection completed 30 October 2023. Meteorological monitoring data for the audit period. 	Review of documentation and conduct of the site inspection indicates compliance with the requirements of this condition.																																																

Condition #	Details	Compliance status	Relevant evidence	Commentary																																								
	<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			
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Total Solar Radiation	AM-4	Watts per square metre	15 minutes	Continuous																																								
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	<ul style="list-style-type: none"> Complaints record. Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. 	Review of documentation indicates compliance with the requirements of this condition.																																								
M5.2	The record must include details of the following: <ul style="list-style-type: none"> a) the date and time of the complaint; b) the method by which the complaint was made; c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; d) the nature of the complaint; e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the licensee, the reasons why no action was taken. 	Compliant	<ul style="list-style-type: none"> Complaints records. 	Review of documentation 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	<ul style="list-style-type: none"> Complaints records. 	Review of documentation 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	<ul style="list-style-type: none"> Site interviews completed 30 October 2023. 	Conduct of audit interviews indicates this condition has not been triggered during the audit period.																																								
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	<ul style="list-style-type: none"> WCPL website. 	Review of the WCPL website indicates compliance with the requirements of this condition. https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Underground-Mine																																								
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	<ul style="list-style-type: none"> WCPL website. 	Review of the WCPL website indicates compliance with the requirements of this condition. https://www.peabodyenergy.com/Operations/Australia-Mining/New-South-Wales-Mining/Wambo-Underground-Mine																																								
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.	This condition was considered during previous audits.																																								
M7	Requirement to monitor volume or mass																																											
M7.1	For each discharge point or utilisation area specified below, the licensee must monitor: <ul style="list-style-type: none"> 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.	Compliant	<ul style="list-style-type: none"> Excel spreadsheet detailing monitoring results. Monthly environmental reporting. SCADA observations. Site interviews completed 30 October 2023. 	EPL Point 4 monitoring equipment sighted during inspection. Data used in HRSTS monitoring and reporting. EPL Point 19 was not accessible due to construction works being undertaken. It is understood that no discharges have occurred from Point 19 during the audit period due to the dam being decommissioned during mining. Monitoring data indicates no discharges via Point 19.																																								

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Frequency	Unit of Measure	Sampling Method										
Continuous	megalitres per day	In line instrumentation										
M8	Other monitoring and recording conditions											
	HRSTS Monitoring		–									
M8.1	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.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020/2021, 2021/2022, and 2022/2023. Annual Returns for 2020, 2021 and 2022. HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023. 	System sighted during inspection. Data reviewed from Annual Returns and Reviews. Evidence of telemetry outputs provided as part of the audit.								
M8.2	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.	Compliant	– Calibration certificates, pH, EC, Turbidity, Flow.	Calibration certificates reviewed and testing indicates that they are operating within the required margin of error.								
M8.3	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 completed 30 October 2023.	Signage sighted at EPL Point 4 during audit inspection. EPL Point 19 was not accessible due to construction works being undertaken. It is understood that no discharges have occurred from Point 19 during the audit period due to the dam being decommissioned during mining. Monitoring data indicates no discharges via Point 19.								
	Requirement to Monitor Particulate Matter											
M8.4	The Licensee must record the average PM ₁₀ concentration at Monitoring Points 14,15,16 and 53 at intervals of 10 minutes. This data must be made available upon request to any EPA Authorised Officer who requests to see it.	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. Air quality monitoring records for the audit period. Site interviews completed 30 October 2023. 	Review of documentation indicates compliance with the requirements of this condition, but no request has been made by any EPA Authorised Officer.								
M9	Noise monitoring											
M9.1	<p>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.</p> <p>POINT 20,21,22,23</p> <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 assessment period</th> </tr> </thead> <tbody> <tr> <td>Night</td> <td>Monthly</td> <td>15 minutes</td> <td>1 operation day</td> </tr> </tbody> </table>	Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period	Night	Monthly	15 minutes	1 operation day	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Attended noise monitoring reports. Site interviews completed 30 October 2023. 	Phase 1 operations only occurred between 20 to 30 November 2020, after which Phase 2 operations commenced. Review of documentation indicates compliance with the requirements of this condition during Phase 1.
Assessment period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period									
Night	Monthly	15 minutes	1 operation day									
M9.2	<p>To assess compliance with condition L5.1, attended noise monitoring must be undertaken in accordance with Conditions L5.4 to L5.6:</p> <p>a) at the EPA points 20,21,22 and 23 identified in P1.3;</p> <p>b) occur every calendar month in a reporting period; and</p> <p>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.</p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. Attended noise monitoring reports. 	Review of documentation indicates compliance with the requirements of this condition.								
M9.3	<p>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.</p> <p><i>Definitions</i></p> <p>Noise refers to 'sound pressure levels' for the purpose of conditions L5.1 to L5.6 and condition M10.</p>	Compliant	<ul style="list-style-type: none"> Annual Reviews for 2020, 2021 and 2022. Annual Returns for 2020, 2021 and 2022. Attended noise monitoring reports. 	Review of documentation indicates compliance with the requirements of this condition.								

