

APPENDIX 8
2021 IEA – Update of Actions



Mr Ian Flood
Manager Project Development and Approvals
Wilpinjong Coal Pty Ltd
1434 Ulan-Wollar Road
Locked Bag 2005
Mudgee NSW 2850

31/01/2022

Dear Mr Flood

**Wilpinjong Extension Project - (SSD-6764)
Independent Environmental Audit**

Reference is made to the Independent Environmental Audit (IEA) report [and Response to Audit Recommendations (RAR)] for the Wilpinjong Extension Project (the Project), prepared as required by Condition 10, Schedule 5 of SSD-6764 (the Consent) and submitted to the Department of Planning, Industry and Environment (the Department) on 22 December 2021.

The Department considers that the IEA report generally satisfies the reporting requirements of the Consent. Please note that acceptance of this report is not endorsement of the compliance status of the Project.

The Department notes the non-compliances identified in the IEA and will further assess these in accordance with the Department's Compliance Policy after a site inspection. The Department proposes to undertake a site inspection within the coming months and will be in contact with you to confirm a suitable time and day.

Please include a status update for all actions provided in the RAR in the next Annual Review, until all actions are completed.

Lastly in accordance with Schedule 5 condition 12 of the Consent please upload the IEA report and RAR on the Project's website within 14 days of the date of this letter.

If you wish to discuss the matter further, please contact Michael Wood on 0459890661 or at michael.wood@planning.nsw.gov.au

Yours sincerely

Katrina O'Reilly
Team Leader - Compliance
Compliance
As nominee of the Planning Secretary

Actions to Address Non-Compliances against Development Consent SSD-6764 from 2021 IEA

Reference	Condition Requirement Summary	Summary of Audit Finding and Recommendation	Actions Proposed by WCPL to Address Audit Finding and Recommendation	Timetable to Implement Proposed Actions
Schedule 2, Condition 2	The Applicant must carry out the development: a. generally in accordance with the EIS and the Wilpinjong Coal Project EIS; and b. in accordance with the conditions of this consent.	The development has been carried out in general accordance with the EIS. A number of non-conformances of the conditions of this consent have been identified during the audit period including: <ul style="list-style-type: none"> • Schedule 2, Condition 10 • Schedule 3, Condition 7 • Schedule 3, Condition 15 • Schedule 3, Condition 16 • Schedule 3, Condition 17 • Schedule 3, Condition 19 • Schedule 3, Condition 21 • Schedule 3, Condition 29 • Schedule 3, Condition 30 • Schedule 3, Condition 57 • Schedule 3, Condition 58 • Schedule 3, Condition 61 	Refer to recommendation made against each Condition of Consent below.	Refer to timetable to implement proposed actions against each Condition of Consent below. See below.
Schedule 2, Condition 10	The Applicant must ensure that all new buildings and structures, and any alterations or additions to existing buildings and structures, are constructed in accordance with the relevant requirements of the BCA	Construction of the Pit 3 Pre-Start Facility occurred during the audit period. WCPL was unable to produce the BCA certificate to the auditors. WCPL verbally confirmed the structure was constructed in accordance with the relevant requirements of the BCA.	WCPL have engaged Barnson Pty Ltd to prepare a Building Information Certificate application for submission to Mid-Western Regional Council, regarding the Pit 3 Pre-Start Facility for their approval. For all future developments that require a BCA (or equivalent), WCPL will update its Mine Operations Plan to detail requirements for new and modified infrastructure on site which will include consideration of Building Certificates (BCs) or Occupation Certificates (OCs) if applicable. If applicable, OCs and BCs must be provided to the WCPL Environmental Department.	Update the Mine Operations Plan within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations. See below.