Condition #	Details	Compliance status	Relevant evidence	Commentary
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: <ol style="list-style-type: none"> 1. a Statement of Compliance, 2. a Monitoring and Complaints Summary, 3. a Statement of Compliance - Licence Conditions, 4. a Statement of Compliance - Load based Fee, 5. a Statement of Compliance - Requirement to Prepare Pollution Incident Response Management Plan, 6. a Statement of Compliance - Requirement to Publish Pollution Monitoring Data; and 7. a Statement of Compliance - Environmental Management Systems and Practices. At the end of each reporting period, the EPA will provide to the licensee notification that the Annual Return is due.	Compliant	– Annual Returns for 2020, 2021 and 2022.	Review of documentation indicates compliance with the requirements of this condition.
R1.2	An Annual Return must be prepared in respect of each reporting period, except as provided below. <i>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.</i>	Compliant	– Annual Returns for 2020, 2021 and 2022.	Review of documentation indicates compliance with the requirements of this condition.
R1.3	Where this licence is transferred from the licensee to a new licensee: <ol style="list-style-type: none"> 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. <i>Note: An application to transfer a licence must be made in the approved form for this purpose.</i>	Not triggered	N/A.	Review of relevant documentation 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: <ol style="list-style-type: none"> 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.	Review of relevant documentation 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	– Annual Returns for 2020, 2021 and 2022.	Review of documentation 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 2012 through to 2022.	Review of documentation 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: <ol style="list-style-type: none"> 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 2020, 2021 and 2022.	Review of documentation 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.	Compliant	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Annual Returns for 2020, 2021, and 2022. – Site interviews completed 30 October 2023. – Hales Crossing Sump Inundation events: <ul style="list-style-type: none"> – notification on 22 March 2021 (same day as incident), with follow-up letter report dated 29 March 2021; and – notification on 8 March 2022 (same day as incident), with follow-up 	Review of documentation indicates compliance with the requirements of this condition.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> letter report dated 15 March 2022. – notification on 5 July 2022 (same day as incident), with follow-up letter report dated 12 July 2022. 	
R2.2	<p>The licensee must provide written details of the notification to the EPA within 7 days of the date on which they became aware of the incident.</p> <p><i>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.</i></p>	Compliant	<ul style="list-style-type: none"> – Refer to documentary evidence at Condition R2.1. 	Review of documentation indicates compliance with the requirements of this condition.
R3	Written report			
R3.1	<p>Where an authorised officer of the EPA suspects on reasonable grounds that:</p> <p>a) where this licence applies to premises, an event has occurred at the premises; or</p> <p>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,</p> <p>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.</p>	Compliant	<ul style="list-style-type: none"> – EPA s193 Notice to Provide Information and/or Records issued on 27 January 2021, with Wambo response dated 12 February 2021. – EPA Show Cause Letter dated 19 February 2021, with Wambo response provided 5 March 2021. 	Review of relevant documentation indicates compliance in relation to the requirements of this condition. However, it is noted the noise exceedance non-compliances occurred during the 2020 IEA period.
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	Refer to documentary evidence at Condition R3.1.	Review of documentation indicates compliance with the requirements of this condition.
R3.3	<p>The request may require a report which includes any or all of the following information:</p> <p>a) the cause, time and duration of the event;</p> <p>b) the type, volume and concentration of every pollutant discharged as a result of the event;</p> <p>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;</p> <p>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;</p> <p>e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;</p> <p>f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and</p> <p>g) any other relevant matters.</p>	Compliant	Refer to documentary evidence at Condition R3.1.	Review of documentation 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.	Compliant	Refer to documentary evidence at Condition R3.1.	Review of documentation indicates compliance with the requirements of this condition.
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.	Compliant	<ul style="list-style-type: none"> – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 22 March 2021 (same day as incident); and – follow-up letter report dated 29 March 2021. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 8 March 2022 (same day as incident); and – follow-up letter report dated 15 March 2022. 	As commented in previous conditions on incident reporting, in some instances incidents haven't been 'immediately' reported to regulators due to further conformation and investigation activities. The site has, once known of a non-compliance, reported to the EPA in an appropriate way to be compliant.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 5 July 2022 (same day as incident); and – follow-up letter report dated 12 July 2022. 	
R4.2	The Licensee must provide written details of the notification to the EPA within seven days of the date of the notification. This may be by email.	Compliant	<ul style="list-style-type: none"> – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 22 March 2021 (same day as incident); and – follow-up letter report dated 29 March 2021. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 8 March 2022 (same day as incident); and – follow-up letter report dated 15 March 2022. – Hales Crossing Sump Inundation: <ul style="list-style-type: none"> – notification on 5 July 2022 (same day as incident); and – follow-up letter report dated 12 July 2022. – HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023. 	Review of relevant documentation indicates compliance in relation to the requirements of this condition.
	Noise Exceedance Notification and Reporting			
R4.3	The licensee must report any exceedance of licence noise limits to the EPA by telephoning the Environment Line service on 131 555 as soon as practicable after the exceedance becomes known to the licensee or to one of the licensee's employees or agents.	Not Triggered	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Attended noise monitoring reports. 	Review of relevant documentation indicates this condition has not been triggered during the audit period, with no exceedances of noise occurring.
R4.4	Within seven days of notifying the EPA of an exceedance of Licence noise limits, the Licensee must provide the EPA a report in writing that explains the cause of the exceedance and the actions taken to prevent future exceedances of noise limits.	Not Triggered	<ul style="list-style-type: none"> – Annual Reviews for 2020, 2021, and 2022. – Attended noise monitoring reports. 	Review of relevant documentation indicates this condition has not been triggered during the audit period, with no exceedances of noise occurring.
R4.5	An authorised officer of 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 at Condition R4.6. The Licensee must provide such further details to the EPA within the time specified in the request.	Compliant	<ul style="list-style-type: none"> – EPA s193 Notice to Provide Information and/or Records issued on 27 January 2021, with Wambo response dated 12 February 2021. – EPA Show Cause Letter dated 19 February 2021, with Wambo response provided 5 March 2021. 	Review of relevant documentation indicates compliance in relation to the requirements of this condition, however it is noted the noise exceedance non-compliances occurred during the 2020 IEA period.
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.	Compliant	<ul style="list-style-type: none"> – Annual HRSTS Reports for 2020/2021, 2021/2022 and 2022/2023. 	HRSTS reports were provided for the audit period. Each report was provided within 60 days and includes the details of activities undertaken for each year.

Condition #	Details	Compliance status	Relevant evidence	Commentary
			– HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023.	The detail provided was determined to be adequate to meet the requirements of the condition based on 2020/2021 reporting. All other reporting was provided direct to WaterNSW and no document was able to be sighted.
	Turbidity Report			
R5.2	The Licensee must include a report with the Annual Return that shows graphical analysis of turbidity measured at EPA Point 4 and 19 for the length of any discharges from EPA Point 4 and 19 against discharge volume that includes the two hour period prior to the commencement of any discharge from EPA Point 4 and 19 and the two hour period after any discharge from EPA Point 4 and 19.	Compliant	– Annual Turbidity Reports for 2020/2021, 2021/2022 and 2022/2023. – EPL529 Turbidity Reporting 2020, 2021, 2022.	Turbidity reports were provided for the audit period. The detail provided was determined to be adequate to meet the requirements of the condition.
	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 Sewage Treatment System Report for 2020, 2021 and 2022.	Review of relevant documentation and conduct of the site inspection 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 Sewage Treatment System Report for 2020, 2021 and 2022.	Review of relevant documentation and conduct of the site inspection indicates compliance with the requirements of this condition.
	Noise Compliance Assessment Report			
R5.5	A report containing the monitoring results of noise compliance monitoring specified in this Licence must be submitted annually with the Annual Return. The report must include, for each monitoring period and monitoring location: a) the contribution noise level from the premises as measured or determined at the monitoring location (s); and b) a description of the method used to determine or estimate the contribution noise level from the premises that is consistent with the Noise Policy for Industry.	Compliant	Annual noise compliance report for 2020, 2021 and 2022.	Review of relevant documentation and conduct of the site inspection indicates compliance with the requirements of this condition.
	Water Quality Monitoring Report			
R5.6	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 Water Quality Monitoring Report for 2020/2021, 2021/2022 and 2022/2023.	Water quality monitoring reports were provided for the audit period. The detail provided was determined to be adequate to meet the requirements of the 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 inspections completed 30 October 2023.	Review of documentation 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	– Site interviews completed 30 October 2023.	Review of relevant documentation and conduct of interviews 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 inspections completed 30 October 2023.	Review of documentation indicates compliance with the requirements of this condition.
G2	Other general conditions			
G2.1	Completed Programs	N/A	N/A.	N/A.

Condition #	Details	Compliance status	Relevant evidence	Commentary																																																			
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8	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.	Compliant	– HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023.	Information provided direct to EPA for 2020/2021, 2021/2022, 2022/2023 scheme years. The template used for reporting has varied over the audit period.																																																			

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. 	
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.	Compliant	<ul style="list-style-type: none"> HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023 Annual Reviews for 2020, 2021, and 2022 Annual Returns for 2020, 2021 and 2022. 	Information provided direct to EPA for 2020/2021, 2021/2022 to 2022/2023 scheme years. Formula used in reporting spreadsheets in 2022/2023 were checked and the correct conversion factor was used.
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.	Compliant	<ul style="list-style-type: none"> HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023. Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. 	Information provided direct to EPA for 2020/2021, 2021/2022 to 2022/2023 scheme years.
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 Where: H is the hourly volume discharge limit (in megalitres per hour); V is the licence holder's volume discharge limit for the block (in megalitres) calculated in accordance with clause 23 of the Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation (2002); and RRT is the difference between the discharge stop and start times shown on the river register for that block (in hours). Note 1: The intent of this condition is to prevent spikes of saline water in the Hunter River as a result of discharges of less than the duration permitted by the river register. Note 2: A river register is issued by the Service Co-ordinator and allows participants of the Hunter River Salinity Trading Scheme (HRSTS) to discharge saline to the Hunter River during a discharge period.	Compliant	<ul style="list-style-type: none"> HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023. Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. 	Information provided direct to EPA for 2020/2021, 2021/2022 to 2022/2023 scheme years. Formula used in reporting spreadsheets in 2021/2022 and 2022/2023 were checked and have been applied correctly. The 2020/2021 report has been assumed to be compliant based on no documented issues from EPA. Evidence provided for this report was not sufficient to double check calculations.
		Compliant	<ul style="list-style-type: none"> HRSTS Annual Report for 2020/2021, 2021/2022, and 2022/2023. Annual Reviews for 2020, 2021, and 2022. Annual Returns for 2020, 2021 and 2022. 	<u>2023 IEA Findings</u> Information provided direct to EPA for 2020/2021, 2021/2022 to 2022/2023 scheme years. The template used for reporting has varied over the audit period. Formula used in reporting spreadsheets in 2021/2022 and 2022/2023 were checked and have been applied correctly. The 2020/2021 report has been assumed to be compliant based on no documented issues from EPA. Evidence provided for this report was not sufficient to double check calculations.

Appendix G Standard Conditions (Schedule 8A, Part 2) of Mining Regulation 2016 (NSW)

Condition #	Details	Compliance status	Relevant evidence	Commentary
	Division 1 Protection of the environment and rehabilitation			
4	Must prevent or minimise harm to environment			
4(1)	The holder of a mining lease must take all reasonable measures to prevent, or if that is not reasonably practicable, to minimise, harm to the environment caused by activities under the mining lease.	Compliant	<ul style="list-style-type: none"> – Site inspection completed 30 October 2023. – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. – Phase 2 – Rehabilitation Management Plan December 2020 – December 2023 (Phase 2 – RMP) (November 2023, Rev 3). – United Wambo Open Cut and Wambo WMPProg (December 2021, Rev 4). – United Wambo Open Cut and Wambo Underground SWB (August 2020, Rev 2). – WMP (November 2020, Rev 2). – SWMP (November 2020, Rev 2). – GWMP (December 2021, Rev 4). – EESCP (November 2021, Rev 4). – AQGHGMP (November 2020). – EMS (November 2020, Rev 7). – Wambo Homestead Complex Conservation Management Plan (WHC CMP) (May 2019, Rev 6). – PIRMP (August 2022, Rev 7). – NMP (November 2020, Rev 11). – HMP (July 2018, Rev 5), including: <ul style="list-style-type: none"> – Appendix F: Aboriginal Heritage Management Plan for Remnant Woodland Enhancement Program Area A (AHMP RWEPP Area A) (July 2018, Rev 5). – BMP (December 2021, Rev 4). – Extraction Plan Longwalls 21 to 24 (December 2022, Rev E): <ul style="list-style-type: none"> – Appendix A: Water Management Plan (WMP) (April 2021, Rev D). – Appendix B: Land Management Plan (LMP) (July 2020, Rev A). – Appendix C: Biodiversity Management Plan (BMP) (May 2020, Rev 1). – Appendix D: Heritage Management Plan (HMP) (July 2020, Rev 1). – Appendix E: Built Features Management Plan (BFMP) (July 2020, Rev A). 	<p>Conduct of the audit has sighted a range of management plans, monitoring programs and strategies for managing potential harm to the environment, which have been implemented to minimise harm to the environment, verifying compliance with this requirement. In addition, remediation activities undertaken during the audit period included:</p> <ul style="list-style-type: none"> – Forty-eight subsidence sites rehabilitated in 2021 focusing on areas in the vicinity of LWs 17 to 20, with the Mine’s rehabilitation ranging from small potholes to cracks several metres in length. Remediation of typical surface cracks (generally in the order of 25-50 millimetres, but up to approximately 150 millimetres) was undertaken using conventional earthmoving equipment including: <ul style="list-style-type: none"> – infilling of surface cracks with soil or other suitable materials; and – locally re-grading and re-compacting the surface. – areas of surface cracking have been stabilised using erosion protection measures (e.g. vegetation seeding), while drainage works are conducted as necessary; – remediation included 16 sites in and adjacent to the NWCD consisting of a combination of targeted subsidence campaigns and reactive subsidence remediation; – bi-annual detailed subsidence monitoring continued to monitor subsidence, vegetation coverage and weeds; – continued Phase 4 works continued across the Kharlibe property, which had a Subsidence Remediation Plan developed in 2018, with ongoing monitoring and care and maintenance works conducted across rehabilitated sites. This included further remediation works, with both newly treated areas and maintenance works on previously remediated sites occurring; and – visual inspection of Wollemi Escarpment via drone, with no cliff instabilities identified along the escarpment from these surveys. <p>It is noted, due to consistent wet ground conditions throughout 2022, a targeted subsidence campaign did not occur due to inability for machinery to access subsidence areas.</p> <p>During the site inspection, active remediation/rehabilitation of the NWCD was observed, with WCPL engaging the Soil Conservation Service to complete these works. Photos of these works taken during the site inspection are provided in Appendix H of the IEA.</p>