Reference	Condition Requirement Summary	Summary of Audit Finding and Recommendation	Actions Proposed by WCPL to Address Audit Finding and Recommendation	Timetable to Implement Proposed Actions
Schedule 3, Condition 7	The Applicant must ensure that blasting on the site does not cause exceedances of the criteria in Table 4.	Non-compliance with Blast Criteria in SSD-6764 - An overpressure exceedance recorded at the Wollar Primary School blast monitoring on the 30 November 2020 at 14:53. The overpressure recorded was 123.3dB, exceeding the maximum overpressure criteria of 120dB from a blast in Pit 6.	<p>To address the non-compliance (NC) with the blasting criteria in Table 4, WCPL reviewed the Blast Management Plan (BMP) (Version 8) in June 2021.</p> <p>The update of the BMP included revised disturbance footprint for Pit 6, revised Section 5.2.2 Blast Design and Control Procedures, update Sensitive Receiver Figure and blast fume management measures in the blast fume management strategy.</p> <p>The revised BMP (Version 8) was approved by the DPIE on the 13 August 2021.</p>	<p>Completed (2021)</p> <p>In 2022 the Blast Mgt Plan (Version 9) update included revised blast monitoring figure and public road infrastructure definitions to address potential future inconsistencies regarding vibration monitoring.</p> <p>Version 9.1 approved on 17/12/2022</p> <p>In 2022 Blast Fume Mgt Strategy (Version 6) update to Figure 1 to include sensitive receivers for workers at the RO plant, post fume event reporting requirements and updated mitigation measures</p> <p>Version 6 approved on 17/12/2022</p>
Schedule 3, Condition 15	The Applicant must implement the approved Blast Management Plan for the development.	<p>Blasting criteria were being met (refer Schedule 3, Condition 7) with the exception of two (2) non-compliance listed below:</p> <p>11 July 2020: Non-compliance with Section 4.1.1 of the Blast Management Plan - A vibration exceedance was recorded at a road culvert along the Ulan-Wollar Road on the 11 July 2020 at 13:49. The vibration criteria of 100mm/s as agreed with the MWRC for Public Road Infrastructure was exceeded by 0.18mm/s.</p> <p>11 November 2020: Non-compliance with Section 4.1.1 of the Blast Management Plan - A vibration exceedance was recorded at a road culvert along the Ulan-Wollar Road across from Pit 8 on the 11 November at 11.45am. The</p>	<p>To address the NCs regarding vibration limits as set out in Section 4.1.1 of the Blast Management Plan, WCPL reviewed the Blast Management Plan (BMP) (Version 8) in June 2021.</p> <p>The update of the BMP included revised disturbance footprint for Pit 6, revised Section 5.2.2 Blast Design and Control Procedures, update Sensitive Receiver Figure and blast fume management measures in the blast fume management strategy.</p> <p>The revised BMP (Version 8) was approved by the DPIE on the 13 August 2021.</p>	<p>Completed (2021)</p> <p>As Above.</p>

Reference	Condition Requirement Summary	Summary of Audit Finding and Recommendation	Actions Proposed by WCPL to Address Audit Finding and Recommendation	Timetable to Implement Proposed Actions
Schedule 3, Condition 16	<p>The Applicant must ensure that no offensive odours are emitted from the site, as defined under the POEO Act.</p>	<p>vibration criteria of 100mm/s as agreed with the MWRC for Public Road Infrastructure was exceeded by 17.66 mm/s.</p> <p>At the time of the Audit site inspection odours were noted beyond the boundary of the mine at 08:00 23 September 2021. Some intermittent odours and visual evidence of spontaneous combustion were detected during the site inspection.</p> <p>A review of the complaints register for the Audit period indicated that 22 complaints were received relating to odour.</p> <p>Review of the OCE shift reports, indicate that spontaneous combustion is considered during OCE examinations, however actions taken to mitigate obvious issues were not included in the OCE shift checklist. It is recommended that response to these issues is reviewed and an appropriate procedure developed to mitigate offsite impacts.</p> <p>The Spontaneous Combustion Management Plan (AQMP - Appendix 3) includes a requirement for biennial thermal surveys of the site to proactively identify potential hot spot areas. These thermal surveys have not been regularly undertaken at this frequency.</p>	<p>To address the NCs regarding the odour detected on the Ulan-Wollar Road adjacent to Pit 3 (within WCPL’s Project Approval Boundary), recorded actions by OCE’s and the frequency of thermal surveys, WCPL propose to review the Spontaneous Combustion Management Plan (SCMP) - Appendix 3 of the Air Quality Management Plan (AQMP) to include:</p> <ul style="list-style-type: none"> Review the Mining Supervisor Inspection report to capture mitigation actions in response to spontaneous combustion issues identified during inspections. Develop and implement an appropriate procedure to mitigate off-site odour impacts as they arise (taking into consideration findings from the extensive Ambient Air Monitoring in Wollar, 2013 – 2018, as part of the removal of Keylah Dump); and Review the frequency of entire site thermal surveys, noting entire site thermal survey conducted 8 October 2021. 	<p>Review of the SCMP within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Completed (2022): SCMP was revised to address the 2021 IEA and submitted on the 30 June 2022. The SCMP (Version 8.1) was approved on the 17/12/2022.</p>
Schedule 3, Condition 17	<p>The Applicant must ensure that all reasonable and feasible avoidance and mitigation measures are employed so that particulate matter emissions generated by the development do not cause exceedances of the criteria listed in Table 5 at any residence on privately-owned land.</p>	<p>Observations on site during the Audit site inspection identified regular occurrences where substantial vehicle generated dust emissions were evident.</p> <p>It was not evident that regular or timely response to these instances was made to reduce the potential for dust generation. The use of watercarts on site during the site inspection did not appear to be sufficient to adequately mitigate vehicle generated dust generation.</p> <p>It is recommended that water cart use be reviewed to ensure there is adequate coverage across the site, and that vehicle operators are trained to ensure awareness of dust generation and mitigation.</p>	<p>To address the NCs regarding vehicle generated dust emissions and the use of water carts on site, WCPL has implemented:</p> <ul style="list-style-type: none"> Applicable operational personnel have received training (November 2021) regarding dust management requirements and measures including adhering to applicable speed limits in the mine, reassessment of dust generation throughout the shift, report dust issues as they arise and response to instructions; and WCPL proposes to implement: 	<p>Dust management training provided to applicable operational personnel by the Environment and Community Manager (E&C Manager) in November 2021.</p> <p>Review Daily production meeting within 3 months of the DPIE acceptance of this submission of the IEA and actions to</p>