Condition #	Details	Compliance status	Relevant evidence	Commentary
			<ul style="list-style-type: none"> Appendix F: Public Safety Management Plan (PSMP) (July 2020, Rev A). Appendix G: Coal Resource Recovery Plan (CRRP) (July 2020, Rev A). Appendix H: Subsidence Monitoring Program (July 2020, Rev A). Appendix I: Phase 2 – Rehabilitation Management Plan December 2020 – December 2023 (Phase 2 – RMP) (November 2023, Rev 3). 	
4(2)	<i>In this clause—harm to the environment has the same meaning as in the Protection of the Environment Operations Act 1997.</i>	Note	N/A.	N/A.
5	Rehabilitation to occur as soon as reasonably practicable after disturbance			
	The holder of a mining lease must rehabilitate land and water in the mining area that is disturbed by activities under the mining lease as soon as reasonably practicable after the disturbance occurs.	Compliant	<ul style="list-style-type: none"> Site inspection completed 30 October 2023. Site interviews completed 30 October 2023. Annual Reviews for 2020, 2021, and 2022. Phase 2 – RMP (Rev 2, 7 October 2022). 	<p>Review of relevant documentation and conduct of the site interviews indicates that WCPL is responsible for rehabilitating the remaining surface area and activities related to the Mine’s approved activities. However, due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine).</p> <p>As a result, conduct of the audit has determined no rehabilitation has been undertaken during the audit period. This notwithstanding, remediation activities have been undertaken in relation to repairing/managing/mitigation subsidence impacts as a result of mining.</p> <p>In addition, review of documentation indicates that during the audit period:</p> <ul style="list-style-type: none"> no buildings were renovated or removed; rehabilitation trials were undertaken, including: <ul style="list-style-type: none"> subsidence repair trials; and remediation of approximately 1 km of the NWCD, as guided by the North Wambo Creek Diversion (NWCD) Rehabilitation and Maintenance Plan, including the application of gypsum to improve soil sodicity and structure beneath newly constructed rock chutes. During the site inspection, active remediation/rehabilitation of the NWCD was observed, with WCPL engaging the Soil Conservation Service to complete these works. the RMP was updated during the audit period (i.e. Rev 2, 7 October 2022). In addition, an amendment to the RMP was noted to have been approved on 12 November 2023 (i.e. outside the audit period) in relation to reflecting approval of Rehabilitation Objectives, the final landform, and rehabilitation plan.
6	Rehabilitation must achieve final land use			
6(1)	The holder of a mining lease must ensure that rehabilitation of the mining area achieves the final land use for the mining area.	Compliant	<ul style="list-style-type: none"> Phase 2 – RMP (Rev 2, 7 October 2022). 	<p>Review of the current RMP indicates final land use domains are defined, with consideration to:</p> <ul style="list-style-type: none"> rehabilitation risks; rehabilitation objectives and completion criteria; regulatory requirements for rehabilitation; final land use options; and final land use statement. <p>The RMP also includes plans showing final land use domains and landform features, as well as final landform contours.</p>
6(2)	The holder of the mining lease must ensure any planning approval has been obtained that is necessary to enable the holder to comply with subclause (1).	Compliant	<ul style="list-style-type: none"> Phase 2 – RMP (Rev 2, 7 October 2022). 	<p>Review of the current RMP indicates final land use domains are defined, with consideration to:</p> <ul style="list-style-type: none"> rehabilitation risks; rehabilitation objectives and completion criteria;