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			<ul style="list-style-type: none"> Review Daily production meeting to consider availability of water carts in respect of forecast adverse weather. 	address audit recommendations. Completed (2022): see below
Schedule 3, Condition 19	Operating Conditions (Air Quality)	<p>Mitigation measures to minimise the off-site odour, fume, spontaneous combustion, and dust emissions of the development as outlined in Section 5 of the AQMP were observed to be implemented during the site inspection. However, as indicated above for conditions C16 and C17, observations on site during the Audit site inspection identified situations where odour was evident outside the site boundaries, and where vehicle generated dust emissions were evident without sufficient controls in place to minimise these emissions.</p> <p>The site utilises a third party provider to provide daily prediction of likely adverse weather conditions. While this system is in place, there is not a proactive trigger level established to identify adverse meteorological conditions based on real time meteorological data on site, such as humidity, wind speed and direction.</p> <p>There is an opportunity to improve this and establish a trigger level to assist in mitigating dust impacts associated with adverse weather conditions – applying such a trigger level and alarm, will remove the potential for overlooking dust issues and allow proactive measures to be implemented to mitigate potential dust impacts before they develop to off-site impacts.</p>	<p>To address the NC regarding odour and dust emissions, refer to Condition 16 and Condition 17 (above).</p> <p>To address the Audit finding of establishing a trigger level to assist in mitigating dust impacts associated with adverse weather conditions, WCPL propose to:</p> <ul style="list-style-type: none"> Engage its air quality specialist to review the use of available real time meteorological data and the opportunity to establish triggers to assist in mitigating dust impacts associated with adverse weather conditions; and Subject to the findings of WCPL’s air quality specialist review, update the AQMP accordingly. 	<p>Review of available metrological data and potential triggers within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Review of AQMP within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Completed (2022): AQMP was revised to address the 2021 IEA and submitted on the 30 June 2022. The AQMP (Version 8.1) was approved on the 17/12/2022.</p>

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Schedule 3, Condition 21	The Applicant must implement the approved Air Quality Management Plan for the development.	<p>While the above aspects of the AQMP were implemented, a number of areas have been identified where there are opportunities for improvement, as indicated above for the following conditions:</p> <ul style="list-style-type: none"> • Schedule 3, Condition 16 • Schedule 3, Condition 17 • Schedule 3, Condition 19 	<p>To address the NC regarding odour and dust emissions, refer to Condition 16 and Condition 17 (above).</p> <p>To address the Audit finding of establishing triggers to assist in mitigating dust impacts associated with adverse weather conditions, refer to Condition 19 (above).</p>	<p>Within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Completed (2022): AQMP was revised to address the 2021 IEA and submitted on the 30 June 2022. The AQMP (Version 8.1) was approved on the 17/12/2022.</p>
Schedule 3, Condition 29	The Applicant must comply with the performance measures in Table 6 to the satisfaction of the Secretary.	<p>One of two non-compliances of this condition, is due to the uncontrolled release of water from downslope of Pit 8 on two separate occasions (9th and 19th February 2020).</p> <p>The non-compliance is against 'design, install, operate and maintain water management systems in a proper and efficient manner'. It is noted that future uncontrolled release events from the Pit 8 catchment is unlikely given the best management practices that have now been implemented since this time.</p> <p>The second non-compliance of this condition, is due to the Pit 6 clean water diversion not being in place and therefor not complying with 'maximise as far as reasonable and feasible the diversion of clean water around disturbance areas on site'</p>	<p>To address the NCs regarding uncontrolled release of water from Pit 8 on the 9 and 19 February 2020, WCPL implemented:</p> <ul style="list-style-type: none"> • The bund was reconstructed and incorporated into a dam bank; • A dam with automatic pumping has been constructed immediately upslope of the event site with a 2 megalitre capacity; • An 80 litre per second pump delivering captured water to Pit 3 and into the mine water management system; • A review of the water management for Pit 8 North was completed; and • A review of the Pollution Incident Response Management Plan (PIRMP) was also undertaken. <p>To address the NC regarding the Pit 6 clean water diversion, WCPL will finalise the strategy for the clean water diversion upslope of Pit 6, to be installed to minimise clean water runoff into the mine water system.</p> <p>Subject to finalising the strategy for the installation of a clean water diversion upslope</p>	<p>Regarding the water management mitigation measures applicable to Pit 8 and the two water releases on the 9 and 19 February 2020, these measures were completed in the 2020 Annual Review period.</p> <p>Review Pit 6 clean water diversion strategy within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Review of SWMP within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p>

Reference	Condition Requirement Summary	Summary of Audit Finding and Recommendation	Actions Proposed by WCPL to Address Audit Finding and Recommendation	Timetable to Implement Proposed Actions
			<p>of Pit 6, WCPL will update the Surface Water Management Plan (SWMP) accordingly.</p>	<p>Completed (2022): SWMP was revised to address the 2021 IEA and submitted on the 30 June 2022. The SWMP (Version 6) was pending approval at the time of submitting the 2022 Annual Review.</p>
<p>Schedule 3, Condition 30</p>	<p>Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Water Management Plan for the development to the satisfaction of the Secretary.</p>	<p>The current version of the WMP (2021) has not received approval from DPIE. The revision of the WMP that the mine currently operates to is Revision 7 and it includes the SWMP (Revision 5) and Site Water Balance (Revision 5), all dated 2021. The plan was updated by personnel from SLR Consulting whose appointment was approved by DPIE on July 2020.</p> <p>WCPL provided correspondence of the submission of the updated WMP on 28th June 2021 via the NSW DPIE Major Projects Portal. Correspondence was also observed detailing that the NSW EPA and NRAR (former DPI Water) have been contacted for input into the Plan update. Whilst the NSW EPA responded stating that post-approval matters should be directed to NRAR, at the time of the Audit, NRAR is yet to respond to WCPL on the submission.</p> <p>It is understood that DPIE are also yet to approve the 2021 version of the WMP. It is noted that the last approved WMP is the 2017 version which is contained on the WCPL website.</p>	<p>To address the Audit recommendations regarding the Water Management Plan (WMP), WCPL propose the following:</p> <ul style="list-style-type: none"> • Site Water Balance: Update the Site Water Balance (SWB) to detail the investigation and implementation of water saving measures during the 2017-2019 drought. • Surface Water: Update the SWMP to include the developed performance triggers for the reinstatement of drainage lines to allow water flow offsite. <p>Update the SWMP to include developed performance criteria for investigating any potential or adverse impacts on channel stability attributed to WCPL activities along with an associated TARP.</p>	<p>Review of SWB, SWMP and GWMP within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Core sampling reports and solubility of key metals from core testing to be provided in annual groundwater reviews applicable to the Annual Review.</p> <p>Completed (2022): SWB, SWMP and GWMP were revised to address the 2021 IEA</p>

Reference	Condition Requirement Summary	Summary of Audit Finding and Recommendation	Actions Proposed by WCPL to Address Audit Finding and Recommendation	Timetable to Implement Proposed Actions
		<p>The 2021 SWMP contained detailed performance criteria and outlines the methodology to ensure WCPL can comply with the criteria. The performance criteria measures are included for water quality, stream health, private surface water user complaint and EPL discharge points.</p>	<ul style="list-style-type: none"> • Groundwater: Review all historic groundwater chemistry to determine likely recharge source for individual groundwater bores. <p>Quarterly data reviews to identify trends and investigate exceedances as early as possible. Update TARP and the Groundwater Management Plan (GWMP) as required.</p> <p>Core sampling report to be included in annual groundwater review as an appendix. Hydraulic conductivity values should be used to update groundwater model if appropriate. Solubility of key metals from core testing to be analysed and included in Annual Review.</p> <p>Update GWMP to indicate when monthly parameter sampling commenced and include comment with respect to dry boreholes.</p> <p>Update the GWMP to describe the screened intervals of PZ13, PZ20, PZ21 and PZ2 as per Table 8 of the GWMP.</p> <p>If required, engage WCPL groundwater specialist to review EC triggers for GWc1, GWc3 and GWc5, based on 80th percentiles of the full monitoring record at each site and update the GWMP accordingly.</p> <p>With respect to exceedance of the “Cease to pump trigger levels”, WCPL will implement SLR’s recommendations and ensure that quarterly reviews identify earlier trends and exceedances. Update TARP and the GWMP as required.</p>	<p>and submitted on the 30 June 2022.</p> <p>The SWB (Version 6) was pending approval at the time of submitting the 2022 Annual Review.</p> <p>The GWMP (Version 6) was pending approval at the time of submitting the 2022 Annual Review.</p>