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> – regulatory requirements for rehabilitation; – final land use options; and – final land use statement. <p>The RMP also includes plans showing final land use domains and landform features, as well as final landform contours.</p>
6(3)	The holder of the mining lease must identify and record any reasonably foreseeable hazard that presents a risk to the holder's ability to comply with subclause (1).	Compliant	<ul style="list-style-type: none"> – Phase 2 – RMP (Rev 2, 7 October 2022). 	<p>Review of the current RMP indicates final land use domains are defined, with consideration to:</p> <ul style="list-style-type: none"> – rehabilitation risks; – rehabilitation objectives and completion criteria; – regulatory requirements for rehabilitation; – final land use options; and – final land use statement. <p>The RMP also includes plans showing final land use domains and landform features, as well as final landform contours.</p>
	<i>Note</i> Clause 7 requires a rehabilitation risk assessment to be conducted whenever a hazard is identified under this subclause.	Note	N/A.	N/A.
6(4)	<p>(4) In this clause—</p> <p>final land use for the mining area means the final landform and land uses to be achieved for the mining area—</p> <p>(a) as set out in the rehabilitation objectives statement and rehabilitation completion criteria statement, and</p> <p>(b) for a large mine—as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(c) if the final land use for the mining area is required by a condition of development consent for activities under the mining lease—as stated in the condition.</p> <p>planning approval means—</p> <p>(a) a development consent within the meaning of the Environmental Planning and Assessment Act 1979, or</p> <p>(b) an approval under that Act, Division 5.1.</p>	Note	N/A.	N/A.
	Division 2 Risk assessment			
7	Rehabilitation risk assessment			
7(1)	The holder of a mining lease must conduct a risk assessment (a rehabilitation risk assessment) that—	Compliant	<ul style="list-style-type: none"> – Phase 2 – RMP (Rev 2, 7 October 2022), Attachment 1 – Rehabilitation Risk Assessment. 	Review of relevant documentation verifies compliance with this requirement via Section 3 and Attachment 1 of the RMP.
	<p>(a) identifies, assesses and evaluates the risks that need to be addressed to achieve the following in relation to the mining lease—</p> <p>(i) the rehabilitation objectives,</p> <p>(ii) the rehabilitation completion criteria,</p> <p>(iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan, and</p> <p>(b) identifies the measures that need to be implemented to eliminate, minimise or mitigate the risks.</p>			
7(2)	The holder of the mining lease must implement the measures identified.	Compliant	<ul style="list-style-type: none"> – Phase 2 – RMP (Rev 2, 7 October 2022), Attachment 1 – Rehabilitation Risk Assessment. – Site inspection completed 30 October 2023. 	Review of relevant documentation and conduct of the site inspection verifies compliance with this requirement via Section 3 and Attachment 1 of the RMP, and completion of remediation works during the audit period.
7(3)	The holder of a mining lease must conduct a rehabilitation risk assessment—	Compliant	<ul style="list-style-type: none"> – Phase 2 – RMP (Rev 2, 7 October 2022), Attachment 1 – Rehabilitation Risk Assessment. – Site inspection completed 30 October 2023. 	Review of relevant documentation and conduct of the site inspection verifies compliance with this requirement via Section 3 and Attachment 1 of the RMP, and completion of remediation works during the audit period.
	<p>(a) for a large mine—before preparing a rehabilitation management plan, and</p> <p>(b) for a small mine—before preparing the rehabilitation outcome documents for the mine, and</p> <p>(c) whenever a hazard is identified under clause 6(3)—as soon as reasonably practicable after it is identified, and</p>			

Condition #	Details	Compliance status	Relevant evidence	Commentary
	(d) whenever given a written direction to do so by the Secretary.			
	Division 3 Rehabilitation documents			
8	Application of Division			
	This Division does not apply to a mining lease unless— (a) the security deposit required under the mining lease is greater than the minimum deposit prescribed under the Act, section 261BF in relation to that type of mining lease, or (b) the Secretary gives a written direction to the holder of the mining lease that this Division, or a provision of this Division, applies to the mining lease.	Note	N/A.	N/A.
9	General requirements for documents			
	A document required to be prepared under this Division must— (a) be in a form approved by the Secretary, and <i>Note— The approved forms are available on the Department's website.</i> (b) include any matter required to be included by the form, and (c) if required to be given to the Secretary—be given in a way approved by the Secretary.	Compliant	– Phase 2 – RMP (Rev 2, 7 October 2022).	The RMP has been written and implemented in accordance with Condition B108 of DA 305-7-2003 and the NSW Resources Regulator's <i>Form and Way: Rehabilitation Management Plan for Large Mines</i> .
10	Rehabilitation management plans for large mines			
10(1)	The holder of a mining lease relating to a large mine must prepare a plan (a rehabilitation management plan) for the mining lease that includes the following— (a) a description of how the holder proposes to manage all aspects of the rehabilitation of the mining area, (b) a description of the steps and actions the holder proposes to take to comply with the conditions of the mining lease that relate to rehabilitation, (c) a summary of rehabilitation risk assessments conducted by the holder, (d) the risk control measures identified in the rehabilitation risk assessments, (e) the rehabilitation outcome documents for the mining lease, (f) a statement of the performance outcomes for the matters addressed by the rehabilitation outcome documents and the ways in which those outcomes are to be measured and monitored.	Compliant	– Phase 2 – RMP (Rev 2, 7 October 2022).	Review of the RMP indicates this requirement is addressed via: – (a) Section 6.2 – (b) Section 5 – (c) Section 3 – (d) Section 3 – (e) Sections 4 and 5 – (f) Section 4.
10(2)	If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must include a proposed version of the document.	Compliant	– Phase 2 – RMP (Rev 2, 7 October 2022).	Review of the RMP indicates this requirement is addressed via Sections 4 and 5.
10(3)	A rehabilitation management plan is not required to be given to the Secretary for approval.	Note	N/A.	N/A.
10(4)	The holder of the mining lease— (a) must implement the matters set out in the rehabilitation management plan, and (b) if the forward program specifies timeframes for the implementation of the matters—must implement the matters within those timeframes.	Compliant	– Phase 2 – RMP (Rev 2, 7 October 2022). – Annual Rehabilitation Report and Forward Program (October 2022). – Wambo Complex Annual Rehabilitation Report Wednesday 9 March 2022 to Wednesday, 8 March 2023.	Due to the nature of disturbance for the Mine (i.e. underground mining), there is minimal progressive rehabilitation able to be reported by WCPL over the coming years (i.e. as the disturbed surface area will be required for the life of the underground mine). The RMP (Rev 2, 7 October 2022) notes that rehabilitation activities at the Mine have occurred where possible and have generally been limited to subsidence remediation. Review of the Forward Program indicates proposed rehabilitation works proposed includes: – continuation of subsidence remediation works, consisting of a combination of targeted subsidence campaigns and reactive subsidence remediation to sites ranging from small potholes to cracks several metres in length. This remediation is discussed in Section 4.3.4 of the audit report; – continuation of NWCD remediation works, as guided by the NWCD Rehabilitation and Maintenance Plan; and – continuation of historical exploration works rehabilitation program. In addition, review of documentation indicates that during the audit period: – no buildings were renovated or removed; – rehabilitation trials were undertaken, including: – subsidence repair trials; and

Condition #	Details	Compliance status	Relevant evidence	Commentary
				<ul style="list-style-type: none"> – remediation of approximately 1 km of the NWCD, as guided by the NWCD Rehabilitation and Maintenance Plan, including the application of gypsum to improve soil sodicity and structure beneath newly constructed rock chutes. During the site inspection, active remediation/rehabilitation of the NWCD was observed, with WCPL engaging the Soil Conservation Service to complete these works. Photos of these works taken during the site inspection are provided in Appendix H of the audit report. – over 20 boreholes from previous exploration programs have been rehabilitated during the audit period, however WCPL's final sign-off on this rehabilitation has yet to be completed; and – the RMP was updated during the audit period (i.e. Rev 2, 7 October 2022). In addition, an amendment to the RMP was noted to have been approved on 12 November 2023 (i.e. outside the audit period) in relation to reflecting approval of Rehabilitation Objectives, the final landform, and rehabilitation plan.
11	Amendment of rehabilitation management plans			
	<p>The holder of a mining lease must amend the rehabilitation management plan for the mining lease as follows—</p> <p>(a) to substitute the proposed version of a rehabilitation outcome document with the version approved by the Secretary—within 30 days after the document is approved,</p> <p>(b) as a consequence of an amendment made under clause 14 to a rehabilitation outcome document—within 30 days after the amendment is made,</p> <p>(c) to reflect any changes to the risk control measures in the prepared plan that are identified in a rehabilitation risk assessment—as soon as practicable after the rehabilitation risk assessment is conducted,</p> <p>(d) whenever given a written direction to do so by the Secretary—in accordance with the direction.</p>	Not triggered	<ul style="list-style-type: none"> – Phase 2 – RMP (Rev 2, 7 October 2022), Attachment 1 – Rehabilitation Risk Assessment. – Site interviews completed 30 October 2023. – Annual Reviews for 2020, 2021, and 2022. 	Review of relevant documentation and conduct of audit interviews indicates this requirement has not been triggered during the audit period.
12	Rehabilitation outcome documents			
12(1)	<p>The holder of a mining lease must prepare the following documents (the rehabilitation outcome documents) for the mining lease and give them to the Secretary for approval—</p> <p>(a) the rehabilitation objectives statement, which sets out the rehabilitation objectives required to achieve the final land use for the mining area,</p> <p>(b) the rehabilitation completion criteria statement, which sets out criteria, the completion of which will demonstrate the achievement of the rehabilitation objectives,</p> <p>(c) for a large mine, the final landform and rehabilitation plan, showing a spatial depiction of the final land use.</p>	Compliant	<ul style="list-style-type: none"> – Phase 2 – RMP (Rev 2, 7 October 2022). 	Review of the RMP indicates this requirement is addressed via Sections 4 and 5.
12(2)	If the final land use for the mining area is required by a condition of development consent for activities under the mining lease, the holder of the mining lease must ensure the rehabilitation outcome documents are consistent with that condition.	Compliant	<ul style="list-style-type: none"> – Phase 2 – RMP (Rev 2, 7 October 2022). 	Review of the RMP indicates this requirement is addressed.
13	Forward program and annual rehabilitation report			
13(1)	<p>The holder of a mining lease must prepare a program (a forward program) for the mining lease that includes the following—</p> <p>(a) a schedule of mining activities for the mining area for the next 3 years,</p> <p>(b) a summary of the spatial progression of rehabilitation through its various phases for the next 3 years,</p> <p>(c) a requirement that the rehabilitation of land and water disturbed by mining activities under the mining lease must occur as soon as reasonably practicable after the disturbance occurs.</p>	Compliant	<ul style="list-style-type: none"> – Annual Rehabilitation Report and Forward Program (October 2022). – Wambo Complex Annual Rehabilitation Report Wednesday 9 March 2022 to Wednesday, 8 March 2023. 	Review of the 2021/2022 Annual Rehabilitation Report and 2022-2025 Forward Program (October 2022) and 2022/2023 Annual Rehabilitation Report indicates this requirement is addressed.
13(2)	<p>The holder of a mining lease must prepare a report (an annual rehabilitation report) for the mining lease that includes—</p> <p>(a) a description of the rehabilitation undertaken over the annual reporting period,</p> <p>(b) a report demonstrating the progress made through the phases of rehabilitation provided for in the forward program applying to the reporting period,</p> <p>(c) a report demonstrating progress made towards the achievement of the following—</p>	Compliant	<ul style="list-style-type: none"> – Annual Rehabilitation Report and Forward Program (October 2022). – Wambo Complex Annual Rehabilitation Report Wednesday 9 March 2022 to Wednesday, 8 March 2023. 	Review of the 2021/2022 Annual Rehabilitation Report and 2022-2025 Forward Program (October 2022) and 2022/2023 Annual Rehabilitation Report indicates this requirement is addressed.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	(i) the objectives set out in the rehabilitation objectives statement, (ii) the criteria set out in the rehabilitation completion criteria statement, (iii) for large mines—the final land use as spatially depicted in the final landform and rehabilitation plan.			
13(3)	If a rehabilitation outcome document has not been approved by the Secretary, the holder of the mining lease must rely on a proposed version of the document.	Note	N/A.	N/A.
13(4)	The holder of the mining lease must give the forward program and annual rehabilitation report to the Secretary.	Compliant	<ul style="list-style-type: none"> Annual Rehabilitation Report and Forward Program (October 2022), including verification of submission of Annual Rehabilitation Report and Forward Program (October 2022) on 6 October 2022. Wambo Complex Annual Rehabilitation Report Wednesday 9 March 2022 to Wednesday, 8 March 2023. 	Review of the 2021/2022 Annual Rehabilitation Report and 2022-2025 Forward Program (October 2022) and 2022/2023 Annual Rehabilitation Report indicates this requirement is addressed.
13(5)	In this clause— annual reporting period means each period of 12 months commencing on— (a) the date on which the mining lease is granted, or (b) if the Secretary approves another date in relation to the mining lease—the other date.	Note	N/A.	N/A.
14	Amendment of rehabilitation outcome documents and forward program			
14(1)	This clause applies to— (a) a rehabilitation outcome document if it has been approved by the Secretary, and (b) a forward program if it has been given to the Secretary.	Note	N/A.	N/A.
14(2)	The holder of a mining lease must not amend a document to which this clause applies that relates to the mining lease unless— (a) the Secretary gives the holder a written direction to do so, or (b) the Secretary, on written application by the holder, gives a written approval of the amendment.	Note	N/A.	N/A.
14(3)	The holder of the mining lease must amend the document in accordance with the Secretary's direction or approval.			
14(4)	Nothing in this clause prevents the holder of a mining lease preparing a draft amendment for submission to the Secretary for approval.	Note	N/A.	N/A.
15	Times at which documents must be prepared and given			
15(1)	The holder of a mining lease must do the following before the end of the initial period— (a) prepare a rehabilitation management plan, and (b) prepare rehabilitation outcome documents and give them, other than the rehabilitation completion criteria statement, to the Secretary for approval, and (c) prepare a forward program and give it to the Secretary.	Compliant	<ul style="list-style-type: none"> Phase 2 – RMP (Rev 2, 7 October 2022). Annual Rehabilitation Report and Forward Program (October 2022), including Verification of submission of Annual Rehabilitation Report and Forward Program (October 2022) on 6 October 2022. 	Review of the RMP and Annual Rehabilitation Report and Forward Program indicates this requirement is addressed.
15(2)	The holder of the mining lease must prepare a forward program and annual rehabilitation report and give them to the Secretary before— (a) 60 days after the last day of each annual reporting period, commencing with the annual reporting period in which the forward program was given to Secretary under subclause (1)(c), or (b) a later date approved by the Secretary.	Compliant	<ul style="list-style-type: none"> Annual Rehabilitation Report and Forward Program (October 2022), including Verification of submission of Annual Rehabilitation Report and Forward Program (October 2022) on 6 October 2022. Wambo Complex Annual Rehabilitation Report Wednesday 9 March 2022 to Wednesday, 8 March 2023. 	Review of the 2021/2022 Annual Rehabilitation Report and 2022-2025 Forward Program (October 2022) and 2022/2023 Annual Rehabilitation Report indicates this requirement is addressed.