Reference	Condition Requirement Summary	Summary of Audit Finding and Recommendation	Actions Proposed by WCPL to Address Audit Finding and Recommendation	Timetable to Implement Proposed Actions
Schedule 3, Condition 57	Operating Conditions (Visual)	<p>Pit 3 pre-start area was completed during the Audit period with evidence unable to be provided showing that external lighting associated with the development is complying with Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting.</p> <p>It was noted that the records were unable to be attained due to staff changes to the project management team associated with the construction of the pre-start area. As a result this item relating to S3 C57(e) is considered non-compliant.</p>	<p>To address the NC regarding minimise visual lighting impacts, WCPL has:</p> <ul style="list-style-type: none"> Engaged a suitably quality person to undertake an audit of Wilpinjong Coal inclusive of the Pit 3 pre-start area determining compliance with <i>Australian Standard AS4282 (INT) 1997 – Control of Obtrusive Effects of Outdoor Lighting</i>; noting the audit was undertaken 3 December 2021. WCPL will also undertake: For all future developments that require a lighting assessment, WCPL will update its Mine Operations Plan to detail requirements for new and modified infrastructure on site, which will include consideration of a lighting assessment. If so applicable information must be provided to the WCPL Environmental Department. 	<p>Update the Mine Operations Plan within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Completed (2022): Refer to lighting audit report in Appendix 10 of the 2022 Annual Review.</p>
Schedule 3, Condition 58	Waste	<p>A weekly waste management checklist is prepared by the waste contractor (JR Richards). Evidence was observed in these waste checklists where issues such as contamination of waste streams has been reported.</p> <p>An incident involving an oil spill at the workshop on 07 December 2020 was reviewed. No investigation notes, or actions relating to this issue were recorded against this incident. In addition to this, there was no record of the volume of the spill, volume of soil involved, or the placement location for these contaminated soil/materials.</p> <p>It was also noted during the site inspection that a number of IBCs and fuel pods/drums were located on non-hardstand areas, non-bunded areas, however these were contained within the mines dirty water system.</p>	<p>To address the Audit recommendations regarding the waste management, WCPL propose the following:</p> <ul style="list-style-type: none"> Update Table 4 of the Environmental Management Strategy (EMS) to include reference to recording non-reportable and reportable environmental incidents in SAP to document and provide evidence the matter is closed. <p>Tool Box Talk (TBT) regarding waste and hydrocarbon management requirements and measures to be provided to applicable WCPL employees and staff.</p>	<p>The review of the EMS within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Delivery of the TBT on waste hydrocarbon and management to be within 3 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Completed (2022): EMS updated and revised and resubmitted. Version 9 approved 14/07/2022</p>

Reference	Condition Requirement Summary	Summary of Audit Finding and Recommendation	Actions Proposed by WCPL to Address Audit Finding and Recommendation	Timetable to Implement Proposed Actions
Schedule 3, Condition 61	Within 6 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare a Rehabilitation Strategy to the satisfaction of the Secretary	<p>The Rehabilitation Strategy was not finalised through 2019 and 2020.</p> <p>Ongoing consultation with departments in 2020. As of the end of the 2020 reporting period The Rehabilitation Strategy was not finalised.</p> <p>Comments received from DPIE and WCPL are now progressing finalisation and resubmission of the Rehabilitation Strategy expected in 2021.</p> <p>The Rehabilitation Strategy was submitted within 6 months (letter sited) as required, however the Secretary is yet to sign off on the strategy.</p> <p>Commencement of Development was 19th September 2017. Letter to the Dept cited March 2018.</p> <p>This is out of the control of Wilpinjong, however the wording of the condition results in a technical non-compliance</p>	To address the NC regarding the Rehabilitation Strategy not being finalised, WCPL will continue to consult with DPIE to ensure the Rehabilitation Strategy is prepared to the satisfaction of DPIE.	<p>The review of the Rehabilitation Strategy within 6 months of the DPIE acceptance of this submission of the IEA and actions to address audit recommendations.</p> <p>Completed (2022): The Rehabilitation Strategy approved by the DPE on the 6 December 2022.</p>