Condition #	Details	Compliance status	Relevant evidence	Commentary
15(3)	A rehabilitation completion criteria statement relating to completion of rehabilitation during a period covered by a forward program must be given to the Secretary for approval when the forward program is required to be given to the Secretary.	Compliant	<ul style="list-style-type: none"> Annual Rehabilitation Report and Forward Program (October 2022), including Verification of submission of Annual Rehabilitation Report and Forward Program (October 2022) on 6 October 2022. Wambo Complex Annual Rehabilitation Report Wednesday 9 March 2022 to Wednesday, 8 March 2023. 	Review of the 2021/2022 Annual Rehabilitation Report and 2022-2025 Forward Program (October 2022) and 2022/2023 Annual Rehabilitation Report indicates this requirement is addressed.
15(4)	The holder of the mining lease must prepare updated rehabilitation outcome documents for the mining lease and give them to the Secretary for approval before— (a) 60 days after a development consent is modified following an application referred to in clause 20(1)(b), or (b) a later date approved by the Secretary.			
15(5)	A rehabilitation completion criteria statement is not required to be given to the Secretary under subclause (4) unless a rehabilitation completion criteria statement has already been given to the Secretary under subclause (3).			
15(6)	The Secretary may, by written notice, direct the holder of a mining lease to prepare, or give to the Secretary, a document required to be prepared under this Division at a time other than that specified in this clause.			
15(7)	The holder of the mining lease must comply with the direction.			
15(8)	In this clause— initial period means the period commencing when the mining lease is granted and ending— (a) 30 days, or other period approved by the Secretary, after this Division first applies to the mining lease, or (b) if this Division applies to the mining lease because of an increase in the required security deposit— (i) when the surface of the mining area is disturbed by activities under the mining lease, or (ii) at a later date approved by the Secretary.	Note	N/A.	N/A.
16	Certain documents to be publicly available			
16(1)	This clause applies to the following documents— (a) a rehabilitation management plan, (b) a forward program, (c) an annual rehabilitation report.	Compliant	<ul style="list-style-type: none"> WCPL website. 	Review of the WCPL website verifies compliance with these requirements.
16(2)	The holder of a mining lease must make a document to which this clause applies publicly available by— (a) publishing it on its website in a prominent position, or (b) if the holder does not have a website— providing a copy of it to a person— (i) on the written request of a person, and (ii) without charge, and (iii) within 14 days after the request is received.	Compliant	<ul style="list-style-type: none"> WCPL website. 	Review of the WCPL website verifies compliance with these requirements.
16(3)	If a document is published on the website of the holder of the mining lease, the holder must ensure that it is published— (a) for a rehabilitation management plan—within 14 days after it is prepared or amended, or (b) for a forward program or an annual rehabilitation report—within 14 days after it is given to the Secretary or amended,	Compliant	<ul style="list-style-type: none"> WCPL website. 	Review of the WCPL website verifies compliance with these requirements. While outside the audit period, the RMP approved in November 2023 was verified to have been made available on the WCPL website in compliance with these requirements.
16(4)	Personal information within the meaning of the Privacy and Personal Information Protection Act 1998 is not required to be included in a document made available to a person under this clause.	Note	N/A.	N/A.

Condition #	Details	Compliance status	Relevant evidence	Commentary
	Division 4 Records, reporting and notification			
17	Records demonstrating compliance			
	The holder of a mining lease must create and maintain records of all actions taken that demonstrate compliance with each of the conditions set out in this Part. <i>Note— The Act, sections 163D and 163E provide for the form in which records must be kept and the period for which they must be retained.</i>	Compliant	Annual Reviews for 2020, 2021 and 2022.	Review of the WCPL website verifies compliance with these requirements.
18	Report on non-compliance			
18(1)	The holder of a mining lease must provide the Minister with a written report detailing any non-compliance with— (a) a condition of the mining lease, or <i>Note—The Act, section 364A contains provisions relating to the use and disclosure of information provided under this condition.</i> (b) a requirement of the Act or this Regulation relating to activities under the mining lease.	Not triggered	N/A.	Conduct of the audit indicates this requirement has not been triggered during the audit period.
18(2)	The holder of the mining lease must provide the report within 7 days after becoming aware of the non-compliance.	Not triggered	N/A.	Conduct of the audit indicates this requirement has not been triggered during the audit period.
18(3)	The holder of the mining lease must ensure the report— (a) identifies the condition of the mining lease, or the requirement of the Act or this Regulation, to which the non-compliance relates, and (b) describes the non-compliance and specifies the date or dates on which, or the period during which, the non-compliance occurred, and (c) describes the causes or likely causes of the non-compliance, and (d) describes the action that has been taken, or will be taken, to mitigate the effects, and to prevent any recurrence, of the non-compliance.	Not triggered	N/A.	Conduct of the audit indicates this requirement has not been triggered during the audit period.
19	Nominated contact person			
	(1) The holder of a mining lease must nominate a natural person to be the contact person with whom the Secretary can communicate in relation to the mining lease for the purposes of the Act. <i>Note— The Act, section 383 sets out the ways in which notices or other documents may be issued or given to, or served on, a person for the purposes of the Act.</i> (2) The holder of the mining lease must give written notice to the Secretary of— (a) the full name and contact details of the nominated person—within 28 days after the date on which the standard conditions apply to the mining lease under clause 31A of this Regulation, and (b) any change in nomination or in the nominated person's contact details—within 28 days after the change occurs. (3) The holder of the mining lease must ensure that the contact details for the nominated person include the person's phone number and postal and email addresses.	Non-compliant (Administrative)	<ul style="list-style-type: none"> Annual Rehabilitation Report and Forward Program (October 2022), including Verification of submission of Annual Rehabilitation Report and Forward Program (October 2022) on 6 October 2022. Wambo Complex Annual Rehabilitation Report Wednesday 9 March 2022 to Wednesday, 8 March 2023. 	Conduct of the audit was unable to confirm that the requirements of Clause 19(2) had been completed, that is written notice had been provided to the Secretary of the full name and contact details of the nominated person within 28 days after the date on which the Standard Conditions commenced to apply. However, review of relevant documentation confirms these details have been provided. Therefore, a CA or OFI has been determined to not be required.
	Division 5 Applications relating to development consent			
20	Additional requirements—application for or to modify development consent			
20(1)	The holder of a mining lease must give written notice to the Secretary within 10 days after— (a) making an application for development consent that relates to the mining area, or (b) making an application for modification of a development consent— (i) under the Environmental Planning and Assessment Act 1979, section 4.55(2), and (ii) that proposes to modify a condition of the consent that relates to rehabilitation of the mining area in a way that may affect an obligation under the mining lease relating to rehabilitation of the mining area.	N/A	N/A.	N/A – Per Clause 20(2).
20(2)	This clause does not apply if the development is State significant development.	Note	N/A.	N/A.

Appendix H

Site inspection photos

Eagles Nest dam, with Hunter River Salinity Trading Scheme (HRSTS) outlet to licensed discharge point (LDP) (EPA Point 4), discharging to Wollombi Brook



HRSTS Instrument Panel, including water quality testing point



Signage for EPA Point 4, discharging to Wollombi Brook



EPA Point 4



Lighting tower overlooking the Pit Top



Fenced off effluent discharge area, noted to also include United Wambo Joint Venture effluent discharge area



Groundwater monitoring points



Subsidence repairs near North Wambo Creek Diversion (NWCD), and remediation works to the NWCD



Remediation works to the NWCD, with ripping and seeding recently completed



Remediation works to the NWCD, with ripping and seeding recently completed



Remediation works to the NWCD, with ripping and seeding recently completed



Water truck in use for dust suppression and the Mine Pit Top



South Bates Pit and sealed adit in use during the 2020 IEA



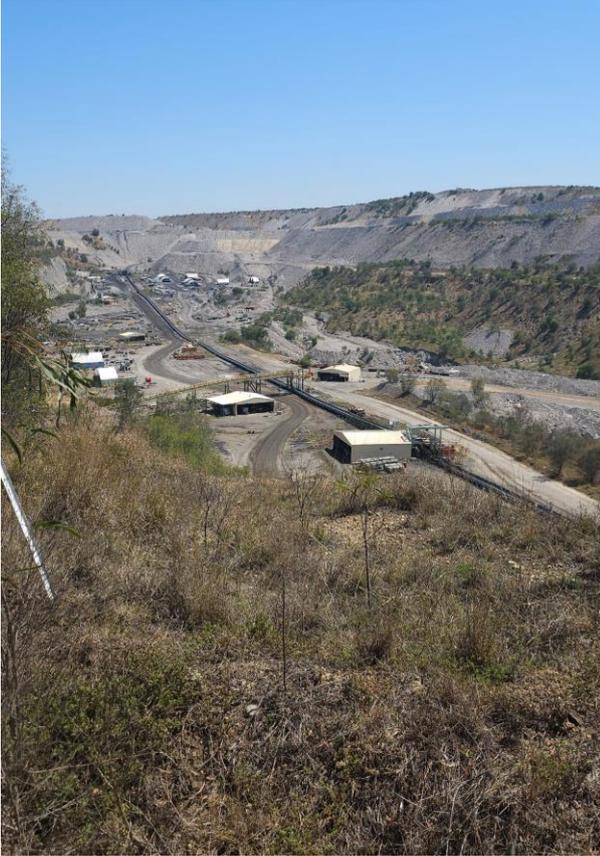
Former tailings storage area, currently being filled in by WCPL in preparation for rehabilitation to be completed by the UWJV



Pumping site at the Hunter River (Pump 1 & 2)



Overlooking the Mine Pit Top, with the UWJV open cut mining area in the distance



GBF Dams and coal handling preparation plant in distance

